



# Backgroundnder

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## Executive Summary

No. 1421

March 26, 2001

## ENCOURAGING MARRIAGE AND DISCOURAGING DIVORCE

*PATRICK F. FAGAN*

After four decades of rising government spending to treat the effects of broken families, a cultural shift in attitudes toward marriage is evident across America. Elected officials, social scientists, community leaders, and policymakers across the ideological spectrum are admitting that strong marriages—not government intervention—are key to improving social and personal well-being. Increasingly, research is showing that children in married families are healthier, perform better in school, live in poverty less frequently, and are involved in crime or other destructive behaviors less often. But as marriages fail, social problems and social spending to deal with those problems increase.

However, lawmakers and private groups around the country are working to make marriages better, more stable, and more frequent, and are working effectively to reduce the incidence of divorce. For example, Oklahoma has set aside \$10 million of its Temporary Assistance for Needy Families (TANF) funds for its marriage initiative and Arizona has passed legislation setting aside \$1 million annually for the same. Florida and Utah have passed legislation to include marriage education in the high school curriculum. Louisiana introduced “covenant marriage” laws increasing the time couples voluntarily remain separated before divorcing, and

Arizona followed suit. Covenant marriage legislation has been passed by one house in Georgia, and Oklahoma, Oregon, and Texas. Governors Mike Huckabee (R) of Arkansas and Michael Leavitt (R) of Utah are promoting creative policies that encourage and reinforce marriage; and Utah is sponsoring annual marriage summits to focus attention on ways to strengthen marriage.

In addition, the following programs in various communities around the country are having especially good results in encouraging marriage and discouraging divorce:

- **Marriage Savers**, a set of church-based programs, is helping to reduce divorce rates by up to 30 percent at the city level and is virtually eliminating divorce at the church level. A full-service program would include seven key

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activities: a minimum four-month preparation course before marriage; a pre-marriage assessment of the couple's individual opinions on significant issues; training for mentoring couples in how to use inventory results to facilitate discussion about areas on which the couple disagrees; a program to strengthen existing marriages, such as Marriage Encounter, Marriage Alive, or Family Builders; a program to help troubled marriages; mentoring for step-families; and a ministry for separated couples.

- **Community Marriage Covenants** in cities across America are networks of congregations and civic leaders who rally communities to focus on efforts to increase marriage and decrease divorce. In Modesto, California, the divorce rate has plunged 47.6 percent since 95 pastors signed the covenant in 1986. In Kansas City, Kansas, the number of divorces has dropped by 32.5 percent in just two years after 40 pastors signed the covenant. Across the river, in Kansas City, Missouri, which has no such covenant, the number of divorces increased over the same period.
- The **Best Friends** program in Washington, D.C., has reduced out-of-wedlock births among its members by as much as 90 percent and has led about the same percentage to pledge to remain sexually abstinent until marriage.

Despite such mounting evidence that focusing attention on the importance of marriage can decrease divorce as well as the wide-ranging and costly effects of family breakdown, state spending to try to reduce divorce has been limited. In the Welfare Reform Act of 1996, Congress made clear that it wanted states to use TANF funds to strengthen marriages. Specifically, Congress stated

that the money should be used to “end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage”; “prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies”; and “encourage the formation and maintenance of two-parent families.” However, only Oklahoma has done so thus far.

Objections to government spending on marriage promotion and divorce prevention are based on a misunderstanding of the connection between the breakdown of marriage and the demand for welfare and social services, as well as the government's responsibility for the destruction of marriage among the poor through regulations that penalize marriage.

Washington and the state governments can do more to try to increase the incidence of marriage and reduce the rate of divorce. First, they should set clear, attainable goals. Congress should establish a goal, for example, of reducing divorce and out-of-wedlock births by 33 percent by 2010 and mandate that surplus TANF funds be spent to evaluate and promote the relative strengths of different programs in the state “laboratories of reform.” States should not wait for Congress, however, to get behind the programs that are already achieving significant results. They can begin using their surplus TANF funds today to meet their unique needs. With clear goals, clear spending targets, and good evaluation studies, government can play a constructive role in rebuilding a family culture based on marriage.

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# Backgrounders

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After four decades of rising government spending to treat the effects of broken families, a cultural shift in attitudes toward marriage is evident across America. Elected officials, social scientists, community leaders, and policymakers across the ideological spectrum are admitting that strong marriages—not government intervention—are key to improving social and personal well-being. Increasingly, research is showing that children in married families are healthier, perform better in school, live in poverty less frequently, and are involved in crime or other destructive behaviors less often. But as marriages fail, social problems and social spending to deal with those problems increase.

Although America has invested \$8.4 trillion in social programs since the War on Poverty began in the 1960s,<sup>1</sup> welfare dependency, juvenile crime, child abuse, school underachievement, drug

abuse, suicide among children, and many other problems have increased. At the same time, federal and state governments still spend about \$150 billion each year subsidizing single-parent families.<sup>2</sup> This stands in stark contrast to the approximately \$150 million they spend each year in an effort to reduce out-of-wedlock births and divorce—the two principal causes of single-parent families in America.<sup>3</sup>

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1. This is the sum of all means-tested spending from 1965 to 2000, expressed in constant 1999 dollars, not including Social Security and most Medicare spending.
2. \$150 billion is approximately the amount spent each year by federal, state, and local governments on means-tested welfare programs. Because almost all welfare programs are means-tested, this system of estimating eligibility for welfare effectively penalizes marriage and promotes single parenthood among the poor. According to Eugene Steuerle of the Urban Institute, if a single father with one child who works for the minimum wage marries a single mother with one child who also works at the minimum wage, they will lose \$8,000 in income transfers, or roughly 33 percent to 40 percent of their combined income. An equivalent penalty in loss of income for a middle-class couple, each earning \$30,000 per annum, who decide to marry would be in the range of \$20,000 per year.

In other words, for every \$1,000 that government spends providing services to broken families, it spends \$1 trying to stop family breakdown. All society receives in return for this lopsided “investment” is more of what it subsidizes—broken families, troubled children, and social problems. An analysis of the data shows that:

- For every 100 children born in any recent year, almost 60 entered a broken family, and
- Out-of-wedlock childbearing has increased significantly, from 7 percent of all births in the mid-1960s to 33 percent today.<sup>4</sup>

Recognizing that federal welfare spending has played a perverse role by giving poor parents an incentive not to marry after having a child, Congress took unprecedented action in 1996. It passed, and President Bill Clinton signed, historic legislation reforming the welfare system. Under P.L. 104–193, states are able to use a portion of their federal Temporary Assistance for Needy Families (TANF) surplus funds—which accumulate under the formula grant as they reduce their welfare rolls—on programs that strengthen marriage and reduce divorce among the poor.

However, only a few states have begun to find ways to implement this mandate or to take steps of their own to strengthen marriage. For example,

- In March 2000, the governor of **Oklahoma** earmarked 10 percent of the state’s TANF surplus funds for an initiative to reduce divorce by one-third by 2010.
- In April 2000, the governor of **Arizona** signed a marriage initiative authorizing the state to spend \$1 million to develop community-based marriage skills courses.
- In 1998, the governor of **Florida** signed the Marriage Preparation and Preservation Act, making the teaching of marriage skills a part of

the high school curriculum. The act also encourages premarital preparation by reducing the marriage license fee by 50 percent for those who complete a marriage preparation course.

The effort to strengthen marriage is growing at the grassroots level, and several privately run programs are already showing profound effects. The communities and congregations that have adopted them are reporting fewer divorces and stronger marriages, as well as more teenagers pledging to abstain from sexual relations before marriage. These programs offer federal and state policymakers clear guideposts for reforming public policy in ways that will increase marriage and decrease divorce and out-of-wedlock births. For example,

- **Marriage Savers**, a set of church-based programs to help engaged couples, stepfamilies, and marriages in trouble, is helping to reduce divorce rates by up to 30 percent at the city level and virtually eliminating divorce at the parish level.
- In over 135 cities around the country where **Community Marriage Covenants** have been signed by clergy, congregations, and civic leaders, divorce rates are falling dramatically. In Modesto, California, for example, the divorce rate has plummeted 47.6 percent since 1986, when 95 pastors signed America’s first Community Marriage Policy.<sup>5</sup>
- In Washington, D.C., the **Best Friends** program has led to reductions of up to 90 percent in the number of out-of-wedlock births among its teenage members.<sup>6</sup>

Rather than throwing more funds at government programs that deal with the effects of family breakdown, federal and state officials should take steps to prevent family disintegration in the first place. The federal government can continue to offer incentives, flexibility, mandates, and money

3. This is primarily federal teen abstinence money, with some state matching monies and federal rewards for reduction in out-of-wedlock births at the state level.

4. See Patrick F. Fagan, “The American Family,” in Stuart M. Butler and Kim R. Holmes, eds., *Issues 2000: The Candidate’s Briefing Book* (Washington, D.C.: Heritage Foundation, 2000).

5. Marriage Savers, at [http://www.marriagesavers.org/those\\_interested\\_in\\_creating\\_a\\_c.htm](http://www.marriagesavers.org/those_interested_in_creating_a_c.htm).

6. For more information, contact the Best Friends Foundation at (202) 237-8156.

to urge the states to act; but as Representative Nancy L. Johnson (R-CT), former chairman of the House Ways and Means Subcommittee on Human Resources, wrote in a letter to state governors,

Although we have provided \$20 million bonuses to five states that reduced their illegitimacy rates, *we need to learn much more about actions which government can take to reduce births outside marriage or, equally important, to promote marriage.*<sup>7</sup>

For its part, Congress should build on its historic reform of the welfare system and work with the executive branch to reduce the marriage penalty in the tax code and adjust the earned income tax credit (EITC) so that married low-income couples with children receive a somewhat larger benefit than the one given single parents.

The states also have a large role to play. They are the natural laboratories in which the best practices for increasing marriage and decreasing divorce are already emerging.

Increasing the incidence of marriage and reducing the incidence of divorce are reasonable and

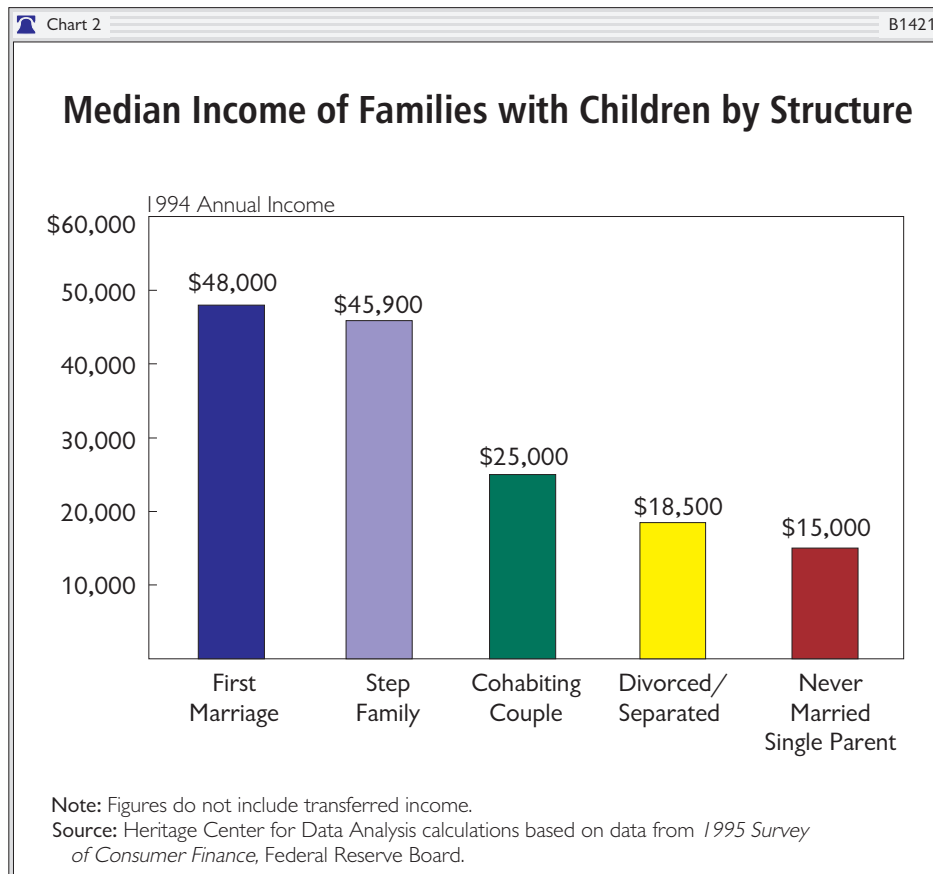
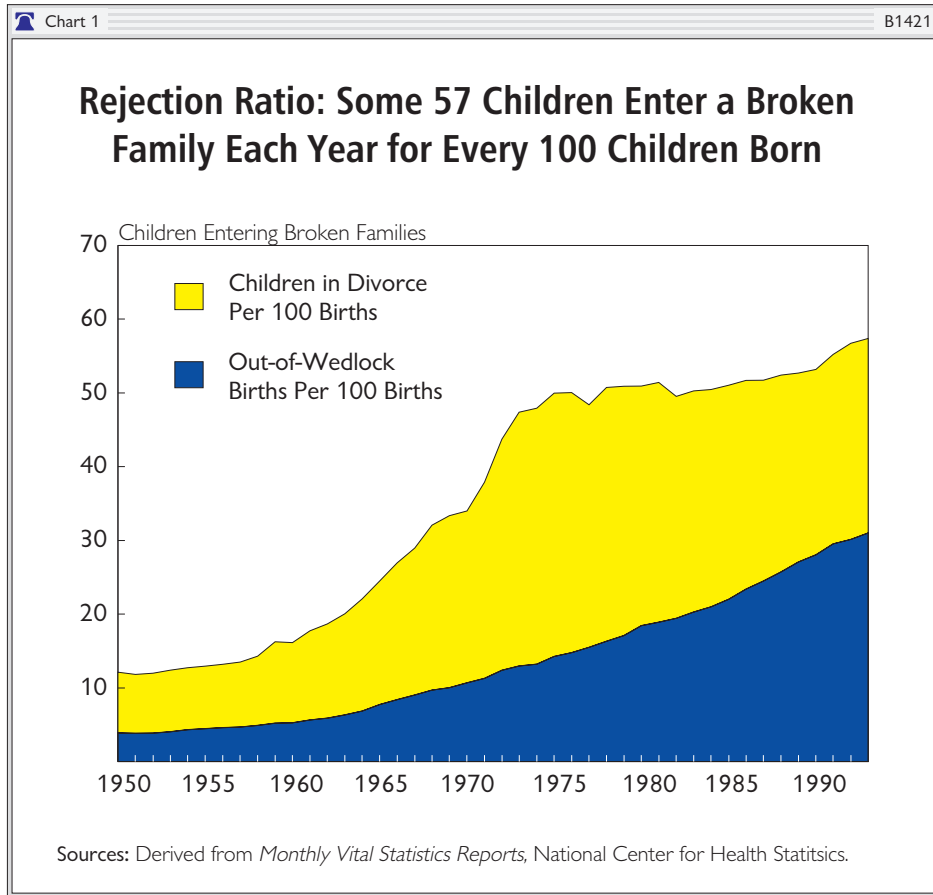
necessary policy goals. The future of millions of American children will depend on policymakers' success in achieving them.

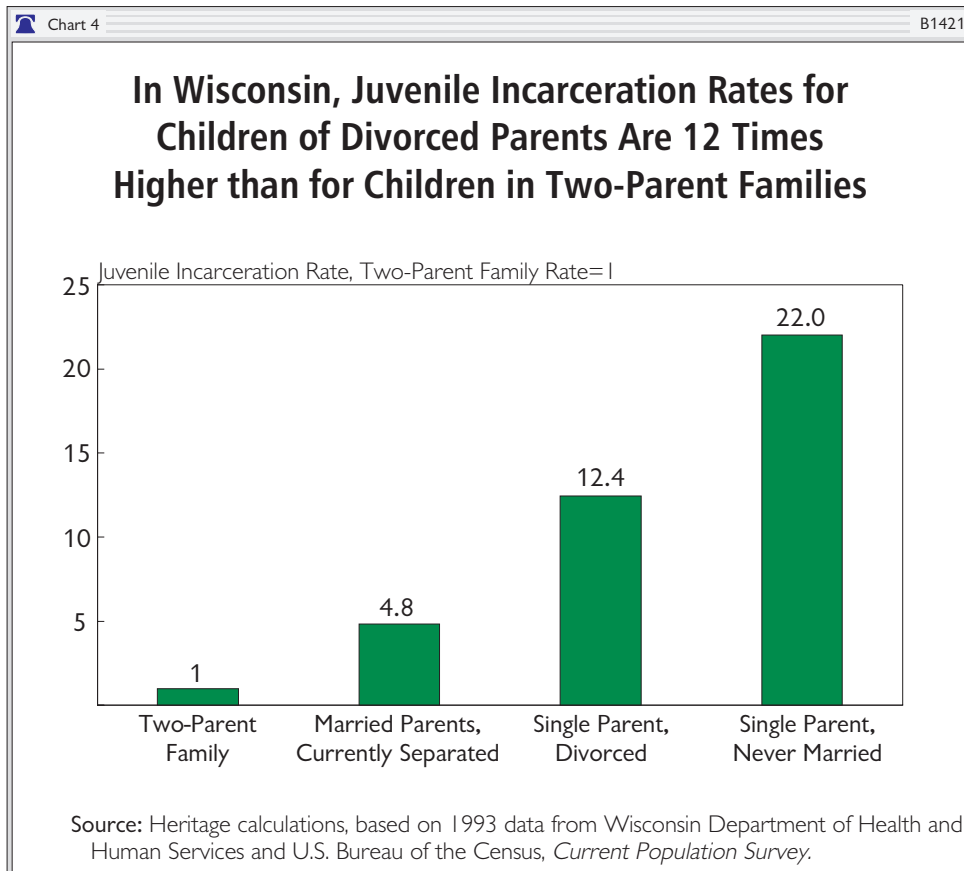
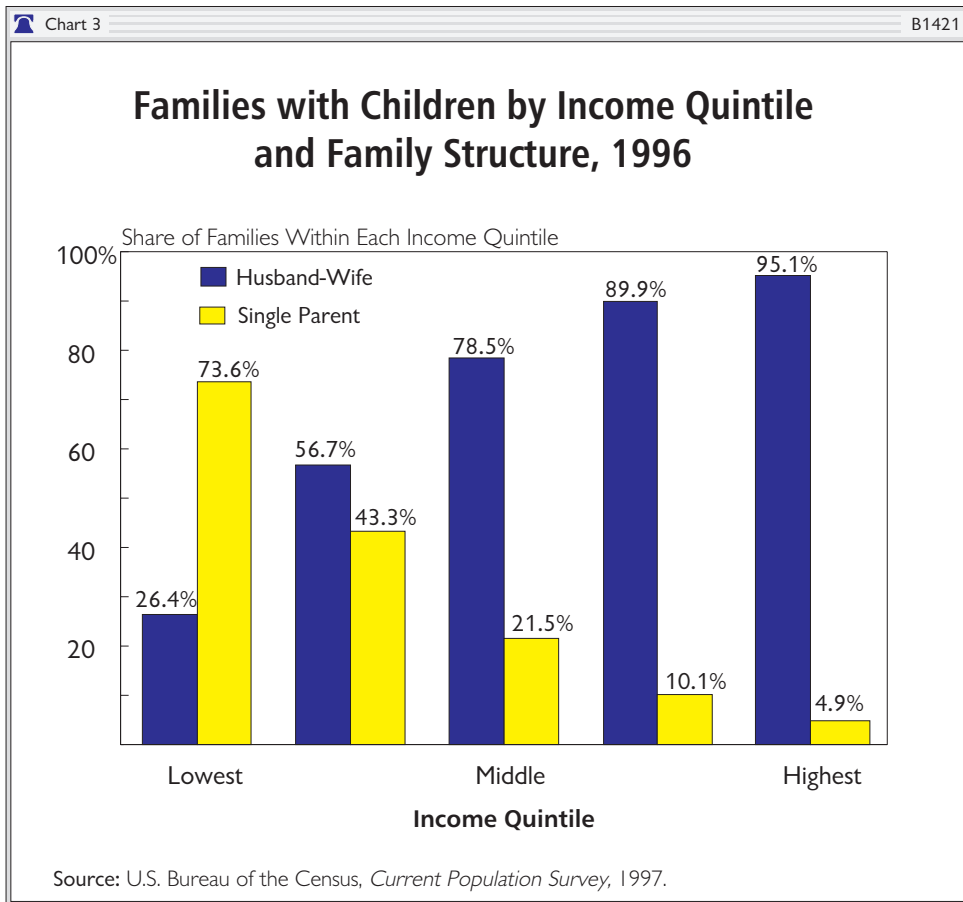
## WHY EMPHASIZING MARRIAGE IS GOOD PUBLIC POLICY

Social science literature is replete with robust findings on the harmful effects of broken families, particularly for children. Juvenile crime,<sup>8</sup> abuse and violence,<sup>9</sup> and lowered income are often associated in the research with single-parent families (see Charts 1–5).<sup>10</sup> Children born out of wedlock have an increased risk of death in infancy, higher incidence of retarded cognitive and verbal development, and higher rates of drug addiction and out-of-wedlock pregnancy as teens.<sup>11</sup> As adults, they have higher rates of divorce, work at lower-wage jobs, and abuse their children more often.<sup>12</sup>

Divorce also has particularly troubling consequences. Studies show that household income for women and children is more likely to drop below the poverty level immediately following a divorce,<sup>13</sup> declining by as much as 50 percent and causing substantial reductions in earnings capabil-

7. Emphasis added. At the same time, Representative Johnson warned against “supplementation,” or the use of Temporary Assistance for Needy Families surplus money to defray program costs normally paid by state tax revenue. Doing so, she warned, would invite Congress to reduce the level of TANF support to eliminate any surplus funds.
8. For example, a fairly recent U.S. longitudinal study tracking over 6,400 boys for over 20 years found that children who grew up without their biological father in the home were roughly three times more likely to commit a crime that led to incarceration than were children from intact families. Cynthia Harper and Sara S. McLanahan, “Father Absence and Youth Incarceration,” findings presented at the 1998 meeting of the American Sociological Association, San Francisco. Others have found that children of divorced parents are up to six times more likely to be delinquent than are children from intact families. See David B. Larson, James P. Swyers, and Susan S. Larson, *The Costly Consequences of Divorce* (Rockville, Md.: National Institute for Healthcare Research, 1995) p. 123.
9. Research has found that serious abuse is much higher among stepchildren than among children in intact families, and that adults who were sexually abused as children are more likely to have been raised in stepfamilies than in intact married families. See, for example, David M. Gergusson, Michael T. Lynskey, and L. John Horwood, “Childhood Sexual Abuse and Psychiatric Disorders in Young Adulthood,” *Journal of the American Academy of Child and Adolescent Psychiatry*, Vol. 34 (1996), pp. 1355–1364.
10. For a comprehensive review of the literature on these and other effects, see Patrick F. Fagan and Robert Rector, “The Effects of Divorce on Children,” Heritage Foundation *Backgrounder* No. 1373, June 5, 2000.
11. A single-parent family background and the poverty that can accompany it render children twice as likely to drop out of high school, 2.5 times as likely to become out-of-wedlock teen parents, and 1.4 times as likely to be unemployed. See S. S. McLanahan, “The Consequences of Single Motherhood,” *The American Prospect*, Vol. 18 (1994), pp. 48–58. See also Patrick F. Fagan, “How Broken Families Rob Children of Their Chances for Future Prosperity,” Heritage Foundation *Backgrounder* No. 1283, June 11, 1999.
12. See Patrick F. Fagan, “Rising Illegitimacy: America’s Social Catastrophe,” Heritage Foundation *F.Y.I.* No. 14, June 29, 1994.





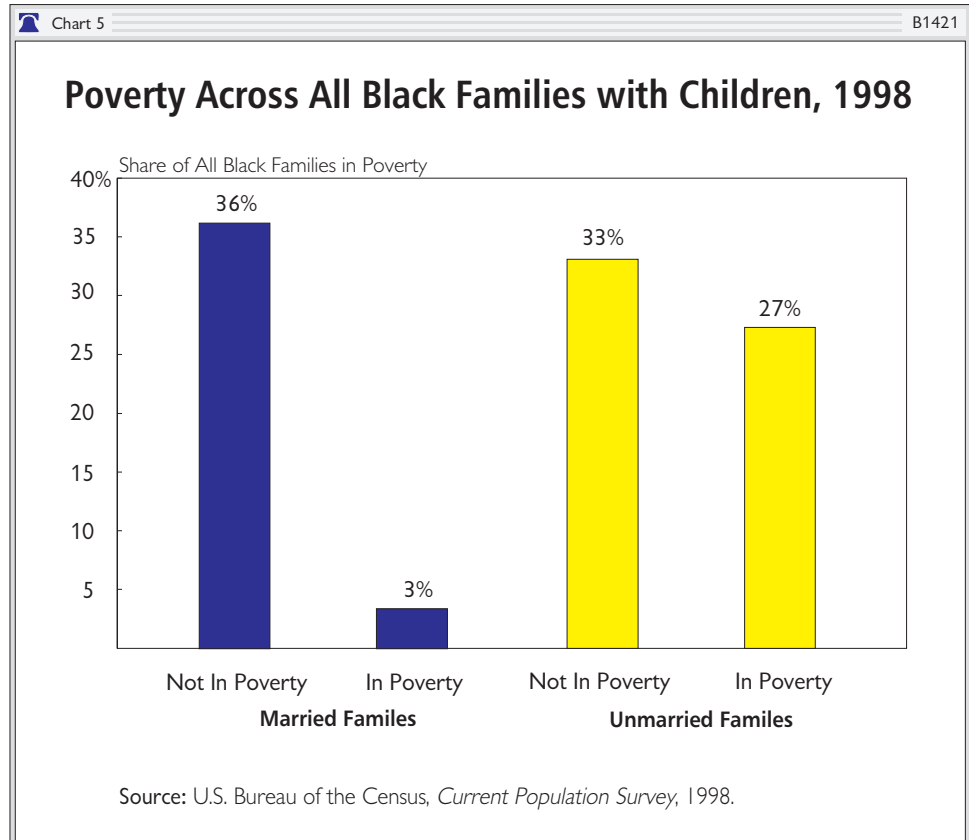
ity and long-term wealth.<sup>14</sup> Compared with children in intact families, children of divorced parents:

- Have higher rates of crime, drug use, child abuse, and child neglect;
- Perform poorly on reading, spelling, and math tests, and repeat grades and drop out of high school and college more frequently;
- Have higher incidences of behavioral, emotional, physical, and psychiatric problems, including depression and suicide; and
- Have an increased probability of divorce as adults and cohabit more frequently.<sup>15</sup>

Such effects are not isolated; they set in motion a downward cycle of dysfunctional behavior and despair that compounds the problems for their own children and future generations of children. In economic terms, divorce reduces both the capital and the rate of return at an accelerating rate. The cost to society is exorbitant: One social scientist has estimated that “the “aggregate burden of crime” alone on American society approaches \$1 trillion annually.<sup>16</sup> Policymakers who hope to stop this societal fall must look instead at ways to reduce divorce and out-of-wedlock birth by strengthening marriage.

**MISSED OPPORTUNITIES**

The revolution that began with the Welfare Reform Act of 1996 has succeeded in reducing the



numbers of people on the welfare rolls. The language of the act stipulates that states receiving federal Temporary Assistance for Needy Families money must implement welfare-to-work programs that limit benefits to five years while helping recipients make the difficult transition to work. In addition, to eliminate the incentive to maximize welfare benefits by avoiding marriage, Congress strengthened funding for abstinence programs and instructed the states to use some of their TANF surplus funds to strengthen marriage among their recipients. Three of the four statements of purpose in the legislation specify as goals the formation of marriage and the reduction of out-of-wedlock births (see box on page 7).

Even though the intent and spirit of the welfare reform law are clear, only a few states have taken legislative action since 1996 to strengthen mar-

13. See Fagan and Rector, “The Effects of Divorce on Children.”

14. See Fagan, “How Broken Families Rob Children of Their Chances for Future Prosperity.”

15. Fagan and Rector, “The Effects of Divorce on Children,” pp. 17ff.

16. David Anderson, “The Aggregate Burden of Crime,” *Journal of Law and Economics*, Vol. 42 (October 1999), pp. 611–642.



## HOW THE WELFARE REFORM ACT OF 1996 ENCOURAGES MARRIAGE

Public Law 104–193, which block grants Temporary Assistance for Needy Families funds to the states, encourages the states to strengthen marriage and reduce out-of-wedlock births by stipulating that:

The purpose [of this legislation] . . . is to increase the flexibility of States in operating a program designed to:

- provide assistance to needy families so that *children may be cared for in their own homes* or in the homes of relatives;
- end the dependence of needy parents on government benefits by promoting job preparation, work, and *marriage*;
- prevent and *reduce the incidence of out-of-wedlock pregnancies* and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- encourage the formation and *maintenance of two-parent families*.<sup>1</sup>

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1. Public Law 104–193, Section 103, Block Grants to States for Temporary Assistance for Needy Families (emphasis added).

riage, and only the governor of Oklahoma has used his office to ensure that TANF money is being spent on programs that strengthen marriage. The amount of public money dedicated to these state-based projects, however, is small.

- Arizona has authorized spending \$1 million per year, while Oklahoma has authorized that \$10 million of its TANF surplus funds be spent as seed money to develop ongoing marriage promotion programs that will later be funded annually.
- This \$11 million is only 0.16 percent of the \$6.9 billion in surplus TANF money that accumulated nationally in 2000.<sup>17</sup>

These funds are available because the states continue to receive their formula grant money from Washington even as their welfare reforms are working to reduce their rolls. Some of this surplus is earmarked for other new welfare initiatives, but at least \$2.2 billion of the \$6.9 billion total is available for initiatives that promote marriage and reduce divorce among the poor.<sup>18</sup>

To reduce the harmful effects of out-of-wedlock births and divorce and encourage marriage, Washington should establish an oversight mechanism for evaluating how the states are using their TANF surplus funds. Accountability is key to improving service. The federal government has a responsibility to ensure that “best practices” are being followed.

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17. For the basis of calculations, see Ed Lazere, “Welfare Balances After Three Years of TANF Block Grants: Unspent Temporary Assistance to Needy Families Funds at the End of Fiscal Year 1999,” Center on Budget and Policy Priorities, January 2000, pp. 14–15.

18. Gene Falk, “Welfare Reform: Financing and Recent Spending Trends in the TANF Program,” Congressional Research Service, RL30595, updated January 4, 2001.

## HOW THE STATES ARE IMPLEMENTING MARRIAGE-BASED POLICIES

The various ways by which states have begun to implement marriage-based policies to reduce out-of-wedlock births and divorce are showing promise. They offer other states and the federal government clear models on which to base policies that strengthen marriage and reduce the costly and damaging effects of family breakdown.

**Arizona.** In April 2000, Governor Jane Dee Hull (R) signed into law a marriage initiative authorizing the state to spend \$1 million of Temporary Assistance for Needy Families (TANF) funds each year to develop community-based marriage skills courses for low-income couples and a media campaign promoting marriage.<sup>19</sup> The state Covenant Marriage legislation was signed into law on May 21, 1998.

**Arkansas.** Governor Mike Huckabee (R) hopes to reduce the divorce rate by 50 percent by 2010 and is a proponent of a state Marriage Covenant law.<sup>20</sup> His strategy is based on his belief that all decision-making should be made at the lowest level of government possible; in the case of welfare policy, this should be the county level. It is a strategy that relies heavily on churches, since pastors officiate at 75 percent of the weddings in Arkansas.

The governor's efforts to promote marriage range from posting information on Community Marriage policies on his official Web site<sup>21</sup> to urging pastors, congregations, and civic leaders to form Community Marriage Covenants as a way to encourage couples to participate in marriage preparation programs and find help if their marriages are troubled.<sup>22</sup> Huckabee has considered pursuing

a \$100 tax credit for those taking pre-marriage courses; it is estimated that the annual cost to the state if every marrying couple took such a course and applied for the credit would be about \$4 million.<sup>23</sup>

Chesterfield County, Virginia, and Cobb County, Georgia, already offer such programs. Chesterfield County offers marriage education classes, and a county mental health worker has been trained in marriage skills. The seven-year old program, which is subsidized by state, local, and federal funding, is offered to couples at any stage of their relationship and is always full. Cobb County offers marriage education courses through the county family court offices. The courses are funded by juror fee contributions and volunteers.

Huckabee also is urging county officials who oversee the disbursement of TANF funds and surplus TANF revenue to develop initiatives that encourage marriage and reduce divorce. The charitable choice provisions in federal welfare law<sup>24</sup> for example, would permit religious organizations to compete without prejudice for contracts to serve the poor in their areas of expertise, be it job seeking, job training, child care, drug counseling, or any service that helps welfare recipients become self-sufficient.

**Florida.** In 1998, Florida became the first state to make learning marriage skills a part of the high school curriculum when Governor Lawton Chiles (D) signed the Florida Marriage Preparation and Preservation Act. The act encourages premarital preparation by reducing the marriage license fee by 50 percent for those who take a marriage preparation course before they wed. In Leon County, 32 percent of couples are now taking pre-marriage courses,<sup>25</sup> mainly within their churches. Other-

19. Arizona Statute 41-2031. Information on this statute can be obtained from its legislative sponsor, Hon. Mark Anderson, Arizona House of Representatives, at [manderso@azleg.state.az.us](mailto:manderso@azleg.state.az.us).

20. Governor Mike Huckabee, State of the State speech, January 9, 2001.

21. See <http://www.state.ar.us/governor/governor.html>.

22. See <http://www.state.ar.us/governor/marriage/index.html>.

23. Personal communication with Governor Huckabee's office.

24. P.L. 104-193, Section 104.

25. Personal communication with Richard Albertson, Leon County, Florida.

wise, the 1998 initiative has borne little fruit because loopholes in the law make it easy to avoid changing the education curriculum.

**Louisiana.** The early leader in the state pro-marriage movement, Louisiana set off a national debate in August 1997 by enacting a law that permits “covenant marriages,”<sup>26</sup> whereby couples promise to stay married for life and renounce their legal right to a no-fault divorce. The state’s no-fault divorce requirement is to wait 180 days before filing for a no-fault divorce. Covenant marriage couples agree instead that, should they have problems, they will separate for a minimum of two years and seek marital counseling before applying for a divorce.

The covenant marriage law has not been implemented effectively. Because county clerks rarely advise couples applying for a license about the law, few people in Louisiana are aware of it, and a very low proportion of couples have elected it. Not surprisingly, those who have done so were already at low risk for divorce.<sup>27</sup>

In early 2000, the legislature passed a resolution urging the governor to appoint a council on marriage that would develop, monitor, and evaluate marriage policy, programs, curricula, publicity, and the delivery of services to families to ensure that the state is not undermining or discouraging marriage in any way.

**Oklahoma.** Oklahoma has taken the legislative lead in state-based efforts to strengthen marriage. In June 1999, Governor Frank Keating (R) convened the Governor’s and First Lady’s Conference on Marriage, bringing together leaders from the business community, religious congregations, education, and government, as well as service providers and the media, to forge the nation’s first state action plan for reducing divorce. In March 2000, Keating announced an innovative \$10 million marriage initiative earmarking 10 percent of the

state’s TANF surplus funds for efforts to strengthen marriage and reduce divorce.

Governor Keating also announced the goal of reducing the state’s divorce rate by one-third by 2010. In 1999, the state took steps to eliminate the disadvantage in the way income is calculated for married stepparents compared with cohabiting partners. Similar changes were made in the way the state calculates eligibility for child-care benefits. There are now fewer incentives for low-income or welfare couples to live together outside of marriage in order to collect higher benefits.

Other elements of the Oklahoma initiative include:

- The establishment of a marriage resource center to provide information on marriage and mentors to couples;
- A public education campaign on the importance of marriage;
- An outreach program to change the attitudes of youth about marriage;
- An effort to promote Community Marriage Policies and develop community-based marriage-strengthening programs with pastors;
- Funding a one-year scholar-in-residence chair at Oklahoma State University, to be filled by a nationally respected expert on marriage;
- Regular statewide marriage conferences;
- Training for state workers, such as agricultural extension service workers and public health nurses, to help them teach marriage skills courses at the community level;
- An improved data-gathering system to document marriages and divorces in the state; and
- Partnerships with faith-based and charity groups on programs that strengthen families.

**Utah.** Under the leadership of Governor Michael Leavitt, efforts to rebuild marriage within

26. Sponsored by State Representative Tony Perkins. Professor Katherine Spaht of Louisiana State University’s Law Center provided legal expertise for the draft legislation and has consulted with eight other states on similar bills.

27. Personal communication with Dr. Stephen Nock, Department of Sociology, University of Virginia, the principal author of the research, and Dr. Alan Hawkins, Department of Family Studies, Brigham Young University, who was a consultant on the project.

the state are mounting. In 1998, Governor Leavitt organized a Governor's Commission on Marriage to identify programs and tools that could strengthen marriage. In late February 2001, the state followed Oklahoma's lead and earmarked \$600,000 of its TANF surplus funds for the promotion of marriage education over the next two years. The legislature also formed a Marriage Commission two years ago and raised the minimum marriage age from 14 to 16. Governor Leavitt presides over an annual Marriage Week each February, and regional marriage conferences featuring the governor and his wife are hosted around the state.

Utah promotes marriage education in its 105 high schools, adding a marriage component to the civics class, "Adult Roles and Responsibilities." It also conducts teacher education in marriage issues through continuing education conferences featuring top marriage experts, such as David Olson of the University of Minnesota, who developed the first and most widely used pre-marriage assessment instruments.

**Wisconsin.** The Wisconsin legislature has designated \$210,000 in unspent TANF funds in 2001–2002 for a Community Marriage Policy project, which will work with members of the clergy to develop clear community-wide "standards" for marriage. Wisconsin is the first state to fund a full-time worker whose job is to create Community Marriage Policies. The American Civil Liberties Union successfully challenged an earlier legislative attempt that focused on church initiatives to restore marriage. The reworded legislation now includes judges and magistrates, who also officiate at marriages, and it should withstand a court challenge.

**Other States.** Summits similar to Utah's that involve stakeholders in business, health care, edu-

cation, counseling, clergy, social work, media, and marriage education have been held in Arkansas, Iowa, Kansas, New Mexico, and Oklahoma.

In 2000, the Maryland and Minnesota legislatures passed laws that would establish programs to encourage marriage education, but these bills were vetoed by the states' respective governors—Parris Glendening (D) and Jesse Ventura (Ind.).

In Maryland, Governor Glendening praised the intent of a pre-marriage counseling bill that would have reduced the marriage license fee, saying that "educating individuals about the demands and realities of marriage and parenthood is a laudable and worthwhile goal,"<sup>28</sup> but still vetoed it. The original sponsors, Delegates John R. Leopold (R–Anne Arundel)<sup>29</sup> and Kenneth Montague (D–Baltimore),<sup>30</sup> revised the bill to specify the qualifications of those who can teach the course—social workers, psychologists, and specially trained religious leaders—thereby satisfying the key special interests affected.

Ironically, though the data show that domestic violence is much lower among married couples, advocates against domestic violence have already captured most of the marriage license money. Of the \$55 fee for a marriage license, \$45 now goes toward reducing domestic violence; only \$10 is left for a discount on the cost of the pre-marriage course.

In Minnesota, Senator Steve Dille (R) has re-introduced a bill<sup>31</sup> under which couples who take a 12-hour course of premarital education would be granted a \$55 waiver on their marriage license fees. In reshaping and resubmitting the bill, the sponsors have consulted widely with county clerks in an effort to avoid the governor's veto.

## PRIVATE MARRIAGE-BASED

28. Christian Davenport, "Getting Help Before the Honeymoon," *The Washington Post*, February 25, 2001, p. C1.

29. For more information, contact Delegate Leopold at (800) 492-7122, ext. 3217.

30. For more information, contact Delegate Montague at (800) 492-7122, ext. 3259, or e-mail him at [kenneth\\_montague@house.state.md.us](mailto:kenneth_montague@house.state.md.us)

31. Senate File (S.F.) No. 1021, at <http://www.revisor.leg.state.mn.us/cgi-bin/bldbill.pl?bill=S1021.0&session=ls82>.

## INITIATIVES

Increasingly, liberal and conservative policy analysts agree that divorce and out-of-wedlock births have long-lasting detrimental effects on women, children, and society; but evidence is growing in the private sector that government can help to reverse this pattern. By studying and applying what is already working in the states and local communities—the laboratories of effective public policy—it should be possible to reduce the divorce rate by as much as one-third to one-half in a few short years. The most important elements of such an effort are (1) good program outcome data with which to identify the best practices in the different fields and (2) the will to apply the findings to federal, state, and local policies and programs.

Several non-governmental programs appear to reduce divorce significantly and to drive down the numbers of out-of-wedlock births while increasing marriage. Communities that have established Marriage Savers congregations and Community Marriage Covenants are demonstrating the most success in decreasing divorce.<sup>32</sup> The strategy: Help churches train mentors for engaged couples who can help them prepare for a life-long marriage commitment and help counsel marriages in trouble. Congregations with such mentors have helped up to 90 percent of troubled married couples who have come forward.

**Marriage Savers** started its first Community Marriage Covenant in Modesto, California, in 1986. A full-service program should incorporate seven key church activities:

1. A minimum of four months' preparation before marriage;
2. A pre-marriage assessment of the couple's individual opinions on significant issues, such as finances and child-rearing, using such inventories as PREPARE<sup>33</sup> and FOCCUS.<sup>34</sup> Answers to the surveys become the basis for discussion during the marriage preparation classes.<sup>35</sup>
3. Training for mentoring couples in how to use inventory results to facilitate discussion about issues on which the couple agrees and disagrees.
4. A program to strengthen existing marriages, such as Marriage Encounter,<sup>36</sup> Marriage Alive,<sup>37</sup> or Family Builders.<sup>38</sup>
5. A program to help troubled marriages, whether an established one such as Retrouvaille<sup>39</sup> or one that uses couples in the congregation who have undergone marriage counseling successfully. In Rockford, Illinois, the First Assembly of God trained 14 "back-from-the-brink" couples in their church to work with troubled marriages. Local therapists learned about this "Marriage Ministry" and sent dozens of their toughest cases to the First Assembly. In three years, First Assembly's mentors have met with more than 100 married couples headed for divorce and have saved all but four of them.<sup>40</sup>
6. Mentoring for stepfamilies. According to federal survey data, 20 percent of American children were living with stepparents in 1995.<sup>41</sup>

32. See <http://www.marriagesavers.org/>.

33. See <http://www.lifeinnovation.com/>.

34. See <http://www.foccusinc.com/>.

35. Marriage Savers reports that between 15 percent and 20 percent of couples who take this inventory decide not to marry. Others report entering marriage with better understanding and communication skills.

36. See <http://www.wvme.org/>.

37. See <http://www.marriagealive.org/>.

38. See <http://www.familybuilders.net/>.

39. See <http://home.vicnet.net.au/~retro/home.htm>.

40. Michael J. McManus, "How Do You Create a Marriage Savers Church?" at [http://www.marriagesavers.org/how\\_do\\_you\\_create\\_a\\_marriage\\_sav.htm](http://www.marriagesavers.org/how_do_you_create_a_marriage_sav.htm).

Rev. Dick Dunn of Roswell United Methodist Church near Atlanta created a Stepfamily Support Group led by stepfamily couples who had learned to make a truly blended family. Four out of five participating couples have kept their marriages intact over the study period—a result almost twice the normal outcome for stepfamilies.

7. Ministry to separated couples. There are many ways to improve the chances of reconciliation for separated couples, as the work of Joe and Michele Williams in a program called Reconciling God's Way shows. The couple report that the program has helped over 70 percent of those who were separated to come together again in marriage.<sup>42</sup>

A few pastors and congregations have implemented all seven of these elements in their parishes.<sup>43</sup>

Over 135 cities have signed **Community Marriage Covenants** to motivate Marriage Saver congregations and civic leaders to rally communities behind efforts to strengthen marriage. In the fall of 1999 alone, Charleston, West Virginia; Baton Rouge and Alexandria, Louisiana; Fairfield, Connecticut; Wausau, Wisconsin; Flower Mound, Texas; and Harrisonburg, Virginia, all became Community Marriage Covenant cities. Earlier that year, Jamestown, New York, and Toms River, New Jersey, became their states' first cities to organize such networks.

Many cities with Community Marriage Covenants report reductions of up to 47 percent in their divorce rates.<sup>44</sup> For example, a covenant was signed by 95 pastors in Modesto, California, in 1986. Since then, the divorce rate has plunged

47.6 percent, while marriages have climbed 9.8 percent.<sup>45</sup> In some cities, the divorce rates have declined 20 times faster than the national rate of 1.3 percent rate.<sup>46</sup>

The dramatic difference in divorce rates between Kansas City, Kansas, which has a Marriage Saver program, and Kansas City, Missouri, which does not, demonstrates the effects of marriage-based strategies.

- In Kansas City, Kansas, and its suburbs, the number of divorces has plunged 32.5 percent—from 1,530 to 1,001—in just two years, while the number of marriages has remained virtually unchanged. Only 40 pastors—a small fraction of the number of clergy in the two-county area—had signed the Community Marriage Policy, but *The Kansas City Star* had published a number of stories about the initiative.
- Meanwhile, just across the river, the number of divorces actually rose over the same two years for the metropolitan area that includes Kansas City, Missouri, and its suburbs—from 3,586 to 3,725.

The difference: All of the clergy participating in the Community Marriage Covenant and all of the stories written about the initiative were in Kansas, not Missouri. One state developed a visibly pro-marriage climate; the other plodded along without changing attitudes or expectations.<sup>47</sup> This is powerful evidence of the effectiveness of pro-marriage policies. Officials in every state should encourage community leaders to establish and expand Marriage Savers programs.

**Focused Thinking Mediation**, a program that in South Africa has helped as many as 50 percent of couples seeking divorce decide to remain mar-

41. Survey of Consumer Finance, 1995, Federal Reserve Board; Heritage Foundation calculations.

42. See [http://www.marriagesavers.org/how\\_do\\_you\\_create\\_a\\_marriage\\_sav.htm](http://www.marriagesavers.org/how_do_you_create_a_marriage_sav.htm).

43. See "Six Churches That Have Virtually Eliminated Divorce," at <http://www.marriagesavers.org/SixChurches>.

44. In Modesto, California, according to Mike McManus, president of Marriage Savers.

45. Information from Mike McManus, president of Marriage Savers.

46. Marriage Savers, at <http://www.marriagesavers.org/divorcerates.htm>.

47. Sources for this information, according to Marriage Savers, are the county clerks of Johnson and Wyandotte Counties in Kansas and Clay and Jackson Counties in Missouri.

ried,<sup>48</sup> is now operating in Southern Michigan's family courts. The courts have used Focused Thinking Mediation for their most acrimonious post-divorce cases, which represent an average of 20 court dockets per couple per year and on average stayed before the court for 2.25 years. Of the 26 couples who have participated in the course, all but two have reached amicable agreements and have not returned to the courts.<sup>49</sup> The results are so impressive that the courts may soon begin using the program in pre-divorce cases.

Lawyer and social worker Stan Posthumus,<sup>50</sup> who developed and refined Focused Thinking Mediation during the 1990s, is hoping to help couples who have filed for divorce come to terms with less conflict and animosity. Trained mediators, who could be lawyers, social workers, or other mediators, would work with a couple to help them begin to communicate more effectively, usually for the first time in years. If the experience in South Africa is any indication, many couples will reconsider their decision to divorce and decide instead to rebuild their marriages based on clear communication and agreement.

State and local officials should consider sponsoring Focused Thinking Mediation institutes to train and credential private- and public-sector mediators. The direct benefits to the states would include fewer divorces and lower demand for services; reduced court costs; and fewer women and children falling into poverty.

A program run by the **Best Friends Foundation**<sup>51</sup> in Washington, D.C., has reduced out-of-wedlock births among its members by as much as 90 percent and has led about the same percentage of teenage participants to pledge that they will remain sexually abstinent until marriage. Early initiation of sexual intercourse in teens reduces the

likelihood of stable marriage later on and increases the likelihood of multiple sexual partners and sexually transmitted diseases, out-of-wedlock births, and abortions.

This school-based voluntary and volunteer-run mentoring program for girls begins in the fifth grade. It encourages the girls to articulate their goals and to support each other as they try to reach those goals. Because out-of-wedlock pregnancy and birth can derail a girl's best intentions, especially among girls in poor communities where married family life is not the norm, such support is vital.

The results are impressive: Only 1 percent of program participants became pregnant during a period of about eight years (from the inception of the program to the year of its evaluation), and 90 percent have remained sexually abstinent. For teenagers in an inner-city environment in which the overall teen pregnancy rate can range from 80 percent to 90 percent, this is a remarkable achievement.<sup>52</sup>

The **National Fatherhood Initiative (NFI)** is a seven-year-old program that is proving to be very effective in motivating fathers to become more active in their families. Over a four-year period starting in May 1996, the NFI spent \$800,000 on a television campaign encouraging fathers to be more involved with their children and families. The campaign garnered 187 times that amount (\$130 million) in donated TV air time. In Virginia, the campaign spent \$200,000 over an 18-month period, and with impressive results: One in three people recalled the ads; 40,000 fathers changed their activities to spend more time with their children; and 100,000 people became more supportive of the role of fathers or agreed to take a father's place when he was not available.<sup>53</sup>

48. Client record follow-up data from South Africa, provided by Stanley Posthumus.

49. From court record data, provided by Stanley Posthumus.

50. For more information, contact Stanley Posthumus, LLB, at [stanp@bellatlantic.net](mailto:stanp@bellatlantic.net).

51. For more information, contact the Best Friends Foundation at (202) 237-8156.

52. David R. Rowberry, "An Evaluation of the Washington DC Best Friends Program," dissertation, University of Colorado, 1995.

53. For more on the National Fatherhood Initiative, contact Wade Horn at [nfi1995@aol.com](mailto:nfi1995@aol.com).

**Marriage Preparation Courses.** Research-based inventories of compatibility for marriage, such as PREP,<sup>54</sup> FOCCUS, and REFOCCUS, have been used extensively in marriage preparation and revitalization programs at the parish level for many years. These assessments help couples improve their relationships by getting them to discuss potential areas of conflict—like managing finances and having children—and actions that could create anger or alienation. These courses and tools, as well as programs like PAIRS,<sup>55</sup> Relationship Enhancement,<sup>56</sup> and others,<sup>57</sup> help couples learn such skills as problem solving, listening, and effective forms of communicating that can strengthen their relationship.

## HOW TO ENCOURAGE MARRIAGE AND DISCOURAGE DIVORCE

Though cultural attitudes, social science findings, and social policies have begun to recognize the importance of supporting marriage and decreasing the incidence of divorce, the policies and activities of state governments are still biased against marriage. This bias amplifies the damage caused by decades of misguided federal welfare policy that has virtually eliminated marriage among the poor and federal tax policy that is penalizing marriage. Regardless of whether additional welfare reform is passed at the federal level, states can alter the way they spend their revenue, administer their programs, collect data and conduct research, select high school curricula, enact laws, and even talk about marriage.

### Promoting Marriage

Like Oklahoma, Arkansas, and the other states that are implementing marriage-based policies, the

remaining states should begin to focus their efforts on reducing divorce and out-of-wedlock births and increasing marriage. Among the specific steps they can take are the following:

1. **Set a goal of reducing out-of-wedlock births and divorce by 33 percent in each state by 2010.** Based on the success of various initiatives already in place around the country, such a goal is both realistic and attainable. All that is needed is to harness each state's unique resources to design programs that would best address their needs.
2. **Make a concerted effort to use TANF surplus revenues on programs that increase marriage and decrease divorce among the poor.** As noted, there are many resources and much expertise around the country that, if harnessed, could improve couples' prospects of entering a solid marriage. A strong case can be made for creating a state Office of Marriage Initiatives to encourage marriage and discourage divorce, particularly among the poor or near poor, and reduce the burden on taxpayers.<sup>58</sup> Such an office should identify effective marriage-based policies and programs and assure that the state is using its TANF surplus funds in ways that actually decrease divorce and out-of-wedlock birth among the poor. The charitable choice provision in the TANF legislation would apply to such spending. Charitable choice would permit faith-based organizations to compete with other non-faith based groups for funding support without prejudice and be judged on the basis of effectiveness alone.
3. **Allocate state welfare funds to reward counties that reduce out-of-wedlock births and divorce.** Just as the federal government rewards states

54. See <http://www.prepinc.com/>. PREP, the most research-based program, is based on the work of Professors Howard Markman and Scott Stanley of the Center for Marital and Family Studies at the University of Denver.

55. PAIRS Foundation e-mail: [epairs@aol.com](mailto:epairs@aol.com).

56. See <http://www.nire.org>.

57. See [http://www.smartmarriages.com/directory\\_browse.html](http://www.smartmarriages.com/directory_browse.html).

58. See the following on a federal Office of Marriage Initiatives: <http://www.heritage.org/mandate/budget/pdf/550/550marriageinitiatives.pdf>; <http://www.heritage.org/mandate/budget/pdf/550/550marriage.pdf>; <http://www.heritage.org/mandate/budget/pdf/550/550childsupport.pdf>; <http://www.heritage.org/mandate/budget/pdf/550/550familyplanning.pdf>.



that perform well in reducing out-of-wedlock birth rates,<sup>59</sup> the states should reward counties that achieve a significant decrease in the number of out-of-wedlock births and divorces. However, the states should learn from the federal government's experience and make sure that the counties being rewarded are those that have shown the ability to devise a workable plan, not just those that randomly achieve a reduction in out-of-wedlock births. The more generous the rewards, the more energetically counties will compete for them.

4. **Make state tax laws more marriage-friendly.** Many states have a marriage penalty in their tax code. At a minimum, every state should eliminate this penalty. States should have a realistic estimate of the extra cost that broken family life puts on the public purse, and those who save the state such costs should receive better treatment in the tax code. A simple way to do this would be to make the personal exemption higher for married couples with dependent children under age 19 or in college.
5. **Eliminate perverse incentives in state laws that reward unmarried parents for having more children.** To decrease the anti-marriage bias that proved so destructive in the old welfare system, states should consider new benefits or an expansion of current benefits for married couples on welfare. At the time their child is born, 82 percent of unmarried mothers and fathers are romantically involved, 44 percent are living together, and over 70 percent of the mothers say their chances of marrying the father are "50-50."<sup>60</sup> The long-term costs to

society are immense for not making clear the reasons these couples should marry.

6. **Support initiatives to help troubled marriages get back on track.** Divorce is the primary reason women and children fall into poverty.<sup>61</sup> Many organizations have established programs to strengthen troubled marriages, such as Retrouvaille,<sup>62</sup> Marriage Encounter,<sup>63</sup> Marriage Savers, and Focused Thinking Mediation. Making these programs accessible to the poor or the nearly poor would be a key task for a state Office of Marriage Initiatives.
7. **Encourage the work of churches and faith-based organizations in poor areas.** Few Americans realize the extent to which marriage has disappeared among the poor: In the lowest income quintile, 74 percent of families with children were headed by a single parent in 1996.<sup>64</sup> In large part, this is the result of such government programs as welfare, with incentives that penalize marriage, and family planning programs that support sexual activity and childbearing without regard to marital status.<sup>65</sup> Because of the effectiveness of churches in strengthening marriages, churches in poor areas are probably government's most effective allies in efforts to decrease divorce and increase marriage in communities beleaguered by the effects of family breakdown. Public officials cannot do the work of churches and the private sector in rebuilding the institutions of marriage and family, but they can encourage their efforts to increase marriage. They also can focus public attention on the need to support two-parent families. This approach would help

59. This bonus for decreasing out-of-wedlock births was part of the welfare reform legislation of 1996.

60. Benheim-Thoman Center for Research on Child Wellbeing, Princeton University, and Social Indicators Survey Center, Columbia University, "Fragile Families Research Brief" No. 1, May 2000.

61. For a review of the literature, see Fagan, "How Broken Families Rob Children of Their Chances for Future Prosperity," pp. 3-6.

62. See <http://home.vicnet.net.au/~retro/home.htm>.

63. See <http://www.wwme.org/>.

64. U.S. Bureau of the Census, Current Population Survey, 1997. See Fagan, "The American Family," Chart 6.18.

65. See Patrick F. Fagan, "Family Planning, Family Failure," *The Washington Times*, July 13, 2000, p. A22.

## ANSWERING OBJECTIONS TO HAVING THE GOVERNMENT PROMOTE MARRIAGE

**Objection:** Critics like Don Bloch, past president of the American Family Therapy Academy, object to using welfare funds to promote marriage: “It is really taking money away from those at the thin edge, people who have a whole range of needs, health, nutrition, housing...” Others say it is unfair to use TANF money in ways that would help people who are not welfare recipients.

**Response:** The duty of government is to protect and foster the common good. For the past 35 years, government has played a major role in the destruction of marriage among the poor by subsidizing out-of-wedlock birth. To redress the effects of this policy, future spending should target programs to restore marriage among the poor. In the process, families in the middle- and upper-income brackets may be persuaded to avoid out-of-wedlock births and to prepare more diligently for marriage. Preventing divorces in low- and middle-income families is preventing poverty, and that is good public policy.

**Objection:** Government has no business promoting marriage.

**Response:** As Governor Keating of Oklahoma has said, “[W]hen you look at the consequences of divorce, the better question is: ‘What business do we have not getting involved?’” Good government has a critical interest in stable marriages. The consequence of decades of misguided policy is a culture of ambivalence toward commitment, with devastating effects on children. The common good relies on the stability of family life, which is premised on the stability of marriage. To the extent that marriage breaks down, public order decreases, public costs increase, and the need for government controls to contain the resulting problems increases. Restoration of marriage is the most cost-effective way to reduce the tax burden for social programs and improve the welfare of children and the poor.

to change the cultural discourse and climate in their states.

8. **Ensure that government personnel support a marriage initiative.** For public policy to increase the incidence of marriage and decrease the incidence of divorce, officials at all levels of government must fully support the effort. Governors and state legislators should utilize county clerks who process marriage licenses, as well as welfare workers, school counselors, and public health and school nurses who interact with young mothers, to encourage participation in marriage preparation and skills classes. Workers in such programs as agriculture extension services and mental health units can be trained to teach effective skills at the local level. Personnel who

ignore or block good policy should be educated about the problem or replaced.

9. **Create incentives for couples to participate in pre-marriage preparation classes before receiving a marriage license.** For example, Florida offers a discount on a marriage license if the couple takes a four-hour marriage preparation class with a segment on the effects of divorce as well as how to get a divorce. Minnesota, Maryland, and other states have legislation pending that would similarly encourage pre-marital preparation courses.

Government action in this area needs to be prudent because issues of personal freedom in making intimate decisions, as well as the protection of the common good, are at stake.

## Educating the Public

Just as the law can serve a teaching function, the communication of traditional universal values in the public forum can uplift public opinion and popular culture. In this respect, state officials can pursue strategies that would advance the importance of marriage as an institution. Specifically:

1. **Set definite goals for decreasing divorce.** States can follow the lead of Oklahoma and Arkansas by setting a goal for reducing divorce and out-of-wedlock births by 2010. This would send a clear message to the citizens of the state as well as the state bureaucracy that increasing marriage is a priority at all levels of government.
  2. **Launch public information campaigns in print and on television and radio.** One of the advantages of being a public leader is the ability to change ideas and motivate people to become involved in a worthwhile campaign. Speeches become tools for advancing public policy and changing a culture of rejection to a culture of commitment. Television campaigns have a similar effect, as such public-private sector initiatives as the one between the National Fatherhood Initiative and the Commonwealth of Virginia have shown.
  3. **Create brochures that summarize the authoritative research** on the effects of divorce and out-of-wedlock births and on the benefits of marriage,<sup>66</sup> sexual abstinence before marriage, and adoption. These brochures should also point out the legal and financial consequences for those who father a child out of wedlock. Such pamphlets could be distributed in schools, welfare offices, parole offices, public health facilities, parishes, and private organizations to generate a healthy debate on these serious issues. Experts in family research should be tasked with creating these brochures, which could become the basis for a pre-marriage test as suggested above.
- States should make every effort to inform women of the consequences of out-of-wedlock births. This should be targeted to women between the ages of 20 and 35. Women between the ages of 20 and 40 are responsible for roughly 75 percent of all out-of-wedlock births and 82 percent of those who have a second child out of wedlock, which is most likely to lock a woman into long-term poverty. A public awareness campaign on the effects of out-of-wedlock births on the mother and her child would be a constructive use of TANF surplus funds.
4. **Convene a state conference on marriage and the family.** Governor Keating's conference on marriage brought together key players from the media, medicine, law, education, government, and the clergy to focus on the effects of out-of-wedlock births and divorce on the state. As a result, many participants became stakeholders in the effort to reduce divorce and increase marriage. In Albuquerque, New Mexico, State Senator Mark Boitano (R) was instrumental in convening a marriage conference in October 2000.<sup>67</sup> Such conferences focus attention on the problems and motivate people in all sectors of society to reverse the effects of broken families and rebuild a culture of family love and commitment.
  5. **Create a marriage research center.** Good statistics are needed for effective planning, education, and evaluation of state initiatives. A research center that provides reliable up-to-date data should track marriages, divorces, and out-of-wedlock births in the state. State officials should be able to use these data to understand where the problems and needs are the greatest. The center should also track how the state compares with other states in increasing marriage and decreasing divorce.

66. See Linda Waite and Maggie Gallagher, *The Case for Marriage* (New York: Doubleday, 2000), for authoritative research on this issue.

67. Mark Boitano also introduced legislation for a \$100 tax credit for taking marriage preparatory courses and appropriations for statewide distribution of a brochure to help couples prevent divorce.

In addition, the center should analyze and provide data on the relationship between family structure and juvenile crime, homicide, suicide, out-of-wedlock births, abortions, poverty, drug use among juveniles, educational attainment, employment, and unemployment in the state. Quantifying these issues would help lawmakers target policy and funds to efforts to reduce such costly social problems.

- 6. Foster scholar-in-residence positions at state universities.** These scholars in psychology, sociology, economics, or the law should be tasked with tracking what is working best to increase stable marriage and decrease divorce in the state. The legislature could help to increase scholarship in the areas of marriage and the family by awarding prizes to undergraduate seniors for the best review in the sociology or psychology literature on marriage or divorce. The value need not be high: A \$20,000 grant would generate needed work in this area as well as interest in this field among social science students.

### Changing State Law

Today, laws and government policies provide virtually no protection for the institution of marriage. The damaging effects of “no fault” divorces have become so clear that today there are only 17 pure “no fault” states.<sup>68</sup>

Legislators considering changing their divorce laws should consider the full range of legal options available to them, such as those compiled by Americans for Divorce Reform and posted on their Internet “Divorce Reform Page”<sup>69</sup> This site presents arguments for and against the initiatives as well as model legislation.

Several proposals could help to slow state divorce rates. Specifically:

- **Require agreement before filing for divorce.** Married couples who have minor children should be required to complete divorce education and a mediated co-parenting plan before they can file for divorce. Divorce education could help some of these couples resolve their problems and save their marriages. It is most effective early in the divorce process. Requiring a co-parenting plan would enable the couple to develop a more realistic picture of what life will be like after divorce, and this could lead some couples to renew their efforts to save their marriage.
- **Require mediation before divorce.** Married couples with minor children should be required to participate in mediation classes before their case is brought before the court. The Office of Child Support Enforcement of the U.S. Department of Health and Human Services also reports good results from mediation.<sup>70</sup>
- **End “no-fault” divorce for parents with children under age 18.**<sup>71</sup> No-fault divorce is a meaningless term for the children whose parents divorce. Lawmakers in Arizona, California, Georgia, Kansas, Massachusetts, Montana, Virginia, Texas, and Washington have introduced legislation to require mutual consent for a no-fault divorce. In the absence of such consent, the spouse petitioning for divorce has to prove the other spouse’s “fault.” This may make sense for childless couples, but the welfare of children under 18 should be the threshold for all other couples, who should have to prove that grave harm would be visited upon the children by the *continuance* of the marriage.
- **Make Covenant Marriages a legal option.** Couples should be able to commit to lifelong marriages if they so desire by agreeing to strict

68. Margaret Brinig of the College of Law, University of Iowa, at <http://www.uiowa.edu/~mfblaw/>.

69. John Crouch, Americans for Divorce Reform, “Divorce Reform Page,” at <http://adams.patriot.net/~crouch/divorce.html>.

70. Lynne M. Fender, Kerry Pisacane, and Sylvia Ellison, “State Child Access and Visitation Programs,” American Institutes for Research, Washington, D.C., 1999; prepared for the U.S. Department of Health and Human Services.

71. In a “no-fault” divorce, either partner can end a marriage simply by petitioning for divorce. This “reform” was introduced in the belief that assigning fault caused greater hostility and division in divorce proceedings.

requirements for separation or divorce. The effect of such a commitment would be salutary, and the emphasis it places on the seriousness of the marriage commitment would strengthen the ideal of marriage in society. Couples should undergo serious preparation before making such a commitment, however, since it would carry the force of law. Too many individuals marry with the intention of staying married until death, only to find out that their spouse had no such intention. In Covenant Marriages, couples sign a marriage contract that lengthens the process for obtaining a divorce by two years. Louisiana and Arizona have enacted Covenant Marriage laws, and Oklahoma, Oregon, and Texas have considered them. (In at least 25 other states, such legislation has been introduced and is moving through the system. Some of the states are considering ways to improve the concept.)

## CHANGING SCHOOL CURRICULA

School curricula reflect what the state wishes children to know for the common good. Emphasizing marriage clearly should fall within this area, since the decline of marriage imposes great costs on society, and marriage has many benefits for individual family members.<sup>72</sup> To that extent, public school curricula should:

- **Include marriage preparation courses at the high school level.** Utah and Florida have passed legislation to include marriage curricula in high school coursework. By taking courses on basic marriage skills, adolescents will be better prepared to make some of the biggest decisions in their lives. The success of such a course obviously will depend on both content and teacher, of course. To prevent it from being co-opted to support another agenda, legislators should mandate in law that the content of

the curriculum supports traditional marriage. They can build the content of the course on research already conducted by such experts as Professors Scott M. Stanley and Howard Markman of the University of Denver<sup>73</sup> and David Olson of the University of Minnesota.

- **Promote and expand teen chastity programs.** Federal money for chastity education can be supplemented by TANF funds. Reducing the number of teens who are sexually active has a dramatic effect on the out-of-wedlock birth rate. The Best Friends program in Washington, D.C., has found this to be the case.<sup>74</sup>

## CONCLUSION

A cultural shift is occurring that bodes well for America's children. After four decades of treating society's ills with more government spending, elected officials, social scientists, community leaders, and policymakers across the ideological spectrum admit that strong marriages—not government largesse—are key to improving both personal and social well-being. Social science research is showing that children in married families are healthier, perform better in school, and are involved less frequently in crime or other destructive behaviors.

Much has been done over the past few decades to understand the benefits of marriage, and good programs exist to help couples prepare for marriage. State and local officials should take advantage of what the social science research and the records of "best practices" programs teach. Divorce at community levels can be reduced by 30 percent through community programs to strengthen marriage. Abstinence before marriage will increase with the right programs, and proper attention on marriage in the media can help to change cultural attitudes.

72. Waite and Gallagher, *The Case for Marriage*.

73. Drs. Scott M. Stanley and Howard J. Markman, directors of the Center for Marital and Family Studies at the University of Denver, are leading experts on this type of research and content.

74. Best Friends Foundation and National Abstinence Clearinghouse, at [info@abstinence.net](mailto:info@abstinence.net).

Together, public- and private-sector leadership can join with the clergy begin this process, increasing the incidence of marriage and strengthening families while reducing the social problems that accompany family breakdown and out-of-wedlock

births. The goal is not small, but it is increasingly more achievable.

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