

Members:
Sen. David Ford, Chair
Sen. Connie Lawson
Sen. David Long
Sen. Rose Antich
Sen. Anita Bowser
Sen. Samuel Smith, Jr.
Rep. Vernon Smith, V. Chair
Rep. John Day
Rep. Mae Dickinson
Rep. Mary Kay Budak
Rep. Dennis Kruse
Rep. Candy Marendt



INTERIM STUDY COMMITTEE ON FAMILY LAW ISSUES

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Authority: Legislative Council Resolution 2-1998

MEETING MINUTES

Meeting Date: September 9, 1998
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington St.,
House Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Sen. David Ford, Chairperson; Sen Rose Antich; Rep. John Day; Rep. Mae Dickinson; Rep. Mary Kay Budak; Rep. Dennis Kruse; Rep. Candy Marendt.

Members Absent: Sen. Connie Lawson; Sen. David Long; Sen. Anita Bowser; Sen. Samuel Smith, Jr.; Rep. Vernon Smith.

I. Call to Order

Chair Ford called the meeting to order at 1:45 p.m.

II. Witness Testimony on Premarital Education

A. Ms. Betty Brandt, Certified Marriage and Family Therapist, Treasurer, Indiana Association for Marriage and Family Therapy, testified that she has done some premarital counseling but is not an expert in the field. Ms. Brandt stated that she researched the issue in preparation for the Committee's hearing and found the following:

- ◆ Relatively few controlled studies of premarital programs and participants seem to have been conducted.
- ◆ The studies on premarital education that Ms. Brandt located reported

on immediate results or results one year post-program. There were no longitudinal studies lasting even five years.

- ◆ Some of the premarital education research projects date back to the 1970s.
- ◆ Ms. Brandt found no study of the actual effect of premarital education on the likelihood of divorce.
- ◆ One study confirms that participation in premarital education has a positive effect on a couple's ability to confront marital conflict, resolve conflict constructively, and seek appropriate help.
- ◆ Participants like the premarital programs and would recommend them to others.
- ◆ Subjects in the premarital education research projects appear to be better educated and more interested in self-improvement than the population in general.

Ms. Brandt stated that David Olsen from Minnesota has developed a packaged program called PREPARE for premarital education. Ms. Brandt stated that Mr. Olsen purports that the results of his questionnaire can predict with 87% accuracy who will remain married. Ms. Brandt further noted that Mr. Olsen trains professionals from all over the country to offer the program and that there are professionals in central Indiana who are trained in this model.

Ms. Brandt's testimony is detailed more fully in a memorandum on premarital education that she distributed to the Committee.¹

Committee Questions and Discussion

Senator Ford asked Ms. Brandt whether there are reasonable ways to address the divorce problem. Ms. Brandt responded that education has a positive effect on people and helps them make better decisions. Ms. Brandt noted that education had an enormous impact on her decision to quit smoking. Ms. Brandt stated that premarital education is not a cure all but would enable Indiana to make a statement supporting a couple's effort to solve their problems. Ms. Brandt recommended that if Indiana becomes one of the few states with a premarital education law, hopefully money would be allocated for research on premarital education.

B. Dr. William Steele, who holds a master's and Ph.D. in marriage and family therapy, testified that marital problems are often a contributing factor in an individual's declining health. Dr. Steele stated that participating in premarital education may not be a predictor of marital success but may be a predictor of a couple seeking professional help when they have problems. Dr. Steele stated that the amount of love a couple has for one another is not as indicative of who will remain married as a couple's ability to

¹This document is on file in the Legislative Information Center, Room 230, Statehouse, Indianapolis, Indiana. The telephone number of the Legislative Information Center is (317) 232-9856, and the mailing address is 200 W. Washington St., Suite 301, Indianapolis, Indiana 46204-2789.

communicate effectively and resolve conflict. Dr. Steele also mentioned that premarital education facilitates the finding of available resources. Dr. Steele agrees that the outcomes of premarital education need to be followed and tracked.

C. Mr. Des Ryan, Executive Director, Indiana Catholic Conference, testified as follows:

- Current social values surrounding the institution of marriage that increase the probability of marriage dissolution include the following: (1) The devaluing of chastity (promiscuity before marriage or outside of marriage). (2) Attack on authority and traditional institutions. (3) Rethinking of traditional family roles. (4) Overemphasis on what is good for "me" rather than what is good for the family, children, or society. (5) Shift of values from a marriage culture in which marriage is forever and divorce is a last resort to a divorce culture in which marriage is an option and divorce can be a gateway to a more fulfilling life.
- The breakdown of marriage has numerous consequences including poverty, illiteracy, crime, promiscuity, child abuse, domestic violence, and sexual diseases.
- Given the rise of a divorce culture as well as our increasing life expectancy the decision to remain faithful in marriage becomes more difficult and requires help from the community and public officials.
- Marriage preparation must be encouraged at all levels. Public policies must place a high priority on programs designed to help married couples face the moral, social, and economic forces that threaten the future of their relationship and their ability to provide for their dependents.
- Mr. Ryan examined two separate studies that addressed the issue of whether premarital education makes a difference. The findings included the following:
 - ✓ Marriage preparation has a restricted shelf life.
 - ✓ Marriage preparation is rated most helpful when it deals with communication, commitment, conflict resolution, children, and church.
 - ✓ Marriage preparation is most valuable when it is prepared by a team - too few sessions limit its value.
 - ✓ Factors that improve the effectiveness of premarital education include raising awareness of patterns that harm relationships, fostering change in attitudes and beliefs, and teaching positive skills for countering negative patterns.
 - ✓ A long range approach to premarital education is necessary. In a society where people are increasingly mobile, and therefore disconnected from families and other long-term supports, this fact becomes crucial.
- Every bill that passes through the Indiana legislature should include a marriage impact statement.

Senator Antich asked how many hours are involved in Pre-Cana training. Mr. Ryan responded that the couple must appear before the priest at least six months before the marriage ceremony. Mr. Ryan stated that during this period the priest may use an assessment instrument to measure the couple's values.

Mr. Ryan's testimony is more thoroughly detailed in handouts he distributed to Committee entitled "Marriage Preparation: A Solution to the Marriage Crisis," "Marriage Preparation in the Catholic Church," and "Acting on What We Know: The Hope of Prevention."²

D. Mr. Larry Humbert, Executive Director of Public Awareness & Community Outreach, Prevent Child Abuse Indiana, testified as follows:

- There is an association between marital strife and domestic violence and child abuse. Divorce can be a contributing factor and consequence of child abuse. The first year after a child's parents separate, the parents are less affectionate toward the child and supervise the child less. However, children in highly conflicted families do not fare any better.
- Child abuse at any early age can increase the chance of divorce.
- The most important decision a couple can make is whether to bring a child into the world. When and how many children a couple wants should be part of premarital education.
- Education for children ages 11 through 18 would be helpful. This education could include the warning signs of potentially dangerous relationships. Education for high school students could include how to find appropriate partners.

Representative Kruse asked whether it would be reasonable to institute a 90 day waiting period before a couple may get married but if the couple gets counseling, to reduce the waiting period to 10 days. Mr. Humbert responded that it would be a valuable process to examine this idea.

E. Ms. Risha Swoverland-McLellan, Vital Living Educational Group, testified that the entity she works for offers 16 week premarital education courses. Ms. Swoverland-McLellan stated that four week courses are not much time to make an impact on habits developed throughout a lifetime. Ms. Swoverland indicated that the qualities that help individuals have a successful marriage should be taught throughout an individual's lifetime. Ms. Swoverland-McLellan suggested that the lives of heroes should be studied at a very young age and that in middle school children should be taught self-sacrifice and to strive for a greater good than themselves. Ms. Swoverland-McLellan further stated that college students should be taught about the special relationships between men and women.

²This document is on file in the Legislative Information Center (see footnote 1).

F. Mr. Mark Cenova, G.E.D. teacher, testified that premarital education would only work if both people are willing participants. Mr. Cenova believes that government interferes in our lives too much. Mr. Cenova believes that if a couple is going to get a divorce, then perhaps they should go through counseling. Mr. Cenova states that it is too easy to get divorced; however, a couple should not be punished if they want to get married.

G. Ms. Tina Kenworthy, member of the public, stated that she does not agree that all couples should have to go through premarital counseling before marriage. Ms. Kenworthy stated that the premarital counseling may not help, and then the couple will have already have spent the money. Ms. Kenworthy stated that a couple should go through counseling if they are not sure they want to get married.

H. Mr. Tim Garner, Counselor, Zionsville Presbyterian Church, stated that when certain personality types mix, there is a high chance of divorce. Mr. Garner stated that he is supportive of anything that promotes premarital education. Mr. Garner further noted that assessment tools can be used to help predict who will remain married and who will not.

Representative Budak asked how many weeks of counseling are required by Mr. Garner's church before a couple is able to get married. Mr. Garner replied that six months before the wedding, the couple is required to participate in at least four counseling sessions and one counseling session is required after the couple gets married. Mr. Garner stated that a typical couple at his church would participate in four to six hours of counseling and would spend another 15 to 20 hours reading books and doing homework related to marriage preparation.

I. Ms. Jean Shoup, Vital Living Educational Group, stated that premarital counseling needs to stress responsibility. Ms. Shoup pointed out that some individuals grow up in a home without good role models but want to create something better. Ms. Shoup stated that premarital education could assist in helping those couples obtain the tools to create something better.

J. Ms. Linda K. Meier, Attorney at Law, Chair of the Family and Juvenile Law Section, Indiana State Bar Association, stated the following:

- The bar association is not trying to limit the premarital education to four hours (as is provided by the Florida statute) but would also be supportive of other appropriate amounts of premarital counseling.
- Premarital education is a proactive approach rather a reactive approach when conflict has already arisen.
- Premarital education does not have to be limited to couples who are planning to get married. The classes could be offered in elementary and high schools. It is important to educate individuals on how to communicate and resolve problems.

Committee Questions & Discussion

Representative Day questioned whether what Ms. Meier is proposing could be done without legislation. Representative Day stated that he is puzzled about the state's appropriate role in the matter, if any. Ms. Meier responded that the resources are available, but there is a question about whether individuals are using the information. Ms. Meier stated that when individuals become educated, that is when things start to improve.

Senator Ford asked Ms. Meier her opinion about what premarital education legislation should say. Ms. Meier responded that the Florida premarital education statute would be a good place to start although perhaps more than four hours should be suggested. Ms. Meier noted that it would be difficult to turn an individual's life patterns around with four hours of instruction. Ms. Meier suggested that the premarital education should include instruction on communication skills, conflict resolution, budgeting, and parenting. Ms. Meier suggested that couples who do not participate in premarital counseling may be required to have a longer waiting period before they are allowed to marry, but the waiting period should not be too burdensome.

K. Ms. Carol Davis, Evansville, IN, testified that courts are not deciding cases based upon the best interests of the child. Ms. Davis stated that there should be legislation to hold the courts accountable so that the existing laws are enforced. Chair Ford responded that the adversarial system is a difficult system for resolving family law problems.

III. Witness Testimony on Covenant Marriage

A. Micah Clark, Associate Director, Indiana Family Institute, stated that covenant marriage views marriage in its entirety. Mr. Clark spoke briefly about Representative Kruse's covenant marriage legislation.

B. Representative Tony Perkins, State Representative from Louisiana, testified as follows:

- ⇒ Six out of every 10 marriages today will end in divorce. Covenant marriage is an effort to strengthen marriage. It allows couples to choose between covenant marriage and standard marriage. Couples who choose covenant marriage are required to undergo premarital counseling. The faith community and the professional counseling community would provide the counseling.
- ⇒ If a couple chooses to enter into a covenant marriage, they agree to seek counseling if they have marital difficulties. Eighty percent of divorces are initiated unilaterally. Under covenant marriage, only the

aggrieved party may seek the divorce. There is a no fault provision in Louisiana's covenant marriage law in which a couple is allowed to obtain a divorce if they live apart for two years. There is an opt in provision to Louisiana's covenant marriage law so that a couple who is already married can opt in to covenant marriage.

⇒ Louisiana enacted its covenant marriage one year ago. It is an effort to bring back the view that marriage and the family are significant and valuable to society. The University of Virginia and Brigham Young University are conducting five year studies into the effect of covenant marriage. In any event, covenant marriage does not cost the government anything, and therefore it is worth it even if it turns out to be only marginally successful.

⇒ There is a market for covenant marriage. Couples who choose covenant marriage have been found to be from high risk families, such as from divorced parents, and know the pain of divorce. Studies show that divorce is a problem and that the impact of divorce spans three decades and is actually stronger when the person is older. Additionally, many predicted that it would be lower income individuals with lesser education who would choose covenant marriage. However, just the opposite is proving to be true.

⇒ Attempts to repeal the no fault divorce law may not be the best approach. It is more important to encourage couples to make the right marital decisions.

⇒ In the early 70s when no fault divorce passed, divorce increased. Additionally, there was an 800% increase in couples who cohabited. Men, women, and children are the safest in an intact family. Covenant marriage is not a silver bullet but rather is an attempt to move in the right direction.

⇒ Children are impacted by the divorce culture. Children question whether their parents will get divorced. Forty percent of children in America will go to bed without a father in their home. Covenant marriage is an effort to build a stable future for our children.

Representative Perkins' testimony is detailed more fully in a booklet he distributed to the Committee entitled "Presentation to the Interim Study Committee on Family Law Issues of the Indiana General Assembly: Covenant

Marriage Act, September 9, 1998."³

Committee Questions & Discussion

Representative Kruse asked what other states have introduced a covenant marriage law. Representative Perkins responded that Arizona recently passed a covenant marriage law and that 17 other states introduced a covenant marriage bill during the past legislative session. Representative Perkins further stated that Oklahoma, Virginia, Tennessee, Georgia, Alabama, Washington, and California look like they have a good chance of passing a covenant marriage law during the next session.

Senator Ford stated that Louisiana's covenant marriage law has a provision for counseling but does not routinely require it. Representative Perkins stated that the covenant marriage law seeks to channel couples in the right direction but then seeks to back off.

C. Ms. Audrey Hills, Brownsburg, presented emotional and difficult testimony about her recent divorce. Ms. Hills testified that two years ago her husband of 19 years divorced her and married a woman with whom he had been having a two year affair. Ms. Hills testified that she and her husband had six children together, one of whom has special needs. Ms. Hills related anecdotal information about her children's pain from the divorce and the destructive consequences to all of their lives. Ms. Hills stated that she hopes that the covenant marriage bill will pass in Indiana so that it will not be so easy to get divorced. Ms. Hills discussed her husband's regrets about the divorce and his acknowledgment of how difficult things have been since the divorce.

D. Mr. Jim Tanner, Indianapolis, testified that he was married in June, 1993, and has a young daughter. Mr. Tanner stated that his wife was having an affair and recently divorced him. Mr. Tanner was forced to move from his home within eight days. Mr. Tanner believes that there should be more accountability for one's actions in marriage and is supportive of covenant marriage.

E. Ms. Cheri Hood, Marriage & Family Therapist, Church at the Crossing Counseling Center, testified in support of covenant marriage. Ms. Hood related some of her perspectives as a child of divorced parents. Ms. Hood stated that she is currently a therapist who specializes in working with children who are recovering from their parents' divorce. Ms. Hood stated that in her work with children, they always write and talk about their hopes for their parents' reconciliation. Ms. Hood stated that many couples mistakenly believe that a divorce will end their marital strife; however, co-parenting after a divorce is also a struggle. Ms. Hood emphasized that many individuals who are divorced have confided in her that they are surprised to find out how much work it is to make a second marriage work and that if they had put this much

³This document is on file in the Legislative Information Center (see footnote 1).

effort into their first marriage it could have been salvaged. Ms. Hood stated that she counsels many individuals who are contemplating divorce to not think about if they can stay married but instead to think about how they can stay married. Ms. Hood stated that covenant marriage builds in some support safety nets.

F. Mr. Clint Henry, Winnamac, IN, testified that his 25 year marriage that produced three children recently ended with only a few weeks warning. Mr. Henry stated that both his ex-wife and the man she was having an affair with left their families for each other. Mr. Henry stated that he was given no explanation for his ex-wife's behavior and was not able to participate in marriage counseling with her due to her lack of cooperation. Mr. Henry believes that the ease with which individuals are able to end their marriages is troubling and he supports covenant marriage.

Representative Kruse stated that he intends to offer the covenant marriage bill during the 1999 legislative session. Representative Kruse stated that he currently has secured 20 co-authors for the bill in the House as well as a number of Senate sponsors. Representative Kruse further stated that 12 legislative candidates have agreed to be named on the bill if they are elected. Representative Kruse stated that he hopes Indiana will pass a covenant marriage option into law.

IV. Adjournment

Chair Ford adjourned the meeting at 3:05 p.m. The next meeting of the Committee will be held on October 14 at 10:00 a.m. in Room 128.

Correction to the August 12 minutes: Mr. Matt Brooks, Director of Member Services and Legislative Liaison, Association of Indiana Counties, Inc., stated that requiring clerks to maintain data on premarital education would create a fiscal impact to the counties.