

Atlanta Journal-Constitution

January 16, 2005

Legislative '05: Delay Divorce, Save a Marriage?

By Gayle White, Helena Oliviero

With proposed legislation to make couples wait longer for no-fault divorces, Georgia takes its place in a national movement to preserve marriage. But would the extra time promote reconciliation or just prolong the battle?

Murky research and incomplete statistics complicate the question.

Proponents say slowing down the divorce process would give couples more time to think through the decision and avert divorces based on emotional impulse. Critics argue it will only drag out an emotionally charged period, leaving families in limbo.

A state Senate bill introduced Wednesday would extend the waiting period after filing for divorce from 30 days to six months for an uncontested divorce of a couple with children. Couples without children would wait four months. The waiting period would be waived if either spouse has a protective order or if there has been family violence.

Divorcing parents would be required to attend a minimum of four hours of classes that focus on the effects of divorce on children.

The debate over the bill stretches beyond political affiliations. Even therapists disagree on its effectiveness.

“What you’re doing when you extend the waiting period for divorce is increasing the time for the most hostility and conflict,” said Carl Johnson, executive director of the Georgia Association for Marriage and Family Therapy. The group opposes lengthening the waiting period but supports mandatory classes for parents, already required in many of the state’s judicial districts.

But other therapists, including Wendy Patterson, an Atlanta counselor who leads marriage workshops, favor the longer waiting period.

“Most people who get divorced do not quit loving each other but they could not figure out a way to make it work out of a lack of knowledge,” Patterson said. “The potential is there that if it is not so easy to divorce, we might move forward, take a class about how to help the kids.”

National Movement

The Senate proposal is part of a national push to promote the institution of marriage. Alarmed by the

declining number of children being raised in traditional two-parent households, officials in every state have adopted at least one policy or sponsored at least one activity to promote marriage since the mid-1990s, according to a study by the Center for Law and Social Policy.

Initiatives range from high school relationship classes in Florida to handbooks for marriage license applicants in Arizona. Three states – Arizona, Arkansas and Louisiana – have adopted a two-tier marriage system that allows couples to opt for a “covenant marriage,” requiring premarital counseling and counseling before divorce. Nationally, the Bush administration has proposed a \$1.5 billion spending initiative over five years to encourage healthy marriages.

Georgia’s Senate approved a bill to extend the divorce waiting period last year, but it died in the House Judiciary Committee. With Republicans now controlling both houses of the legislature, this year’s bill stands a much better chance of becoming law.

Some divorced Georgians are rooting for the bill to pass.

Lynda Hood of Dallas in Paulding County and her ex-husband, David Franklin, believe their divorce was too fast and easy. They were married for more than 15 years and divorced in about 30 days in 1996, when they lived in Arkansas.

“There was nothing to it,” said Hood, a homemaker.

Franklin, a car salesman, said he wonders whether they would have stayed together after a cooling-off period. “Once the anger fades and common sense sets back in, maybe things could work out,” Franklin said.

But Craig Reynolds of Decatur and Mary James of Snellville say a longer wait probably would not have saved their marriage, which dissolved 15 years ago. Reynolds and James got a divorce within just a couple of months after James answered a Cosmopolitan magazine marriage quiz in the car on their way to a family dinner.

“I said, ‘We didn’t do so well,’” she recalled, “and he said, ‘I was meaning to talk to you about divorce.’”

Would a six-month waiting period have possibly made a difference?

“Absolutely not,” said 53-year-old James, who works in banking and is remarried.

Reynolds, a 49-year-old real estate attorney, was less resolute. “Probably not,” he said.

Inconsistent Laws

Divorce laws vary across the country. Some states have no waiting periods. Others require a set time of separation before a divorce can be filed.

Katherine Spaht, a professor at the Louisiana State University Law Center, thinks Georgia should follow the lead of Louisiana, which has a 180-day wait between filing and decree.

“I’m convinced that some people reach this decision impulsively,” she said. “I think it’s important to have a period of time long enough to see what living on your own is going to be like, especially for married women with children.”

Proponents of a lengthier wait claim that divorce rates are lower in states with longer waiting periods. But statistics are incomplete. Several states, including Georgia, rely on counties to report divorce decrees voluntarily. In some states, such as Louisiana, no data was available, according to the National Center for Health Statistics. Even in states where figures are available, analysts say they can’t separate the effect of the waiting period from other factors.

Sen. Mitch Seabaugh (R-Sharpshurg), the Georgia bill’s sponsor, noticed the lack of good numbers in preparing his legislation. He believes the legislation will help save some Georgia marriages and make some divorces less destructive.

“If you get divorced in 30 days, the children are in a state of shock and you have not yet seen some of the emotional challenges that arise after a divorce,” he said.

His bill is in the Senate Judiciary Committee and is expected to go to the floor for a vote within a month. If approved, it will go to the House.

Divorce lawyers say the bill’s impact may be diminished because few Georgia divorces are actually completed in one month, especially when custody issues and property are involved.

Requiring a longer wait might give some couples a chance to turn things around, said Atlanta divorce lawyer Bob Boyd. But for others, who have been in a failing marriage for years, the extra time just offers added misery.

“One size,” Boyd said, “doesn’t fit all.”

GRAPHIC: STATES OF DIVORCE

The waiting period between the time divorce papers are filed and a decree can be issued varies by state, from 180 days to none at all. At six months, Georgia would be at the upper end of waiting periods. Here’s a sampling of waiting periods in other states.

- * 180 days: California, Michigan (if minors are involved) and Louisiana
- * 90 days: Colorado, Iowa, Massachusetts, Oregon and Utah
- * 60 days: Indiana, Kansas and Nebraska
- * 30 days: Alabama, Delaware, Hawaii
- * 20 days: Idaho, Florida and Wyoming

Copyright © 2005 The Atlanta Journal-Constitution.