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How To Cut America's Divorce Rate in Half

Talking Points and Key Concepts

By Mike McManus

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I have written a new short (118 page) book “How To Cut America’s Divorce Rate in Half.” It makes two suggestions for changes in law:

1. Reform No Fault Divorce with Mutual Consent: The current No Fault Divorce Law, in 49 states, is rigged to destroy families, not to preserve them. Frank Furstenburg and Andrew Cherlin wrote in *Divided Families*, that “four out of five marriages ended unilaterally.” Though a divorce is opposed in 80% cases¹ by one spouse, it is *always* granted. Therefore, my first proposal is that couples with children should be required to obtain written mutual consent for the dissolution of their marriage, if there are no allegations of major fault such as adultery or physical abuse. The spouse who thinks their marriage IS reconcilable should have an equal voice in deciding whether to preserve it. Both religious and legal leaders believe the replacement of No Fault Divorce with Mutual Consent – would save half of the marriages now ending in divorce. If passed in every state, a half million children a year would NOT see their parents divorce, 5 million in a decade. It is hard to imagine any change in America that could bring more positive benefits to American families.

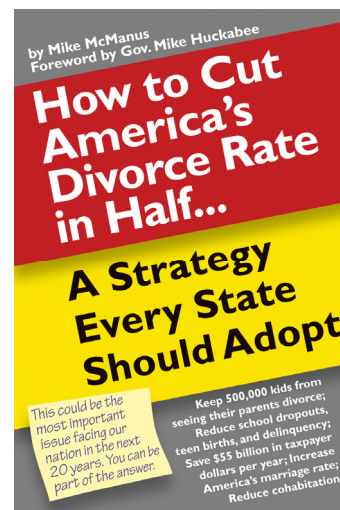
2. Pass a Federal Law To Cut the \$10 billion TANF Surplus by 5% to any state which did not reform No Fault with Mutual Consent. Divorce lawyers control key committees in State Legislatures, and often make good money destroying marriages. They are not interested in Divorce Reform. But why should those profiting from breaking marriages apart control the law? They need a little Federal encouragement to do the right thing.

How To Cut America's Divorce Rate in Half

It might be helpful to quote endorsements of the book from some of America’s leading religious and legal experts on how replacing No Fault Divorce with Mutual Consent, in cases involving children, would lead to a 50% reduction in the divorce rate:

Every pastor is stunned by the number of couples in his church who divorce. Few of them realize that in four out of five cases, one spouse does NOT want the divorce, but is forced to accept it because the law actually grants every divorce, shattering the lives of children. Mike McManus puts his finger on a simple but profound answer require that in cases involving children that both parents would have to agree to a divorce, except in cases of adultery or physical abuse. I believe this change in the law could cut the divorce rate in half. That would spare 500,000 children from seeing their parents divorce each year, and save \$50 to \$100 billion in taxpayer funds. This is an issue that should be taken to those running for state and federal offices in this election year.

Rev. Richard Cizik, Vice President of the National Association of Evangelicals



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by Mike McManus
Foreword by Gov. Mike Huckabee

How to Cut America's Divorce Rate in Half...

A Strategy Every State Should Adopt

A bold, new book...

This could be the most important issue facing our nation in the next 20 years. You can be part of the answer.

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...With this book, McManus points the way toward changes that could reduce the divorce rate by 50%, as part of a cultural revolution just as profound and dramatic as the one that gave us our present-day levels of divorce, cohabitation and single parenthood.

John Crouch, Director of Americans for Divorce Reform

The Catholic Church does not believe in divorce at all, but is encouraged that polls reveal that by a 2-1 margin Americans believe it should "be harder than it is now for married couples with young children to get a civil divorce" (6% to 35%). *How To Cut America's Divorce Rate in Half* suggests how to do that, by requiring written mutual consent of both a mother and a father before any divorce is granted. By giving the spouse who wants to save the marriage an equal voice with an unhappy mate, many marriages could be restored, perhaps saving most of them.

Bishop Gerald A. Gettelfinger, Catholic Diocese of Evansville

The American people have always leaned to the view that divorce laws are not strict enough, particularly as they relate to the raising of children. Michael McManus's proposed mutual consent law is certain to appeal to a large segment of the populous.

George Gallup, Jr., Founder, George H. Gallup International Institute

(For a free press copy of the book covers, a Foreword by Gov. Mike Huckabee and 13 Endorsements, plus my Introduction that summarizes the book's contents, go to www.ReduceDivorce.org or www.MarriageSavers.org. The whole book is a PDF file that can be downloaded for only \$4.95 to the first 500 to purchase it, \$7.95 afterward.)

Other endorsements are by Tony Perkins, President of the Family Research Council; Don Wildmon, Chairman of the American Family Association; Stephen Baskerville, Author of *Taken Into Custody: The War Against Fathers, Marriage and the Family*; Dr. Richard Land, President of the Southern Baptist Convention's Ethics & Religious Liberty Commission, Prof. Robert George of Princeton and others.

Why Would Divorce Rates Fall in Half?

Divorce Attorney John Crouch, who is President of Americans For Divorce Reform, offers this more detailed explanation: "It is important to change state laws to reduce divorce. The best way is to replace No Fault Divorce with Mutual Consent in cases involving children. The couple would have to agree not only on the divorce, but the substance of what will happen afterward. The law would guide people to postpone the divorce decision until they had worked out the details of how the divorce would actually work. A large proportion of divorces would be avoided altogether, and most of the rest would be settled out of court. Divorces would be fairer to both parties with less legal fees. ***I believe it could reduce divorce rates as much as 50 percent.*** Changing the rules about ending a marriage would prevent a lot of marriages from breaking down in the first place. They would not only influence the decision to divorce, but the behavior and choices that lead to divorce."

An Attempt To Inject Divorce Reform into the 2008 Election

Frankly, my hope is that this book will put No Fault Divorce Reform into the 2008 political campaign. I persuaded former Arkansas Gov. Mike Huckabee to write the Foreword, in which he asserted, "McManus understands the essential need for society to make lasting marriages a priority and

details the vital steps to help make this happen.” I tried to get Rev. Rick Warren to ask the Presidential candidates where they stood on changes in state law that could cut divorce rates in half. He did not do so. Though I only finished the book this week, it is already posted as a PDF file on www.MarriageSavers.org. Amazon has posted it as a Kindle Book. I will also have perhaps 5,000 printed copies of the book available by October 1. One organization has ordered 2,000 copies for only \$3 each, which it can resell for the retail price of \$9.95, or give to its major donors. (If any readers want 100 copies at \$4 each, let me know by Thursday.)

Michigan Rep. Fulton Sheen, a grandnephew of Bishop Fulton Sheen, has introduced HB 5761, which would allow Michigan residents to apply for a No Fault Divorce only if there are no minor children and the wife is not pregnant, or if the divorce filing contains a statement signed by both husband and wife agreeing to a No Fault Divorce. The bill has a dozen co-sponsors from both parties, and could pass this year. If it does, I think there would be a wave of states passing similar legislation – just as No Fault swept the nation. *This time, however, Catholics and Evangelicals will be leading the charge, not the divorce attorneys.*

The Major Obstacle: Divorce Attorneys

I served on the Virginia Marriage Commission last year which proposed replacing No Fault Divorce with Mutual Consent in cases involving children. It was very difficult to get any legislator to introduce the bill, and it never got a hearing. Why? Fully 100% of the committee members to consider the bill are attorneys, many of whom make a good living on breaking up marriages. Of course, they are not interested in reform. But why should those who profit from the destruction of marriages control the law, as they have for four decades? Therefore, my book proposes second substantive reform: ask the Feds for help.

A New Federal Incentive to Enact No Fault Reform

I propose that the Presidential candidates, and those running for U.S. Senate or House be asked this question:

Should the Federal Government reduce a state's share of the \$10 billion welfare reform surplus by 5% if it does not give both parents a voice on divorce?

When Welfare Reform was passed by Congress in 1996, Congress took three important steps. First, it most famously required those getting public assistance to get a job, or at least job training. No person could get TANF (Temporary Assistance to Needy Families) for more than 5 years.

Second, it converted the \$16.5 billion the Federal Government was paying as its share of public assistance, into a block grant which went to the states as a flat sum, even if the number of people on welfare dropped. Welfare rolls have dropped by 60%, so the states are getting what I call a \$10 billion Welfare Reform Surplus that can be spent on anything.

Third, the states were asked to:

1. “encourage the formation and maintenance of two-parent families,” and
2. “to prevent and reduce the incidence of out-of-wedlock pregnancies.”

The states have failed miserably on both of those goals. In 1995, the year before the law was passed, there were 1.26 million out-of-wedlock births, 32.2% of all births. In 2006 there were 1.64 million unwed births, 38.5% of all births. In 1995, 60.9% of all households were led by married couples (69% in 1970), but those figures plunged to 49.7% in 2005.²

Therefore, I am proposing that the \$10 billion be cut by 5% to any state which does not pass a reform of No Fault Divorce to give both parents a voice on whether there is to be a divorce. (One U.S. Senator said he'd favor taking the 5% back (\$500 million), which could be distributed to the states as an incentive to those who cut the divorce rate, any way they wanted to do so, with more money going to the states with the biggest declines.)

Due to lobbying by Mothers Against Drunk Driving, Congress passed a similar law in 1984 that would have cut transportation funding by 10% to any state which did not raise the age to 21 for those buying alcoholic beverages. A similar law in 2000 pushed the states to define drunk driving as having .08 Blood Alcohol Content. The result of MADD's initiatives? Drunk driving deaths fell from 30,700 to 17,600.

I am proposing that a similar citizen's group to MADD be formed in each state, **Citizens for Divorce Reform**, who would lobby state and federal politicians for needed change. Marriage Savers has created a website for activists, www.ReformDivorce.org.

Why Is Divorce Reform a Federal Issue

The current state laws are "rigged to destroy families, not to preserve them," I write in this book. "First, there is a simple justice of righting a wrong. Tens of millions of parents are divorcing rather than working out their differences which would ultimately benefit themselves and their children. Why? Because one unhappy spouse can demand a divorce and get it every time. What is called No Fault Divorce should be called Unilateral Divorce."

"Second, Federal action would restore a basic right in the Constitution of due process of law." If one spouse trying to defend the marriage always loses, how does "due process," guaranteed by the 5th and 14th Amendments, even exist?

"Third, Federal action would cut the Federal Deficit by tens of billions of dollars. A 2008 study, *The Taxpayer Costs of Divorce and Unwed Childbearing*, estimates the annual taxpayer costs of family fragmentation at \$112 billion a year.³ That is more than has been spent annually on the Iraq War!" I write. The study estimates that even a 1% drop in the divorce rate would save \$1.1 billion. A 50% cut would save \$55 billion, with most of the saving being federal, and the rest going to state governments. For reasons detailed in the book, I think the cost of family fragmentation is closer to \$200 billion, not \$112 billion. If so, cutting divorce rates would save \$100 billion a year, not \$55 billion.

Even if the lower figure is accepted, **here is a fresh strategy to cut the massive Federal deficit by \$30 billion to \$40 billion**. Or perhaps double that amount, if my calculations are correct.

What Might Be the Impact?

Consider Modesto, California which HAS cut its divorce rate in half. In 1986, 95 pastors, priests

and one rabbi signed a **Modesto Community Marriage Policy** in which they pledged to take steps to more thoroughly prepare couples for marriage, to enrich existing marriages and restore troubled ones. It was the first city in America to take such a step, as a result of a speech I made challenging the clergy. I predicted, "If you take such steps as requiring thorough marriage preparation with every couple taking a premarital inventory and having it reviewed and discussed with a Mentor Couple over four months, I think you could slash your divorce rate I half in five years." By 2001, the divorce rate had fallen 57 percent. It has edged up slightly since, but in 2007 was still 46% below the 1986 rate.⁴ The number of divorces fell from 1,852 in 1986 to only 1,709 in 2007 though the population nearly doubled from 307,000 to 521,000. The number of marriages doubled from 1,319 in 1986 to 2,729, though that is partly due to the population increase. Since 1986, America's marriage rate has fallen 18%, but it rose 15% in Modesto. What those numbers mean is that 2,500 more marriages are being created each year or preserved in a county with a half million people -- that would have otherwise ended in divorce.

With more children reared in homes with intact married parents, there have been two important results for children. **School dropouts fell 19 percent. And teen births fell 30 percent, double the U.S. decline in the same years.**

A Marriage Culture Can Be Restored

1. Divorce Rates Drop: Nor are Modesto's results unique. Marriage Savers®, the non-profit group my wife and I lead, has worked with more than 10,000 pastors and priests in 223 cities to create a Community Marriage Policy® (CMP). An independent review of our first 114 CMPs signed by 2000 by the Institute for Research and Evaluation -- reported that on average, divorce rates fell 17.5% over seven years.⁵ Since U.S. divorce rates have come down somewhat, the researcher compared CMP counties with all 3,000 in the U.S., and found those in each state that were declining in five years prior to the CMP signing by pastors, at about the same rate. Researchers report that the divorce rates in the control counties fell 9.4% in the seven years that CMP counties dropped 17.5%, nearly twice as much. While that result was modest, the Institute estimated that 31,000 to 50,000 marriages were saved in those 114 CMP cities by the year 2001. With seven more years, and twice as many CMPs (223), perhaps 100,000 divorces have been avoided, due to Community Marriage Policies.

In fact seven cities slashed divorce rates by 48% to 70%. Besides Modesto, divorce rates plunged in half in Austin, El Paso and Waxahatchie, TX, Kansas City, KS and Johnson County in the suburbs, Salem, OR, Yuma, AZ. Kansas City had 650 divorces in 1995, the year before a CMP was signed, and only 196 in 2005, a 70% plunge in a decade.

2. Cohabitation Rates Drop: From 1990-2000, the cohabitation rate fell 13.4% in CMP counties while it rose 19.2% the carefully chosen control counties. Thus, CMP cities ended the decade with a cohabitation rate ONE-THIRD lower than their counterparts ($19.2 - 13.4 = 32.6\%$).

3. Marriage Rates Rising: And marriage rates are rising in many of these cities. For example, Catholic Bishop Gerald A. Gettelfinger of Evansville, IN wrote to thank Marriage Savers in 2006 for "helping us create a Community Marriage Policy (which has sparked) a significant 20% drop in the divorce rate. Hundreds of families have preserved marriages that would have probably ended in divorce, with untold trauma to many, particularly, their children. In addition, we are particularly proud to report

that the number of marriages has risen. From 1997-2003, there were an average of only 1,143 marriages per year. But there were an average of 1,324 marriages in 2004-2005. That is a 16% increase in the marriage rate. What makes this especially important is that in the same time, the U.S. marriage rate fell by 9%.”

Many people know that there has been one divorce for every two marriages every year since 1970.⁶ “What few realize is that *the marriage rate has plummeted more than 50 percent since 1970,*” my wife, Harriet and I wrote in our recent book, *Living Together: Myths, Risks & Answers.*⁷ “Census reports that in 1970, there were 76.5 marriages per 1,000 women. By 2005 that fell to only 38.7 marriages per 1,000. That is a 50.7 percent drop.”

However, Marriage Savers’ experience in creating Community Marriage Policies in 223 cities reveals that ***an initiative to cut the divorce rate can not only reduce divorce, but cohabitation as well – and can push up the marriage rate.***

A marriage culture CAN be restored.

However, it happens only if a cross-section of LOCAL pastors and priests work together to create a Community Marriage Policy. We at Marriage Savers stand willing to help any city or county (or diocese) take this step. We will coach local leaders, help them get press coverage with advice and a press release, speak at the clergy signing of the CMP, and train an initial corps of clergy and couples in healthy marriages to be Mentor Couples – helping other couples be successful at key stages of the marital life cycle:

1. Preparation. For example, my own church prepared 288 couples for marriage over a decade, the results of which we could trace. Of that number, 55 decided NOT to marry, a big 19%; studies show that those who break an engagement after taking a premarital inventory, have the same scores as those who marry and later divorce. So these 55 broken engagements avoided 55 broken marriages. But of the 233 who did marry, there were only seven divorces in a decade. That’s a 97% success rate or a 3% failure rate.

2. Enrichment. Marriage Savers training illustrates two ways to enrich every marriage in the church for less than \$15 per couple. For example, there is a DVD series called “10 Great Dates,” in which couples come to church on 10 consecutive Saturday nights to watch a 20 minute video by David and Claudia Arp on such themes as “Resolving Honest Conflict” or “Becoming an Encourager.” (If churches offer free babysitting, the couples will sign up.) Couples then go out on a 90 minute date to discuss the evening’s theme. Hopefully they have read a chapter on the theme in a paperback book (costing \$13); if not, they can still tear out a two page questionnaire to fill out while they are waiting for dessert and coffee. They talk for an hour and a half, and then come back to church to pick up their kids. Guys and gals love it, because it is a date.

3. Restoration. Every church has couples who have survived adultery, bankruptcy, and many other problems. However, few pastors train these couples to be Mentor Couples who can tell their stories of hope and recovery to couples in current crisis over the same issues. Marriage Savers trains couples to do that, saving more than 80% of them.

4. Reconcile the separated with a workbook course called “Marriage 911” that a spouse trying to save his/her marriage completes over a 12 week period with a Support Partner of the same gender. It is designed for those cases where one spouse is not interested or willing to save the marriage. Part of the course involves reading a chapter of Proverbs daily. This course costs only \$28 and is successful because it helps the spouse trying to save the marriage grow so much that the errant spouse is attracted back in more than half the cases.

5. Help stepfamilies succeed, by creating a Stepfamily Support Group that can save four of five marriages that typically divorce at a 70% rate. The concept is similar to Alcoholics Anonymous, in which people who successfully overcame the addiction – tell their stories of recovery, using the 12 steps of AA. This is a peer ministry, as opposed to therapy or counseling. Five step couples are instructed how to create a Stepfamily Support Group by a kit that includes a Manual on how to organize the group, a paperback book, *Willing To Try Again*” by Rev. Dick Dunn, and a CD by Rev. Dunn. Cost: \$40.⁸

Our Goal Is To Create a Community Marriage Policy In Every City

A Community Marriage Policy is a pledge by the clergy of a city or county to implement these five proven, low-cost reforms. So far, more than 10,000 pastors, priests and rabbis have signed CMPs in 223 cities or counties. Why wouldn't every clergyman want to plant these reforms in their church and in neighboring ones? This would give marriages a real hope – even if there is no reform of No Fault Divorce.

Ideally, each state would see a combination of replacing No Fault Divorce with Mutual Consent in cases involving children. And every county or city would launch a Community Marriage Policy to create a network of Mentor Couples who can help every marriage to be successful.

1. Frank Furstenberg and Andrew Cherlin, *Divided Families*, (Cambridge, MA:Harvard University Press, 1991, p. 22.

2. *The World Almanac 2008, U.S. Population by Age, Sex and Households*,” 2005 U.S. Census Bureau.

3. Benjamin Scafidi, *The Taxpayer Costs of Divorce and Unwed Childbearing: First Ever Estimates for the Nation and all Fifty States*, 2008, Institute for American Values, Institute for Marriage and Public Policy, Georgia Family Council, Families Northwest, New York.

□ The kit to create a Stepfamily Support Group includes a manual, a paperback and a CD, and can be ordered from Marriage Savers @ 301 469-5873.

⁵ Paul James Birch, Stan E. Weed, Joseph Olsen, “Assising the Impact of Community Marriage Policies on County Divorce Rates,” *Family Relations*, 53, 495-503.

6. That number is the basis for the frequent asserting that “There is a 50% divorce rate.” However, the figures include those who have had a second or third divorce. Pollster George Barna estimates that 35% of American adults have experienced divorce.

□ Mike & Harriet McManus, *Living Together: Myths, Risks & Answers*,” 2008, Howard Books, a division of Simon & Schuster, New York, London, Toronto, Sydney, p. 67.

⁸ These resources can be ordered from Marriage Savers by calling 301 469-5873.