

# State Policies to Promote Marriage

## Final Report

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## I. Project Background and Goals

The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) authorized the Temporary Assistance for Needy Families (TANF) program. PRWORA stated four broad goals for TANF:

- Provide assistance to needy families so that children may be cared for in their own homes or in the homes of their 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.

As TANF is being reauthorized in 2002, an important topic of the ongoing discussions is whether the program is meeting the goals set out in PRWORA. To date, assessments of welfare reform have focused primarily on the work-based goals of TANF, documenting states' efforts to increase work among TANF recipients, and the significant caseload declines that have followed. Less attention has been paid to marriage-related policies. This is due in part to the fact that states faced numerical targets with respect to work participation (i.e., the minimum work participation rates increased from 25 percent of families in 1996 to 50 percent in 2002). In addition, state efforts in the marriage policy area have not been systematically documented. Nonetheless, a number of states are engaged in a variety of activities that support marriage. Some of these focus specifically on TANF populations; others are more broad-based. To help inform the policy discussions, it is important to have a current picture of state-level policies to promote and support marriage.

The Assistant Secretary for Planning and Evaluation (ASPE) funded this project to learn about the status of policies to support and promote marriage at the *state level*. We inventoried policies that were enacted and proposed both prior to PRWORA and after the law's passage. The project did not examine specific programs operating in localities. Nor did it evaluate policies or make recommendations. This document inventories marriage policies in the 50 states and District of Columbia in 10 broad areas. The matrices in [Attachment A](#) provide additional detail.

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## II. Methodology

This project was designed to be a short-term policy review. Given the time and budget limitations, it utilizes secondary research. We did not conduct a survey or make site visits. Our main research activities included an expert panel meeting, a broad-based Internet search, and follow-up telephone calls to sources. The report was reviewed by a number of members of the expert panel<sup>(1)</sup> and shared with state governors' officers. However, it did not undergo systematic review by the states.

**Expert Panel Meeting.** Our first task was to determine which policy areas to include in the study. To aid in this effort, The Lewin Group and ASPE convened a panel of marriage policy experts in August 2001 to brainstorm about marriage issues. (A list of panelists is included in [Attachment B](#).) The meeting served two purposes: (1) to discuss potential state policy areas that promote and support marriage that might be examined during the project; (2) to identify potential data sources for state policies that encourage or support marriage. This discussion clarified ASPE's intent to focus on policies directly affecting marriage, but not on the many policies that may indirectly affect marriage. Following the discussion, ASPE selected 10 topics for inclusion in the study:

- Campaigns, commissions and proclamations
- Divorce laws and procedures
- Marriage and relationship preparation and education
- State tax policies
- State cash assistance policies
- State Medicaid policies
- State vital statistics
- Marriage support and promotion
- Youth education and development
- Specialty programs

The definition of state policy that is used in this report includes proclamations, commissions, and programmatic initiatives with state-wide effects or implications that are initiated by executive or judicial action or are proposed and/or passed by the state legislature.

**Research.** Our primary research tools were published compilations of state laws or proposals by research or advocacy groups, Internet sites, and telephone conversations with experts.

A number of organizations have compiled information about state marriage activities. Expert panelists linked us with documents from their affiliated organizations, including the National Governors' Association, the American Public Human Services Association, the Center for Budget and Policy Priorities, the Center for Law and Social Policy, and the American Bar Association. Our second line of inquiry was a web search. Some sites were recommended by panelists, including Smart Marriages ([smartmarriages.com](http://smartmarriages.com)) and Americans for Divorce Reform ([divorcereform.org](http://divorcereform.org)). Additionally, we

scanned websites of research organizations involved in social policy, including the Brookings Institution, the Welfare Information Network, the Heritage Foundation, the Family Research Council and the Alan Guttmacher Institute. We also explored links with interest groups in targeted areas such as fatherhood (e.g., the National Fatherhood Initiative) and abstinence education. Finally, we followed up with telephone calls. Again, the expert panel was a key resource that suggested names and provided comments on specific issues.

What follows is a compilation of state policies, including current statutes and legislation that has been introduced. When available, the status of the bill is included (e.g., passed the House, died in committee). It is important to note that introduction of legislation does not ensure passage. Moreover, passage of a bill does not imply funding to implement the particular policy. These bills are being provided as examples of what states are proposing in the marriage arena and likely do not comprise an exhaustive list of state initiatives.

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### III. Findings

*Exhibits 1 and 2* summarize state activities. [Exhibit 1](#) provides a concise overview of executive, judicial, or legislative action in a number of the policy areas studied for this project. As it demonstrates, states have passed laws or proposed legislation in every area studied for this project. Some states have activities in multiple areas. Arizona, for example, has activities in 12 of the 17 areas listed in the exhibit. Also, state activity is more common in certain areas (e.g., divorce-related policies) than others (e.g., marriage support). [Exhibit 2](#) (at the conclusion of the report) provides a different level of detail. It defines each activity reviewed and lists the states that have initiated or proposed these policies.

#### A. Campaigns, Commissions, and Proclamations

Our first area of interest is the degree to which state officials publicly focus on marriage-related issues through statewide campaigns, commissions, and proclamations. (See Table 1 of the detailed matrices for specific state policies.) Nine states have undertaken an activity in this area. Three<sup>(2)</sup> of the nine have enacted or proposed more than one activity in this general topic area. For instance, the Utah Governor established a Commission on Marriage and signed a proclamation.

**State campaigns.** These include media projects that extol the virtue of marriage and larger-scale initiatives, such as a statewide effort to curb divorce rates. Campaigns have been undertaken or proposed in four states. Two states (Arkansas and Oklahoma) launched campaigns to reduce the state divorce rate by one-third or more. Additionally, Oklahoma's initiative created a media campaign to highlight marriage-building skills. Two states (Arizona and New Mexico) proposed media campaigns to promote the societal benefits of marriage, but the bills ultimately failed.

**Commissions.** These included "summits" that bring together diverse groups to discuss marriage-strengthening policies and commissions charged with implementing specific policies. Five states have launched commissions.<sup>(3)</sup> Commission goals were diverse. Arizona established a commission to focus on a specific policy (encouraging community-based organizations to train married couples, or those contemplating marriage, in communication and relationship skills). Others were more general. The South Carolina Attorney General established a commission to develop policies to support marriage and the family. The Utah Governor and First Lady established a commission to focus attention on strengthening marriages and to gather information on best practices. In Louisiana, a council on marriage

monitors, develops and evaluates policies and programs to ensure that the government does not undermine marriage. Michigan proposed a legislative commission on marriage and fatherhood earlier this year.

**Proclamations.** Two states issued proclamations recognizing the importance of marriage as a public good (North Carolina, Utah) and one reaffirmed marriage's special status as the foundation for healthy families (Louisiana). Additionally, Louisiana and Utah proclaimed National Marriage Day (2/14/99) and Marriage Awareness Week (9/15/99), respectively.

**Ex  
Overview of St**

<b>State</b>	<b>Commissions, Campaigns, or Proclamations</b>	<b>Covenant Marriage</b>	<b>No-fault Modifications</b>	<b>Mandatory Divorce Education</b>	<b>Different Divorce Laws for Parents</b>	<b>Incentives for Marriage Preparation</b>	<b>Marriage Education for Adults</b>
Alabama		BNP					
Alaska		BNP		BNP	BNP	BNP	BNP
Arizona	L/BNP	L	BNP	L	L/BNP	BNP	L
Arkansas	X	L		L	L		
California		BNP	BC		BC	BC	BNP/BC
Colorado		BNP		BNP	BNP		
Connecticut				L	L		BNP
Delaware							
DC							
Florida				L	L	L	L
Georgia		BC	L		L		
Hawaii				L	L		
Idaho			BC				
Illinois				L	L	BC	BC
Indiana		BC	BNP				L
Iowa		BC		L	L	BNP/BC	BNP/BC
Kansas		BNP	BC/BNP	BNP	BNP/BC		BNP
Kentucky			BNP	BNP	BNP		
Louisiana	X	L					
Maine							
Maryland		BNP		BC	BC	L/BNP	L
Massachusetts			BC				
Michigan	BC	BNP	BC	X/BC	X/BC	BNP/BC	BC/BNP
Minnesota		BC	BC	L	L	L/BNP	L
Mississippi		BC					L
Missouri		BC		X	X		
Montana			BC	L	L		

Nebraska		BC		L	L		
Nevada							
New Hampshire			BNP	X	X/BNP		
New Jersey			BNP				
New Mexico	BNP	BC		L/BC	L/BC	BNP	BNP
New York							
North Carolina	X						
North Dakota							
Ohio		BC					
Oklahoma	X	BNP/BC			L/BNP	L	L
Oregon		BC					
Pennsylvania				BNP/BC	BNP/BC		
Rhode Island							
South Carolina	X	BNP/BC					
South Dakota						BC	BC
Tennessee		BC		L	L	L	L
Texas		BC	BNP	L	L		L
Utah	X			L	L		L
Vermont				X	X		
Virginia		BC	BC	L	L/BC		BNP
Washington		BNP	BC		BC		
West Virginia		BNP	BC				
Wisconsin		BC		BC	BC		BC
Wyoming							

**Notes:**

BC = Bill or policy still under consideration

BNP = Bill or policy that did not pass (e.g., died in committee)

L = Law

X = Policy/program in place

[ [Go to Contents](#) ]**B. Divorce Laws and Procedures**

The second area of interest is whether states have proposed or implemented policies to change divorce laws or procedures. We examined covenant marriage, modifications to no-fault divorce, mandatory education for divorcing couples, waiting periods for divorce, different laws for couples with children, and mediation initiatives. All 50 states and the District of Columbia have at least one activity in this area. ([Tables 2](#) and [3](#) in the detailed matrices provide information on specific state policies.)

**Covenant marriage laws.** One area of divorce reform is covenant marriage legislation. Three states have passed such laws: Louisiana (1997), <sup>(5)</sup> Arizona (1998), and Arkansas (2001). In each state, couples have the choice between regular marriage and covenant marriage. Covenant marriage generally requires pre-marital counseling, signing of a statement of intention to enter into a covenant marriage, and an

agreement to seek additional counseling if marital problems surface. Divorce is granted for specified “fault-based” reasons, including adultery, domestic violence, commission of a felony, and alcohol or drug abuse. Couples that seek a divorce based on mutual consent (e.g., no-fault) must wait a specified amount of time (e.g., two years in Louisiana). Twenty-five other states have introduced one or more covenant marriage bills. Bills failed in 11 of these states.<sup>(6)</sup>

***Modifications to no-fault divorce laws.*** When a party seeks a divorce, he or she must state the ground for divorce. All states offer no-fault divorces in which neither the wife nor the husband blames the other for the breakdown of the marriage. In 13 states, no-fault is the sole ground for divorce. Common bases for no-fault divorces are irreconcilable differences, irretrievable breakdown, or incompatibility. Thirty-nine states also offer fault-based grounds for divorce, including adultery, physical cruelty, desertion, and use of drugs.<sup>(7)</sup> We found 17 states that addressed one or more modifications to no-fault divorce laws. In one state — Georgia — a law was enacted, while in the others, bills failed or are still under consideration. In Georgia, a no-fault divorce cannot be granted unless both parties agree to the divorce and no children are involved. No-fault modification bills failed in seven states.<sup>(8)</sup> New Jersey’s bill, for example, would have outlawed no-fault divorce. Indiana would have only allowed no-fault divorces for marriages based on contract licenses (as opposed to covenant licenses). Proposed laws in 10 states would regulate no-fault when a child is involved (e.g., California would require parents to complete a parenting plan) or would require the mutual consent of both parties.<sup>(9)</sup>

***Mandatory education on the effects of divorce.*** States are also taking steps to educate couples about the effects of divorce on children. Twenty-six states have one or more activities in this area. Nineteen states enacted laws that mandate education for divorcing couples. Generally the focus is on requiring parents (as opposed to couples with no children) to attend an educational program on the effects of divorce on children and to discuss parenting issues. Laws in eight states require all parents to attend a class.<sup>(10)</sup> In the other 11 states with laws, courts may order participation, with requirements varying by county in some states.<sup>(11)</sup> An additional nine states have introduced one or more bills. Bills that are still in progress in five states focus on required counseling or education (Maryland, Pennsylvania, Wisconsin), and distribution of a booklet on options available to couples prior to divorce (New Mexico). Michigan, which already has a voluntary program, is considering legislation that would require a pre-divorce program on the effects of divorce on children. Bills failed in five states.<sup>(12)</sup> Kansas’ failed bill, for instance, would have required education on the effect of divorce on the child involved, including developmental stages, responses to divorce, symptoms of maladjustment, and education and counseling options for the child.

***The presumption of joint legal custody.*** Research suggests that joint legal custody can help reduce conflict after a divorce, increase the non-custodial parent’s involvement with the children, and increase child support payments relative to non-custodial parents who do not have joint custody.<sup>(13)</sup> Most jurisdictions (47) have a joint legal custody presumption law on the books.<sup>(14)</sup> In these cases, the presumption or strong preference is in favor of joint custody. In Delaware, for instance, the statute states: “The father and mother are the joint natural custodians of their minor child and are equally charged with the child’s support, care, nurture, welfare and education. Each has equal powers and duties with respect to such child, and neither has any right or presumption of right or fitness, superior to the right of the other concerning such child’s custody or any other matter affecting the child... Where the parents live apart, the Court may award custody of their minor child to either of them and neither shall benefit from any presumption of being better suited for such award.”<sup>(15)</sup>

***Minimum period before a divorce is granted and residency requirements for a couple seeking a divorce.*** Minimum waiting periods for divorce or some type of residency requirement are also common.

Twenty-two jurisdictions define a *minimum period* between the date a petition for divorce is filed and the date the court grants a divorce. The period ranges from 20 days (Wyoming) to one year (Vermont). Utah also has additional legislation pending. Legislators attempted to remove a section in the law that exempted couples from a waiting period if they completed an educational course (the bill died).<sup>(16)</sup> All but two states (Alaska and South Dakota) has a *residency requirement* before a divorce can be filed. The residency requirement ranges from 30 days (Arkansas) to one year (12 states).<sup>(17)</sup>

***Different laws for couples with children.*** Finally, 30 states have implemented or considered one or more policies that treat divorcing couples with children differently from those without children (7 states have activities in more than one area). *These policies generally are not mutually exclusive from other categories.* The most common area is mandating or offering education about the effects of divorce on children. As noted above in the section on mandatory education, 19 states have laws in this area.<sup>(18)</sup> Nine states proposed legislation.<sup>(19)</sup> Of the 17 states that passed or are considering modifications to their no-fault divorce laws, 9 addressed eliminating no-fault divorce in cases with children (one law passed and eight are proposed).<sup>(20)</sup> In addition, of the 22 states that define a minimum period between the date a petition for divorce is filed and the date the court grants it, two have longer waiting periods before a divorce is granted to couples with children (Oklahoma and Tennessee). In Oklahoma, there is a 30-day waiting period if minor children are involved (no waiting period for childless couples); in Tennessee, the waiting period is one month longer for couples with children (90 days versus 60 days).

***Mediation initiatives.*** Eight states offer mediation services through the courts.<sup>(21)</sup> Mediation generally addresses custody and visitation issues. California, Iowa and Wisconsin mandate mediation for custody and visitation disputes. In Kansas, divorce education workshops and dispute resolution is mandated in some counties and offered in others at the judge's discretion, while in Missouri mediation is available but not required. In the District of Columbia, judges have the option of mandating mediation. In New Mexico, court-ordered marriage clinics provide evaluations of both parents and mediation prior to divorce. In Utah, however, all couples requesting a divorce, regardless of the presence of children, must receive mediation.

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## C. Marriage and Relationship Preparation and Education

All jurisdictions have some requirements around the issuance of marriage licenses. For example, 10 require a blood test. Twenty-one require a waiting period between the license application date and the receipt of the license (ranging from 24 hours to 5 days). Twenty-five require a waiting period between the license and the ceremony (ranging from 72 hours to 6 days). All jurisdictions have a marriage license fee. (Table 4 in the detailed matrices provides additional information on state marriage laws.) We explored whether states have taken steps to require or encourage couples to participate in marriage and relationship preparation or education activities. Specifically, we examined incentives for marriage preparation, marriage education for adults, state funding for marriage support, and remarriage waiting periods. To some extent, there is overlap between the first two categories. That is, many states proposed or passed policies to decrease marriage license fees or waiting periods for couples who take education courses or receive counseling. If education decreases fees or reduces waiting periods, we include it in the incentive area. If it is mandated for all couples and has no effect on waiting periods or fees, we include it under marriage education. Twenty-two states have passed or introduced legislation in one or more of the listed topic areas. (Table 5 in the detailed matrices provides additional information on state policies.)

***Incentives for marriage preparation for adults.*** Thirteen states have activity in this area.<sup>(22)</sup> Five of these states have implemented policies. Florida reduced license fees by 37 percent for couples who participate in education; additionally, couples who do not take a four-hour class must wait three days to obtain a license. Tennessee waives \$60 of a \$62.50 add on to the marriage license fee if couples participate in a premarital education course.<sup>(23)</sup> In Minnesota, there is a \$50 fee reduction if the couple takes a 12-hour course that includes communications skills and conflict management. This measure was previously vetoed by the Governor, who argued that it was an intrusion into people's lives. The second attempt passed in large part because it was not a free-standing initiative but part of a larger appropriations bill. Maryland also enacted a license reduction law, which had been previously vetoed. Oklahoma reduces the fee from \$25 to \$5 for those who take a course.

Eight other states proposed one or more bills. In five of these states, the bills are still under consideration. Illinois proposed a 60-day waiting period for a license if couples do not take a four-hour class. California proposed legislation permitting counties to discount the marriage license fee if potential couples complete a premarital education course. A Michigan bill would increase the waiting period before a marriage license is issued if couples do not participate in a pre-marital education program. Iowa and South Dakota propose reducing marriage license fees if couples complete some type of pre-marital course.<sup>(24)</sup> Bills failed in five states. New Mexico proposed a bill to give a \$100 tax credit to couples who complete a premarital preparation course (it died in committee). Michigan required a longer waiting period for those who did not complete pre-marital counseling (a similar measure was reintroduced in 2001). Alaska, Arizona, and Iowa (a previous attempt) proposed a license fee reduction for those who take education courses.

***Marriage education for adults.*** Twenty-one states addressed marriage education for adults. *These policies generally are not mutually exclusive from other categories.* For example, as indicated above, five states offer incentives for couples to participate in marriage education<sup>(25)</sup> and eight states proposed to do so.<sup>(26)</sup> In addition to these efforts, 12 states passed or proposed legislation that would require or encourage marriage education.<sup>(27)</sup> In these instances, education is not tied to an incentive. Two states enacted laws that require premarital counseling (Indiana and Mississippi). A similar bill was introduced in Wisconsin, while bills failed in four states (Connecticut, Kansas, Utah, and Virginia). The Connecticut bill, for instance, required marriage license applicants under age 30 and never married to participate in at least ten hours of counseling before they could obtain a license.

Other policies include the distribution of a handbook to all marrying couples that describes rights and responsibilities (Florida and Texas); a third state (California) did not pass similar legislation. Arizona is funding a Marriage and Community Skills Program, which offers vouchers for marriage skills training, a marriage handbook, and other activities. Oklahoma offers relationship skills workshops to unmarried and married couples that help them build better relationships. Utah developed a video for couples anticipating marriage. Finally, Michigan introduced a bill that would provide a tax credit for couples that participate in marriage education, enrichment, or preservation programs.

***State funding for marriage preparation and support.*** Similar to the concept of personal incentives to participate in premarital education is state funding for marriage and relationship preparation. Six states provide funding in this area. Of these, five are using TANF funds for various preparation activities.<sup>(28)</sup> Oklahoma is using \$10 million in TANF funds for a number of marriage-related activities. Arizona appropriated approximately \$1 million in TANF funds for a marriage and communications skills program, vouchers for marriage skills training, and a marriage handbook. Michigan is using \$250,000 to pilot an initiative to strengthen and support marriage. Utah is funding videos for couples preparing to marry. Wisconsin designated \$210,000 in unspent TANF funds to create the Community Marriage

Policy Project, which will coordinate and assist local members of the clergy to develop community-wide standards for marriage. The state also enacted a full-time state-level position to establish community marriage policies. The sixth state, Texas, increased the license fee and earmarked funds to create and distribute a manual for all couples planning to marry.

***Remarriage waiting periods.*** Four states require a certain amount of time to elapse between the date a divorce is granted and filing for remarriage. Oklahoma and Wisconsin each require six months. Alabama requires 60 days, while Texas requires 30 days.

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## D. State Tax Policies

A number of elements in the tax system can create marriage penalties or bonuses. In the federal tax system, for example, the law generally requires married couples to file taxes jointly based on a combined income.<sup>(29)</sup> Couples with similar incomes tend to face marriage penalties (i.e., the couple pays more than the combined taxes of two individuals) while those with dissimilar incomes often receive bonuses (i.e., the couple pays less than the combined taxes of two individuals). To the extent that state tax structures mirror the federal one, married couples may face similar penalties or bonuses. We focused on the state Earned Income Tax Credit, the state mechanisms for addressing penalties, and tax thresholds. ([Table 6](#) in the detailed matrices provides additional information on state policies.)

***State earned income tax credit (EITC).*** The federal EITC reduces taxes and provides wage supplements for low-income, working families. It has been part of the federal tax system since 1975. Studies suggest it can reduce poverty and encourage work. Others suggest it can promote marriage by increasing family income. The EITC is based on earnings and presence of children.<sup>(30)</sup> A family with two children can qualify so long as earnings are under \$32,121. The EITC create a marriage penalty or bonus, depending on the employment status of the parents. For example, a penalty would result if one earner easily qualified for the credit but the addition of a second earner to the household through marriage made the family ineligible (or eligible for a reduced credit) because earnings would be combined. This couple would gain financially by not marrying. Conversely, a marriage bonus can exist. A single unemployed mother cannot qualify for the credit; nor could a working male with no children. But through marriage, the couple could qualify for the EITC. Federal legislation in 2001 improved benefits for married couples. Specifically, the income level at which the credit phase-down begins will be increased, resulting in greater credits for married couples than unmarried couples with the same income. Additionally, an increase in the top income level at which a married couple can receive benefits will make more such couples eligible for the credit.<sup>(31)</sup>

States have also enacted EITCs to reduce the burden of state taxes on working families. Fifteen states have a state EITC.<sup>(32)</sup> In 14 of the states, it is a percentage of the federal credit, ranging from 5 percent to 32 percent.<sup>(33)</sup> In Wisconsin, the percentage depends on the number of children (4 percent to 43 percent for one to three children). Thus, to the extent a marriage penalty (or bonus) exists in the federal credit, it will also exist in the state EITC. No state has enacted a change to its EITC that directly addresses the marriage issue.

***State marriage penalties.*** A number of components affect the level of taxable income and, thus, taxes.<sup>(34)</sup> Consider again the federal tax system. Exemptions, standard deductions, and tax brackets all affect the amount of taxes paid. The first component, exemptions, does not differ by marital status. The standard deduction for an individual, however, is more than half that for a married couple (\$4,000 versus

\$6,700). This creates a penalty when two earners marry (each could have claimed \$4,000 if single), but it creates a bonus when one spouse does not work, because the non-working spouse could not have claimed a deduction without income. Tax brackets also create penalties and bonuses. Couples with equal incomes will see a higher proportion of their income taxed at higher rates and thus face a penalty. If couples have unequal incomes, the spouse with the higher income would have been taxed at a higher rate as a single filer, thus might receive a marriage bonus.

Marriage penalties also occur in state taxes if standard deductions for married couples are less than twice the size of deductions for single filers, if tax brackets are not significantly larger for married couples, or if married couples do not have the option of filing separately (thus being taxed as two individuals). Fifteen states have no marriage penalty: Of these, nine states have no state income taxes, so the marriage penalty is not an issue,<sup>(35)</sup> while six states have a flat tax, regardless of income or filing status.<sup>(36)</sup> Fifteen states have tax schedules that eliminate or reduce penalties. In eight of these, the tax brackets for married couples are twice as wide as those for single filers, so there is no penalty.<sup>(37)</sup> In the other seven states, the brackets are wider but not doubled, so a penalty is reduced but not eliminated.<sup>(38)</sup> Nine states also address the marriage penalty by allowing married couples to use one return but pay taxes on separate income as if they were single.<sup>(39)</sup> In the remaining 12 states, married couples pay a marriage penalty either because the tax is a percent of the federal liability or joint and single return schedules are similar.<sup>(40)</sup>

***The tax threshold for families.*** In states that have no mechanism in place to address a possible marriage penalty, the tax threshold can be an issue. If states begin taxing single-parent and married-parent families at the same threshold, the combined income of married couples might push the family over the tax threshold. The income at which families begin paying state taxes varies considerably by state and family structure. As indicated above, families in 12 states face a marriage penalty. Two of these states (New Jersey and West Virginia) have uniform thresholds. Thus, a single parent with two children would begin paying taxes at the same income level as married parents with two children. For example, the tax threshold for a married-parent family of four and a one-parent family of three is the same in New Jersey (\$20,000). If a single mother earned \$18,000 a year, she would pay no taxes. If she married a man who earned more than \$2,000 per year, the family would have to pay state taxes. The other ten states have higher tax thresholds for married-parent families than for single-parent families.<sup>(41)</sup> The differential ranged from 2 percent in Maryland (\$25,200 versus \$24,600) to 40 percent in Oklahoma (\$13,000 versus \$9,300).

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## **E. Cash Assistance Policies**

Policy makers and others have suggested that cash assistance programs, particularly Temporary Assistance for Needy Families (TANF), can create a disincentive to marriage. Because eligibility for TANF is based on the definition of an “assistance unit” that can include some or all of the family members in a household, the disincentive also can apply to cohabiting two-parent families with or without children in common. There are two issues to consider:

1. Whether those who are financially eligible are prevented from receiving benefits due to the presence of two parents in the household, and
2. How assistance units are defined, and income and resources counted, for the purpose of determining eligibility

Under TANF, states have wide flexibility to define who is included or who is excluded from the assistance unit. For example, a state could, if it chose, include a non-custodial parent living elsewhere in the assistance unit, or it could require the needs and income of everyone living together to be one assistance unit, regardless of relationship. Generally, states have not yet used this wide latitude and for the most part have continued practices from the prior Aid to Families with Dependent Children (AFDC) program. State practices fall into three possible scenarios:

- **Two parents living together have children in common.** If paternity has been legally established, the incomes of both parents are counted in determining eligibility, regardless of whether the parents are married or cohabiting. The eligibility issue is not marriage per se but legal responsibility to financially support the child.
- **Cohabitors do not have children in common.** Under TANF, there are no federal anti-deeming provisions, so it is state policy that determines whether the income of the non-parent/step-parent would be used to determine a child's eligibility.
- **Cohabitors have some children in common, but not others.** Under TANF, all children would be considered part of the same assistance unit and the income of the parent/step-parent would always be counted in determining eligibility.

We explored state changes to eligibility rules for two-parent families, marriage incentives in the TANF program, marriage promotion activities by TANF case workers, and child support arrearage policies. As [Table 7](#) depicts, all but 12 states had an activity in at least one area.<sup>(42)</sup>

**TANF eligibility for two-parent families.** The 1996 welfare law gave states flexibility to shape their cash assistance programs, including the populations that could be served. Under the AFDC program, two-parent families faced strict eligibility rules, such as a recent work history test and the “100-hour rule” (the primary wage earner could not work more than 100 hours per month). States can expand TANF coverage to two-parent families by eliminating these rules, which serves to treat one- and two-parent families the same when determining eligibility. Thus, marriage in itself would not disqualify couples from TANF. Thirty-three states now base TANF eligibility solely on financial circumstances.<sup>(43)</sup>

**Marriage incentives in the TANF program.** Ten states provide specific marriage incentives to TANF recipients or introduced measures to do so.<sup>(44)</sup> Four states — Alabama, Mississippi, North Dakota, and Oklahoma — disregard all income from a new spouse (biological parent or stepparent) for three to six months. Tennessee disregards the income of a stepparent if it is less than 185 percent of the needs standard for the household, while New Jersey does so if household income does not exceed 150 percent of the poverty line. Maine offers the option to include or exclude stepparents in the TANF assistance unit, while Minnesota includes stepparents as eligible members in a TANF assistance unit. West Virginia adds a \$100 incentive payment to the monthly cash benefit to married-couple families.

Mississippi and Washington introduced legislation that would have provided a lump-sum check to those who become disqualified from TANF due to marriage. The bills died in committee. Finally, Oklahoma combines the income of cohabiting couples when determining eligibility for welfare, perhaps discouraging cohabitation.

**Marriage promotion in the TANF program.** We found one example of state workers actively promoting marriage to the TANF population and other low-income groups. In Oklahoma, state workers are being trained to teach marriage skills and are encouraged to discuss marriage with their clients. According to Jerry Regier, former Secretary of Health and Human Services in Oklahoma, policy makers in seven other states have contacted him to learn about his state's policy (not shown in matrix).<sup>(45)</sup>

***Child support arrearage forgiveness.*** States can encourage marriage among unmarried parents by forgiving child support arrearages owed by the non-custodial parent to the state. If a custodial parent was on TANF, the non-custodial parent's child support obligation would be owed to the state.<sup>(46)</sup> If the parents reunited, the state could forgive any back support owed. Two states, Tennessee and Vermont, have such policies. Tennessee forgives arrears owed by the father if he marries the mother of his children and continues to live in the household. Vermont forgives child support arrearages owed to the state if the biological parents are reunited.<sup>(47)</sup>

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## F. Medical Assistance

Like TANF, there is a concern that Medicaid can create a disincentive to marriage because parents and/or their children are at risk of becoming ineligible for coverage in the event of a marriage. In Medicaid, eligibility is individually determined so any disincentive to marriage applies equally to cohabitating two-parent families with children in common and paternity legally established. With Medicaid, there are at least two issues to consider: (1) whether those who are financially eligible are prevented from receiving benefits due to the presence of two parents in the household, and (2) how assistance units are defined, and income and resources counted, for the purpose of determining eligibility. State practices fall into three possible scenarios:

- **Two parents have children in common.** If paternity has been legally established, the incomes of both parents are counted in determining eligibility, regardless of whether the parents are married or cohabiting. The eligibility issue is not marriage per se but legal responsibility to financially support the child.
- **Cohabitors do not have children in common.** A federal anti-deeming provision prohibits states from denying benefits to a child based on the income of someone with no legal duty to support the child. Thus, the income of the non-parent is not counted for eligibility purposes, unless the couple marries. In the event of marriage, state family law would determine whether the step-parent was legally responsible for the step-child. If so, the step-parent's income would be counted in determining the Medicaid eligibility of the step-child and a penalty could occur if the step-parent/new spouse's income pushed the family over the income limit.
- **Cohabitors have some children in common, but not others.** Income for each child would be counted as described in the above scenarios depending on his or her legal relationship to each adult in the household.

We examined whether states effectively place additional requirements on two-parent families applying for Medicaid. We also explored whether states expanded health coverage to serve more two-parent families, and whether states increased the income threshold at which Medicaid is provided to pregnant women. All but nine states had an activity in one or more of these areas.<sup>(48)</sup> ([Table 8](#) in the detailed matrices provides additional information on state policies.)

***Medicaid eligibility for two-parent families.*** Medicaid provides medical coverage to categorically eligible individuals, including pregnant women, children, low-income elderly, and individuals with disabilities. Prior to the 1996 welfare reform law, families receiving AFDC were automatically eligible for Medicaid. As with welfare, two-parent families faced strict eligibility rules (e.g., recent work history and the 100-hour rule). Following welfare reform, federal policy required states to delink welfare and Medicaid eligibility and create a "family coverage" category, also known as the Section 1931 eligibility group. This includes people who were eligible to receive Medicaid under the old AFDC standard. As noted above, there is concern that the stringent two-parent program rules in Medicaid encouraged single-

parent families. However, states can affect Medicaid eligibility for two-parent families in a number of ways. They can eliminate the recent work history and 100-hour rules. They can disregard income and assets, thus expanding Medicaid eligibility by not counting parts of family income. States can also expand eligibility through Section 1115 waivers.

Many states have made it easier for two-parent families to get Medicaid. Thirty-six states base Medicaid eligibility for two-parent families solely on financial circumstances (i.e., the states discarded the recent work history and 100-hour rules and cover two-parent families to the same extent as single parent families).<sup>(49)</sup>

Seventeen states used Section 1931 Medicaid expansion options to increase income disregards.<sup>(50)</sup> Some states disregard a flat dollar amount (e.g., Oklahoma disregards \$120). Others disregard a fixed percentage of income (e.g., Pennsylvania and Washington each disregard 50 percent). Still others disregard all income between the old AFDC standard and a specified percent of the federal poverty level. Finally, eight states used Section 1115 waivers to expand coverage to two-parent families.<sup>(51)</sup> Oregon and Delaware used waivers to cover all adults with incomes less than 100 percent of the federal poverty level. Hawaii offers full cost Medicaid buy-in for parents with incomes under 300 percent of the federal poverty level.

***Medicaid eligibility for pregnant women.*** Medicaid will cover pregnant women who are not eligible under Section 1931 and whose incomes fall under a certain threshold. The minimum limit is the higher of the following: 133 percent of the federal poverty level or the level that the state had in place as of December 1989 (up to 185 percent of the poverty level). Women are also covered for 60 to 90 days postpartum. To the extent that a husband (but not a cohabitor) in the household increases family income, a woman would become ineligible for coverage. However, once a pregnant woman becomes eligible for Medicaid, an increase in income (even as the result of marriage) will not cause her to lose eligibility during the pregnancy or postpartum period.

Thirteen states have raised Medicaid income eligibility for pregnant woman above 185 percent of the poverty level.<sup>(52)</sup> The increased thresholds range from 200 percent of the poverty level in seven states to 300 percent in California.

***Expanded health care coverage for two-parent families.*** Although a number of states have taken steps to address marriage penalties in the Medicaid program, some couples will not be eligible for coverage (e.g., their combined income might make them ineligible). Some states cover parents through state-funded programs. Unlike programs partially funded by the federal government, state programs are not bound by federal restrictions regarding eligibility or benefit structures. States can also extend coverage to parents through the State Children's Health Insurance Program (SCHIP) through a waiver.

Six states cover parents through SCHIP waivers. Arizona, California, Minnesota, and New Jersey cover parents up to 200 percent of the federal poverty level; Rhode Island and Wisconsin cover parents up to 185 percent. Three states also provide coverage to parents through state-only health plans.<sup>(53)</sup>

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## G. State-level Vital Statistics

State policymakers who are interested in taking action on marriage-related issues need to have a good understanding of trends in marriage and divorce in their state. For example, states that aim to reduce

their divorce rates by one-third need reliable data on the prevalence of divorce. Thus, there is a growing interest in the quality of state-level vital statistics.

The types and quality of data states collect vary considerably. In the past, the federal government, through the National Center for Health Statistics (NCHS), provided funds to states to help them collect and code marriage and divorce statistics, which were sent to NCHS to help calculate national marriage and divorce rates. Resources have not been available for NCHS to continue to assist the states in the collection of this data. We examined the level of detail of state-reported marriage and divorce data.

Reports sent to NCHS and follow-up contacts reveal a wide range in the level and quality of marriage and divorce data detail.<sup>(54)</sup> We had information from 50 states.<sup>(55)</sup> (Table 9 in the detailed matrices provides additional information on state policies.) Two states reported that they do not collect data on marriage or divorce,<sup>(56)</sup> a third no longer publishes statistics because they are deemed unreliable.<sup>(57)</sup> For states that publish data, 13 reported fairly limited information on marriage, such as the total number of marriages, the marriage rate, and county or region of occurrence.<sup>(58)</sup> Eleven states include some type of demographic information in addition to basic statistics, such as age and/or race of the bride and groom.<sup>(59)</sup> Twenty-three states include more detailed information, such as previous marital status.

Divorce data was generally less detailed than marriage data. Two states that report marriage data noted that their divorce data was unreliable because courts are either not mandated to provide data or do not report it consistently.<sup>(60)</sup> Another state that publishes marriage data does not publish any data on divorces.<sup>(61)</sup> Of the states that publish divorce data, 19 report basic information, such as the number of divorces and rates.<sup>(62)</sup> Twenty-five provide more detail, including age and race, the number of minor children, length of marriage, number of previous marriages, and grounds for divorce.

Two states (North Dakota and Tennessee) note that their systems can provide more detailed marriage and divorce information beyond the numbers and rates generally reported. Finally, Pennsylvania is changing its system to collect summary data only, starting in 2002.<sup>(63)</sup>

Beyond general data collection, nine states have initiatives to improve their vital statistics on marriage and divorce.<sup>(64)</sup> One example is Oklahoma, which as part of its larger marriage initiative, is planning to improve the data-gathering system to better document marriages and divorces in the state. The state also proposed a bill in 2001 that would have created a system to monitor marriages and divorces in Oklahoma, but it failed. Rhode Island plans to implement an electronic vital registration system. The marriage module would enable the local registrar to enter the marriage license information into the centralized database at the state office, print out the license for the couple, electronically track registration of the marriage record and provide a statistical database.<sup>(65)</sup>

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## H. Marriage Support and Promotion

In addition to marriage preparation initiatives, states have taken an interest in policies to strengthen marriages after couples marry (e.g., efforts to promote communication and education may help prevent families from dissolving). Other policies encourage parents with children in common to marry. We focused on home visitation programs, mentoring and counseling, and fatherhood programs that specifically address marriage promotion as part of their program goals. Thirteen states had an activity in one or more of these areas. (Table 10 in the detailed matrices provides additional information on state

policies.)

**Home visitation programs.** Home visiting involves sending nurses or other professionals into the homes of targeted families to offer a wide range of services. Families might be targeted for a range of reasons, including contact with the child welfare system, a birth to a teenager, or an unstable marriage. Services offered also vary widely, and can include case management, parenting instruction, family planning education, and links to community services.

Home visiting programs that explicitly mention marriage appear to be rare. While 21 states reported using TANF funds for home visiting programs in FY 2001, marriage promotion did not appear to be a primary goal of any of them.<sup>(66)</sup> Instead, they focused on other goals of TANF — promoting self-sufficiency and delaying subsequent births. Beyond these efforts, four states either target families with unstable marriages for home visiting programs or incorporate relationship and other skills into their programs. Utah's Commission on Marriage, for example, will collaborate with home visiting programs to get marriage enrichment materials into the homes of fragile families. Oklahoma's statewide home visiting program, Children First, is beginning to work with the Oklahoma Marriage Initiative to include training for nurse home visitors to focus on relationships between the parents and, when appropriate, refer them to relationship workshops. Hawaii has a statewide home visiting program that includes families with unstable marriages as one of its target groups. It is unclear whether home visitors specifically focus on marriage skills, however. North Carolina's program is geared towards new parents and includes relationship-building skills.

**Marriage mentoring, education, and counseling.** Six states have mentoring or counseling programs that aim to strengthen relationships.<sup>(67)</sup> Some focus on specific populations. Alabama's Family Coaches Program, for instance, targets TANF recipients and other low-income families. Michigan's Family Independence Agency is working in specific counties to provide marital counseling, communications skills, and anger management to those eligible under TANF guidelines. Other state efforts target broader populations. Arizona recently awarded contracts to 11 organizations to offer marriage and communications skills programs statewide. Oklahoma established a marriage resource center to provide information on marriage and mentor couples and also offer relationship skills workshops for married and unmarried couples. Oregon is piloting a program on communications skills and conflict management. And the Utah Commission on Marriage is using TANF funds to offer vouchers for counseling and mediation and to develop a website that includes marriage enrichment information and links to service-related sites.

**Fatherhood programs.** Some states are seeking to reunify families through statewide fatherhood programs. In a general sense, these programs' focus on relationship and parenting skills aims to increase fathers' attachment to their families. Some statewide programs, however, have a specific marriage component. We found five examples of statewide programs that include discuss marriage. The Florida Commission on Fatherhood, for example, operates programs in 35 counties. The Commission's policy is that strong marriages promote fatherhood and that programs should promote marriage preservation. Mississippi's Responsible Fatherhood Initiative is funded with TANF dollars and addresses all goals of TANF in the training programs, including marriage. The Pennsylvania Fatherhood Initiative approaches the subject of marriage in its programs as the best (but not only) environment in which to raise children. Staff teach the value of marriage in the fatherhood centers and school-based programs. The programs have resource centers that have information on building strong marriages. Two states also train program providers on how to address marriage. The Texas Fatherhood Initiative will soon be training community-based organizations on how to promote marriage within the context of a fatherhood program. Similarly, Virginia's fatherhood campaign includes workshops for providers on ways to promote sound marriages.

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## I. Youth Education and Development

While many of the state-level marriage policies focus on activities that aim to prepare adults for marriage or prevent divorce, states are also targeting the marriage message to youth. Two such areas are school-based marriage education and abstinence-until-marriage education. Twenty-seven states had policies in these areas. This is likely an understatement of the level of activity because our focus is on statewide policies. Much of the policymaking in the area of education occurs at the local school district level. Thus, it is likely that many marriage and abstinence initiatives were not captured in this study.<sup>(68)</sup> ([Table 11](#) in the detailed matrices provides additional information on state policies.)

***School-based marriage education.*** We found nine states that addressed statewide school-based marriage education. Five have enacted some type of policy or program.<sup>(69)</sup> Florida passed a law that requires marriage education in high school. New Hampshire is piloting a program that may be adopted statewide called The Loving Well Project, which is a character education course with a section focusing on marriage. South Carolina used The Loving Well curriculum statewide for five years but no longer does so. A large number of schools in Pennsylvania adopted an ABA initiative — The Partners Project: A Curriculum for Preserving Marriages — which is designed to give high school students a first-hand understanding of the challenges of marriage, including relationship skills. South Dakota subsidized the Connections curriculum, which targets high school students and focuses on marriage and relationship communications skills.

Wisconsin has a bill pending that would require instruction in marriage be incorporated into any public school curriculum that teaches human sexuality. Initiatives in three other states failed. Arizona proposed distributing funds to public schools for marriage and parenting classes. Utah proposed adding a marriage component to civics classes but was unable to get funding. New Mexico's bill called for the development of a high school curriculum teaching the value and benefits of marriage.

***Abstinence-until-marriage education.*** Abstinence-until-marriage education was more common. Twenty states emphasize abstinence until marriage in schools, other programs that target youth, or media campaigns directed at youth.<sup>(70)</sup>

In two states (North Carolina and South Carolina), abstinence-until-marriage education is part of the state's policy on sex education. Again, this reflects what is publicly available on state-level policies. Local districts likely have implemented abstinence-until-marriage programs of their own. In addition, Nebraska awards funds, curricula and technical assistance to assist the six communities with the highest teen birth rates to develop strategies to promote abstinence until marriage.

Fourteen states also emphasize abstinence until marriage in their Section 510 programs.<sup>(71)</sup> Again, this likely understates the level of abstinence-until-marriage education for a number of reasons. For one, Section 510 of Title V, enacted as part of the 1996 welfare reform law, has an eight-point definition of abstinence. Some of these definitions focus specifically on abstaining from sexual activity outside of marriage. Others are more general (e.g., health gains realized by abstaining from sex). States do not have to focus equally on all eight definitions, *but they cannot violate any one definition*. States that focus on the general definitions cannot teach anything that contradicts an abstinence-until-marriage message. Moreover, individual grantees or communities might have discretion over program content. State policy may not indicate an abstinence-until-marriage focus, but some local programs might strongly emphasize that definition. Thus, while all states might have some type of abstinence education program in place,

the ones listed here have both a state-level directive and a focus on marriage. For example, Maryland, Massachusetts and Michigan report their programs emphasize abstinence from sexual activity outside marriage as the expected standard for all school-aged children. Hawaii's program teaches that a mutually faithful monogamous relationship in the context of marriage is the expected standard of human sexual activity. Mississippi and Tennessee fund community-based organizations that target youth and stress the benefits of remaining abstinent until marriage. Other programs, such as Oregon's Students Today Aren't Ready for Sex, provide youth with information and skills to help them postpone sex until marriage.

Five states<sup>(72)</sup> have undertaken media campaigns to promote abstinence until marriage. Each used federal abstinence or TANF funds. In Massachusetts, for instance, the Abstinence Education Media Campaign targets youth ages 9 to 14 with a clear message that supports abstinence outside of marriage and the benefits of waiting.

In addition to these efforts, Arizona introduced legislation that would appropriate \$500,000 from the general fund to implement an abstinence-based teenage pregnancy prevention program.<sup>(73)</sup> Also, there is a teen pregnancy prevention campaign that is part of a larger marriage-skills program financed with TANF funds.

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## J. Specialty Programs

Finally, we examined marriage initiatives within several identified specialty programs. We examined professional development efforts for marriage and family therapists, respite programs for parents of children with disabilities, and programs for incarcerated parents. Every state had an activity in at least one of the three areas. ([Table 12](#) in the detailed matrices provides additional information on policies.)

**Professional development.** State license and certification laws for marriage and family *therapists* can help the public identify qualified therapists. According to the American Association of Marriage and Family Therapists, therapists who obtain a license or certificate have met high educational and clinical experience criteria. As of 2001, 44 states regulated marriage and family therapists through a licensing or certification board.<sup>(74)</sup> This represents an increase from 11 states in 1986.<sup>(75)</sup> In addition to therapists, marriage *educators* offer services to couples and individuals. Three states (Maryland, Minnesota, Utah) require or propose to require qualifications for those who teach marriage education. Other states do not regulate educators.

**Respite programs for parents of children with disabilities.** Special-needs children can put a strain on a marriage. Respite programs offer family support services, such as day care and counseling. Although the respite programs listed below do not necessarily have an explicit marriage component, their intention is to allow parents to time to themselves and away from home — luxuries that can help reduce possible stress associated with raising special-needs children. Respite programs are offered by 43 states. Most offer services to any parent with a disabled child. For example, in North Carolina, Albemarle Health Care provides in-home or facility based care by trained nurses at a parent's request. The Oklahoma marriage initiative recognizes that families with disabled children have high divorce rates so included respite services as part of the initiative. The Texas Children with Special Health Care Needs program provides respite, specialized day care, counseling and home modifications that aim to help families care for children with disabilities.

**Programs for incarcerated parents.** Programs target both men and women leaving prison for parenting

and family reunification services. Four states<sup>(76)</sup> have statewide programs for incarcerated parents. Idaho, for instance, uses TANF funds for family stabilization services for families with a previously incarcerated individual. Pennsylvania's fatherhood program targets incarcerated and paroled fathers to help them make the transition to their families. Marriage is approached as the best environment in which to raise children. In the District of Columbia, the Prison Fellowship Ministries offer seminars to prisoners and their spouses to learn how to work through marital problems.

**Exhibit 2:  
States That Have Proposed or Enacted Policies to Promote Marriage**

Activity	Definition	States with Activities (Law or Bill)
<b>COMMISSIONS AND CAMPAIGNS</b>		
State Campaigns	Media campaigns to promote marriage and curb divorce rates.	AZ, AR, NM, OK
Commissions	Summits that focus on strengthening marriage; commissions charged with implementing specific policies.	AZ, LA, MI, SC, UT
Proclamations	Statements recognizing the importance of marriage as a public good and foundation of healthy families.	LA, NC, UT
<b>DIVORCE LAWS/PROCEDURES</b>		
Modifications to No-fault Laws	Laws that make divorce more difficult by requiring mutual consent.	AZ, CA, GA, ID, IN, KS, KY, MA, MI, MN, MT, NH, NJ, TX, VA, WA, WV
Covenant Marriage	Typically requires pre-marital counseling, an agreement to seek additional counseling if marital problems arise, and 2-year waiting period for divorce.	AL, AK, AZ, AR, CA, CO, GA, IN, IA, KS, LA, MD, MI, MN, MS, MO, NE, NM, OH, OK, OR, SC, TN, TX, VA, WA, WV, WI
Mandatory Education	Education for couples with children on the effects of divorce on children.	AK, AZ, AR, CO, CT, FL, HI, IL, IA, KS, KY, MD, MI, MN, MO, MT, NE, NH, NM, PA, TN, TX, UT, VT, VA, WI
Presumption of Joint Legal Custody	States that have a presumption or strong preference in favor of joint legal custody.	47 States <sup>(77)</sup>
Waiting Periods before Divorce	Minimum periods between date of filing for divorce and date court grants divorce.	AL, AZ, AR, CA, GA, IL, IN, IA, LA, MA, MO, NE, OK, OR, SC, TN, TX, UT, VT, VA, WA, WY
Different Laws for Couples with Children	Laws that treat couples with children differently, such as mandatory education, no-fault modifications or increased waiting periods.	AK, AZ, AR, CA, CO, CT, FL, GA, HI, IL, IA, KS, KY, MD, MI, MN, MO, MT, NE, NH, NM, OK, PA, TN, TX, UT, VT, VA, WA, WI
Mediation Initiatives	Mediation, offered through the courts, generally addresses custody and visitation issues.	CA, DC, IA, KS, MO, NM, UT, WI
<b>MARRIAGE AND RELATIONSHIP PREPARATION AND EDUCATION</b>		
Incentives for Marriage Preparation	Activities, such as license fee reductions, for those who participate in education or counseling.	AK, AZ, CA, FL, IL, IA, MD, MI, MN, NM, OK, SD, TN
State Funding for Marriage Support	Use of TANF or other funds to encourage couples to participate in marriage preparation activities.	AZ, MI, OK, TX, UT, WI
Marriage Education for Adults	Suggested or required education, often within the context of license fee reductions, marriage waiting period reductions.	AK, AZ, CA, CT, FL, IL, IN, IA, KS, MD, MI, MN, MS, NM, OK, SD, TN, TX, UT, VA, WI

Remarriage Waiting Periods	Minimum time must elapse between the date a divorce is granted and filing for remarriage.	AL, OK, TX, WI
<b>STATE TAXES</b>		
State EITC	The federal Earned Income Tax Credit reduces federal taxes and provides a wage supplement for low-income working families. States have enacted EITCs to reduce the burden of state taxes on working families.	CO, DC, IL, IA, KS, ME, MD, MA, MN, NJ, NY, OR, RI, VT, WI
State Marriage Penalty	Married couples may face a marriage penalty because the state tax is a percentage of the federal liability or joint and single returns are similar.	GA, KS, MD, NJ, NM, ND, OH, OK, RI, SC, VT, WV
<b>TANF POLICIES</b>		
TANF Eligibility, Two-parent Families	Elimination of the work history and 100-hour rules.	33 States <sup>(78)</sup>
Marriage Incentives, TANF	States can disregard income of a new spouse for specified time, provide an incentive payment to monthly benefit, offer child care/health benefits to low-income mothers who marry.	AL, ME, MN, MS, NJ, ND, OK, TN, WA, WV
Marriage Promotion, TANF	State workers actively promote marriage to TANF participants.	OK
Child Support Arrearage Forgiveness	Child support arrearages owed to the state by non-custodial parents are forgiven if parents reunite.	TN, VT
<b>MEDICAID POLICIES</b>		
Medicaid Eligibility Based Solely on Financial Circumstances	States cover two-parent families to the same extent as single-parent families by eliminating the recent work history and "100-hour" rules.	36 States <sup>(79)</sup>
Expanded Medicaid Eligibility	States have increased income and asset disregards and/or increased coverage through Section 1115 waivers.	AZ, CA, DE, DC, HI, ME, MN, MO, MT, NM, NY, OH, OK, OR, PA, RI, TN, VT, WA, WI, WY.
Medicaid Eligibility, Pregnant Women	Raise the income eligibility for pregnant women above 185 percent of poverty.	AK, CA, DE, DC, GA, IL, IA, ME, MD, MA, MN, RI, VT
Expanded Health Care Coverage, Two-parent Families.	States cover parents through state-funded programs or SCHIP.	AZ, CA, MN, NJ, OR, RI, WA, WI
<b>STATE-LEVEL VITAL STATISTICS</b>		
Marriage Data	Statistics on marriage	47 States <sup>(80)</sup>
Divorce Data	Statistics on divorce	46 States <sup>(81)</sup>
Improvement Efforts		GA, HI, IA, MA, NJ, OK, RI, SD, VT
<b>MARRIAGE SUPPORT AND PROMOTION</b>		
Home Visitation Programs	A nurse or other professional is sent into the home of targeted families to offer numerous services including marriage or relationships education or skills	HI, NC, OK, UT,
Mentoring, Education, and Counseling	Programs that aim to strengthen families, including communications skills, anger management, mentoring of at-risk families.	AL, AZ, MI, OK, OR, UT
Fatherhood Programs	States are seeking to reunify families by incorporating a marriage component into statewide fatherhood initiatives.	FL, MS, PA, TX, VA
<b>YOUTH EDUCATION AND DEVELOPMENT</b>		
School-based Marriage Education	Statewide marriage education in schools.	AZ, FL, NH, NM, PA, SC, SD, UT, WI
	States include the message as part of sex education	AL, AZ, GA, HI, IL, IN, IA, MD,

Abstinence-until-marriage Education	programs, Title V Section 510 programs enacted as part of the 1996 welfare reform law, and as media campaigns.	MA, MI, MS, MO, MT, NE, NC, OK, OR, SC, TN, VA
<b>SPECIALTY PROGRAMS</b>		
Professional Development	State regulates marriage and family therapists	44 States <sup>(82)</sup>
Respite Programs for Parents of Children with Disabilities	Statewide programs that offer family support services such as day care and counseling.	43 States <sup>(83)</sup>
Programs for Incarcerated Parents	Statewide programs target both men and women leaving prison for parenting and family reunification services.	CT, DC, ID, PA

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## Endnotes

1. The authors would like to thank the following panelists for reviewing a draft of the interim report: Nancy Duff Campbell, Kathryn Dyjak, Patrick Fagan, Susan Golonka, Ron Haskins, and Lee Posey.
2. Arizona, Louisiana, and Utah.
3. Arizona, Louisiana, Michigan, South Carolina, and Utah.
4. No marriage penalty means that a state has no income tax, has a flat tax regardless of filing status, has brackets for married couples twice as wide as single filers, or allows married couples to use one return to pay taxes on separate income as if they were single.
5. In Louisiana, the law is being evaluated under a NSF grant. The co-director is Steven Nock at the Center for Children and the Law, University of Virginia.
6. Alabama, Alaska, California, Colorado, Kansas, Maryland, Michigan, Oklahoma, South Carolina, Washington, West Virginia.
7. American Bar Association Network.  
<http://www.abanet.org/publiced/lawday/community/separation.html>.
8. Arizona, Indiana, Kansas, Kentucky, New Hampshire, New Jersey, Texas.
9. California, Idaho, Kansas (a second bill is still under consideration) Massachusetts, Michigan, Minnesota, Montana, Virginia, Washington, West Virginia.
10. Arizona, Florida, Hawaii, Iowa, New Mexico, Tennessee, Utah, Virginia.
11. Arkansas, Connecticut, Illinois, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, Texas, Vermont
12. Alaska, Colorado, Kansas, Kentucky, Pennsylvania (second bill).
13. See, for example, Judith Seltzer, "Father by Law: Effects of Joint Legal Custody on Nonresident Fathers' Involvement with Children," *Demography* 35(2): 135-146.

14. States that do not have joint legal custody are Arkansas, California, New York and Washington.
15. Source: [http://www.dads4kids.com/joint\\_custody\\_states.htm](http://www.dads4kids.com/joint_custody_states.htm)
16. Wyoming is considering legislation that would grant immediate divorce to certain couples who craft their own divorce settlements without attorneys.
17. Connecticut, Iowa, Maryland, Massachusetts, Nebraska, New Hampshire, New Jersey, New York, Rhode Island, South Carolina, Washington, West Virginia.
18. Arizona, Arkansas, Connecticut, Florida, Hawaii, Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Mexico, Tennessee, Texas, Utah, Vermont, Virginia.
19. Alaska, Colorado, Kansas, Kentucky, Maryland, Michigan, New Mexico, Pennsylvania (2 bills), Wisconsin.
20. Georgia passed a law; Bills pending in California, Kansas, Michigan, Montana, Virginia, Washington; bills failed in Arizona and New Hampshire.
21. California, District of Columbia, Iowa, Kansas, Missouri, New Mexico, Utah, Wisconsin
22. Alaska, Arizona, California, Florida, Illinois, Iowa (2 bills), Maryland, Michigan (2 bills), Minnesota, New Mexico, Oklahoma, South Dakota, Tennessee.
23. The additional fee was implemented to help finance a plan to educate divorcing parents about the effects of divorce on children. A percentage of the proceeds from the fee are also directed towards child abuse and domestic violence prevention as well as a program that offers services to families with disabled children.
24. The Iowa bill includes both a higher fee and waiting period for those who do not take a course.
25. Florida, Maryland, Minnesota, Oklahoma, Tennessee.
26. Alaska, Arizona, California, Illinois, Iowa, Michigan, New Mexico, South Dakota.
27. Arizona, California, Connecticut, Florida, Indiana, Kansas, Michigan, Mississippi, Oklahoma, Utah (two initiatives), Virginia, Wisconsin.
28. Arizona, Michigan, Oklahoma, Utah, Wisconsin.
29. Married couples may file as individuals at tax rates that are higher than those for single persons; however, it is rarely advantageous to do so.
30. Childless low-income workers can qualify for a small credit, but the maximum credit in 2000 (\$343) was much lower than the credit available to working families with children.  
<http://www.cbpp.org/10-18-01sfp.pdf>.
31. For more information on EITC improvements for married couples, see the Center for Budget and Policy Priorities at <http://www.cbpp.org/12-27-01sfp.pdf>.

32. Colorado, District of Columbia, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, Vermont, Wisconsin.
33. In the 16<sup>th</sup> state, Minnesota, the refund varies by earnings.
34. Information on federal marriage penalties is from the Congressional Budget Office (1997). *For Better or For Worse: Marriage and the Federal Income Tax*. <http://www.cbo.gov/showdoc.cfm?index=7&sequence=0&from=1>
35. States with no state income tax are Alaska, Florida, Nevada, New Hampshire, South Dakota, Tennessee, Texas, Washington, Wyoming. Source: Center for Budget and Policy Priorities. <http://www.cbpp.org/3-1-01sfp-pr.htm>
36. Connecticut, Illinois, Indiana, Massachusetts, Michigan, Pennsylvania.
37. Alabama, Arizona, California, Hawaii, Idaho, Louisiana, Oregon, Utah.
38. Colorado, Maine, Minnesota, Nebraska, New York, North Carolina, Wisconsin.
39. Arkansas, Delaware, District of Columbia, Iowa, Kentucky, Mississippi, Missouri, Montana, Virginia.
40. Georgia, Kansas, Maryland, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Vermont, West Virginia.
41. Georgia, Kansas, Maryland, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina.
42. Arizona, California, District of Columbia, Georgia, Indiana, Kentucky, Massachusetts, Missouri, New Hampshire, Oregon, Pennsylvania, and South Dakota.
43. States that *do not* base eligibility on financial circumstances only are Arizona, California, District of Columbia, Georgia, Indiana, Kentucky, Maine, Massachusetts, Mississippi, Missouri, New Hampshire, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Washington.
44. Alabama, Maine, Minnesota, Mississippi, New Jersey, North Dakota, Oklahoma, Tennessee, Washington, West Virginia.
45. Arizona, Colorado, Iowa, New Jersey, North Dakota, Ohio, Texas.
46. Minus any pass through.
47. The term used in the Vermont statute is reunited and makes no specific reference to marriage.
48. Arkansas, Florida, Kentucky, Louisiana, Nebraska, New Hampshire, North Dakota, Utah, and West Virginia.
49. States that *do not* base eligibility solely on financial circumstances are: Arkansas, Florida, Kentucky, Louisiana, Maine, Nebraska, New Hampshire, North Dakota, Oklahoma, Pennsylvania, Tennessee, Utah, West Virginia, Wisconsin, and Wyoming.

50. Arizona, California, District of Columbia, Maine, Minnesota, Montana, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin, Wyoming.
51. Delaware, Hawaii, Minnesota, Missouri, Oregon, Tennessee, Vermont, Wisconsin.
52. Alaska, California, Delaware, District of Columbia, Georgia, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Rhode Island, Vermont.
53. Oregon, Rhode Island, Washington.
54. Although states can often provide more detailed information upon request, the data presented in this report addresses those statistics that are published regularly by the states.
55. Information for the District of Columbia is missing.
56. California, New Mexico.
57. Georgia.
58. Alaska, Arizona, Connecticut, Illinois, Kentucky, Maine, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Virginia.
59. Florida, Iowa, Massachusetts, Minnesota, New York, South Carolina, South Dakota, Tennessee, Texas, Washington, Wisconsin.
60. Connecticut, Montana.
61. Indiana
62. Alaska, Arizona, Colorado, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Nevada, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Virginia.
63. Summary data includes total marriages by age and divorces by number of years married.
64. Georgia, Hawaii, Iowa, Massachusetts, New Jersey, Oklahoma, Rhode Island, South Dakota, Vermont.
65. Implementation has been postponed due to state budget issues.
66. Susan Frankel, Prevent Child Abuse America. Correspondence with author. October 23, 2001.
67. Alabama, Arizona, Michigan, Oklahoma, Oregon, Utah.
68. Every state except California accepted federal abstinence education funding. Not all of them have state-level programs, but there is a high level of abstinence education activity.
69. Florida, New Hampshire, Pennsylvania, South Carolina, South Dakota.
70. Alabama, Arizona, Georgia, Hawaii, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan,

Mississippi, Missouri, Montana, Nebraska, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Virginia,.

71. Hawaii, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Oklahoma, Oregon, South Carolina, Tennessee.

72. Alabama, Georgia, Indiana, Massachusetts, Virginia.

73. Although funds were appropriated, the bill itself (H.B. 2115, the Teen Pregnancy Prevention Pilot Project) is currently being held in committee and has not been passed.

74. States that do not license therapists are Delaware, District of Columbia, Montana, New York, North Dakota, Ohio, West Virginia.

75. See American Association of Marriage and Family Therapy.  
[http://www.aamft.org/resources/Online\\_Directories/boardcontacts.htm](http://www.aamft.org/resources/Online_Directories/boardcontacts.htm)

76. Connecticut, District of Columbia, Idaho, Pennsylvania.

77. All states except AR, CA, NY, WA

78. States that *do not* base TANF on financial circumstances only are AZ, CA, DC, GA, IN, KY, ME, MA, MS, MO, NH, ND, OK, OR, PA, SD, TN, WA.

79. States that *do not* base Medicaid on financial circumstances only are AR, FL, KY, LA, ME, NE, NH, ND, OK, PA, TN, UT, WV, WI, WY.

80. CA and NM do not report marriage statistics. GA data deemed unreliable and no longer published. Information for DC is missing.

81. CA, IN and NM do not report divorce statistics. GA data deemed unreliable and no longer published. Information for DC is missing.

82. States that do not regulate therapists are DE, DC, MT, NY, ND, OH, WV.

83. States with no statewide respite programs are AK, CA, DC, FL, ME, MS, NJ, NM.

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