



ADDING VALUE TO UTAH

January 25, 2005

No-fault Divorce

My parents divorced when I was 14 years old. Their divorce came one week shy of their 25th wedding anniversary. Never did I hear them argue and only once, toward the end, did I sense that there was any trouble at home. While I knew they loved me, the whole divorce-thing was beyond my young boy's comprehension. I simply trusted that my parents knew what they were doing, as tough as it was to be apart as a family.

Both of my parents went on to remarry; my dad twice again and my mom once. As time has rolled forward I have had a longing that my parents would one day get back together. As a young boy when they divorced, I just knew they still loved each other. I still possess a letter written to me by my dad telling me what was about to occur and, even still, how much he loved my mother and how he expected me to love and respect her.

They divorced at a time when "no-fault" laws had swept across the country. As for my parents' situation there was no abuse, no adultery, no abandonment, no fault. My mom decided, no doubt after some long soul-searching and inherent pain with the idea, that she was no longer as happy as she wanted to be in the marriage.

It is very difficult to Monday morning quarterback such events, let alone jump forward to Saturday morning quarterbacking this event some 30 years later. But is it beyond the pale for a dependent child to expect that his parents stay married absent some egregious fault? Even further, should it be a matter of public policy to insist that parents stay married until the children are gone, again, absent some egregious fault?

Prior to 1970 there were no such things as "irreconcilable differences." Public policy in that day required these couples to otherwise tough it out – that if marital problems existed, absent fault, they should work out their differences as long as dependent children were involved.

The "no-fault revolution" occurred for some very good *personal* reasons. But public policy is not about what is personal, it is about what is best for the common good; and divorce laws, like marriage laws, are not about personal relationships, they're about preserving families and protecting society from incurring unnecessary burdens. With over 30 years of no-fault policy under our belts, social science research has made clear that our related high levels of divorce are devastating more of life than simply relationships. The financial costs to society, especially in support of fatherless homes, are dramatic.

When children are involved, why should divorce be easy? Though divorce is always messy and never pleasant, why should our laws needlessly facilitate broken homes?

Utah is a family state. We just passed a constitutional amendment defining and protecting marriage. Perhaps the time has come that we should be consistent in our defense of marriage. Having a bad, unfulfilled, or discontented day, week, month, or year is insufficient reason to tear a family apart. It is time to repeal no-fault divorce in Utah.

By the way, on October 5, 2000, my parents – married 24 years, divorced and separate 28 years – were remarried in our family home. They reclaimed the love they lost to easy divorce.

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