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An Overview of Public Provisions to Strengthen Marriage and Reduce Divorce (1990–2010)

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The amount of government effort intended to strengthen marriage and reduce divorce has grown during the past two decades. Generally, there are two main forms of endeavors related to working toward these outcomes: state legislative actions and the creation of voluntary educational services. States have enacted legislation such as raising the age of legal marriage, creating covenant marriage laws and creating incentives for participating in premarital education. They have also integrated marriage and relationship education (MRE) services¹ into public services and community-based organizations. This is an overview of the federal funding by state for educational initiatives and related activities as well as legislative actions and changes from 1999-2010.² The overview and an expanded state-by-state report in progress are intended to inform policymakers, journalists, activists, practitioners, and others interested in government efforts to strengthen the institution of marriage and improve the lives of children.

Funding Allocations to States to Strengthen Marriage and Reduce Divorce

In the early 2000s, the U.S. Department of Health and Human Services Administration for Children and Families (ACF) began to allocate funding in its various agencies, such as the Office of Child Support Enforcement, Office of Refugee Resettlement, Office of Family Assistance, Office of Head Start, Children's Bureau, Office of Community Services, Office of Planning, Research, and Evaluation, Administration for Native Americans, and others, to support educational efforts to make marriage and relationship education services available to youth and adults, especially those in more disadvantaged circumstances. Then in 2006-2011, \$100,000,000 per year was allocated specifically for this purpose through Congressional reauthorization of the Temporary Assistance for Needy Families program (embedded in the Deficit Reduction Act of 2005).³ These funds, allocated through several competitive grants programs to hundreds of private community organizations and state and local government agencies, dramatically increased government support for marriage and relationships education services; although a few federal grants states were required to provide some matching funds, the amount of state funds was proportionally small, probably less than 5% of the total funds invested. There is tremendous variation in the amount of government-supported healthy marriage and relationship activity from state to state. Funding allocations by state were collected for the purposes of this report.

Across the 51 states and District of Columbia, the estimated total funding allocated to these initiatives from 2000 to 2010 was just over \$600 million, with an average of about \$11.5 million per state. (Most of

1 Marriage and relationship education is flexible, evidence-based programming that can be used with a variety of populations such as teenagers, teen parents, single adults and/or adults who are in a committed relationship at any time throughout the life span. The skills taught help participants develop emotional intelligence as well as provide them with the tools to help sustain healthy relationships. Some of these include communication skills, conflict resolution tactics, identifying and regulating emotions, managing relationship expectations and being able to identify an abusive relationship. Beyond intimate partner relationships, these skills can have a positive impact on other professional and personal relationships. Many relationship education curricula have been evaluated and found to increase relationship satisfaction and improve communication and conflict resolution skills. This research also confirms that new behaviors and skills can be learned.

2 Existing documentation of government-supported initiatives was gathered through various means including Internet searches and interviews with participants, practitioners and policymakers. Information from some sources was not available and may not have been included.

3 A new federal grants program awarded \$75,000,000 on September 29, 2012, with plans to sustain those grants through FY 2014, a 25% reduction from funding from 2006-2011.

this funding came from 2005-2010.) Texas, California, Florida, and Oklahoma appear to have the highest levels of activity based on raw funding allocations. California and Texas have received the two largest allocations of federal funds to support marriage and relationship education efforts in their states.

On the other end of the spectrum, a handful of states have very little direct government support (based on funds allocated 2000-2010) for helping individuals and couples form and sustain healthy marriages and relationships. For example, Rhode Island had no funding and virtually no activity in this area. West Virginia (total estimated at \$79,000) and Nevada (total estimated at \$127,000) had only a minimal amount of funding activity. Table 1 lists the top 10 and bottom 10 states in terms of raw funding activity for healthy marriage and relationship initiatives.

Table 1. Top 10 and Bottom 10 States With Governmental Funds for Healthy Marriage Initiatives, 2000-2010.

Rank	State	Total Funding 2000-2010
1	Texas	\$81,468,762
2	California	\$79,526,865
3	Florida	\$33,836,595
4	Oklahoma	\$30,406,263
5	Colorado	\$23,574,183
6	Pennsylvania	\$22,638,653
7	Ohio	\$20,999,139
8	Missouri	\$20,756,390
9	Michigan	\$19,159,240
10	New York	\$17,421,060
41	Vermont	\$1,973,916
43	Delaware	\$1,290,000
44	Hawaii	\$880,000
45	Montana	\$820,052
46	North Dakota	\$798,992
47	Nebraska	\$737,190
48	Idaho	\$544,000
49	Nevada	\$127,012
50	West Virginia	\$79,000
51	Rhode Island	\$0

But comparing raw numbers can be misleading because there are enormous population differences between states. Accordingly, a more fair comparison would be to divide these total funding figures by the average population (from 2000-2010) to produce per capita funding figures, in other words, the average amount spent per resident over the period 2000-2010. These figures, given in Table 2, provide a somewhat different picture of governmental support for healthy marriage and relationship initiatives (HMIs).

Table 2. Top 10 and Bottom 10 States With Governmental Funds Per Capita for HMIs, 2000-2010 (total spending ÷ average population).

Rank	State	Per Capita Funding 2000-2010
1	District of Columbia	\$16.98
2	Oklahoma	\$8.54
3	Alaska	\$8.38
4	Wyoming	\$6.84
5	New Mexico	\$5.86
6	South Dakota	\$5.57
7	Colorado	\$5.02
8	Missouri	\$3.57
9	Texas	\$3.55
10	Vermont	\$3.20
42	Minnesota	\$0.85
43	Arkansas	\$0.80
44	Hawaii	\$0.70
45	South Carolina	\$0.68
46	Massachusetts	\$0.50
47	Nebraska	\$0.42
48	Idaho	\$0.38
49	Nevada	\$0.05
50	West Virginia	\$0.04
51	Rhode Island	\$0.00

Across the 51 states and District of Columbia, the average total per capita funds allocated to these initiatives from 2000 to 2010 was about \$2.42 per individual, with a median of \$1.71. (Most of this funding came from 2005-2010.) Looking at the data this way, the District of Columbia (\$16.98) allocated twice as much per individual as the next two highest states, Oklahoma (\$8.54) and Alaska (\$8.38). The relatively small population in Washington D.C. and the significant number of government-funded programs, including responsible fatherhood programs with a significant couple education component, makes D.C. the per capita funding leader. Washington D.C. has the highest rate of unwed childbearing, and several of

the grants serving D.C. are directed at serving unwed parent couples. Oklahoma has the most significant state-directed, statewide initiative serving a moderate-sized population. Alaska benefitted from a large number of grants targeted to help Native Americans from the federal Administration for Native Americans, and those grants covered a relatively small population. Wyoming (\$6.84), New Mexico (\$5.86), and South Dakota (\$5.57) did not receive large amounts of funds, but they have small populations. Missouri (\$3.57) and Texas (\$3.55) are still in the top 10 states, but Florida and California drop out of the top 10 by this per capita measure.

Rhode Island (\$0.00), West Virginia (\$0.04), Nevada (\$0.05), Idaho (\$0.38), and Nebraska (\$0.42) remain at the bottom in per capita spending on HMIs, but per capita figures produce a different group in the next five lowest states: Massachusetts (\$0.50), South Carolina (\$0.68), Hawaii (\$0.70), Arkansas (\$0.80), and surprisingly, Minnesota (\$0.85). Minnesota has an active commitment to professional family life education programs but there is little government support there for healthy marriage and relationship education efforts. Rhode Island and Massachusetts have some of the lowest divorce rates in the United States and about average non-marital childbearing rates, so perhaps these states have not felt strong needs to try to provide healthy marriage and relationship education in their states. Nevada, however, has the highest divorce rate making the lack of activity in government funding for healthy marriage initiatives more noticeable. West Virginia also has a relatively high divorce rate.

In addition to individual state differences, there are some noteworthy regional differences. The Northeast states (CT, DE, MA, ME, NJ, NY, NH, VT) have the lowest levels of funding activity (\$1.24). In contrast, the Southwest states (AR, OK, NM, TX) have by far the highest rate of activity (\$4.67), almost four times the rate of the Northeast. Again, perhaps the lower divorce rates in the Northeastern states provide less motivation to invest in government-supported efforts to strengthen marriage. In contrast, the Southwestern states have generally above-average divorce rates and non-marital childbearing rates, coupled with more conservative social values, so perhaps these states sense a greater need for public action.

While there is significant variation from state to state in the amount of government-supported efforts to strengthen marriage and reduce divorce, this variation does not overshadow a dramatic increase in the availability and usage of marriage and relationship education services for more disadvantaged individuals and couples who struggle more to form and sustain healthy marriages and relationships, and who in the past have had little access to such services. This report documents that more than 1.5 million individuals, most with lower incomes, have received some kind of marriage and relationship education program during the past decade. And this number grossly underestimates the actual number because participation numbers were not available from many programs that were supported by government funds. This is an important development, one that likely would not have occurred without the policy push of the federal leadership from the Administration for Children and Families.

Overview of State Legislation

The U.S. Constitution gives the power to individual states, rather than the federal government, to regulate marriage, divorce, and other family matters. States have made an effort to implement laws, regulations and procedures within their jurisdictions. Almost half of the states (22) have enacted no legislation since 1990 (although it may have been proposed) intended to strengthen marriage or reduce divorce. Arizona and Texas have been most active enacting this kind of legislation. Tennessee, South Carolina, and Pennsylvania are in the second tier of activity. After that, activity levels are uniformly low.

In states with some level of legislative activity, the most common action has been to raise the age of legal marriage. A few states have imposed waiting-period requirements on minors applying for a marriage license. Marriage in the teenage years is a strong predictor of marital dissolution, so widespread efforts to raise the age of legal marriage seem rational. However, marriage rates for teens have dropped dramatically over the past 40 years, and no state has raised the legal age of marriage to 20 or 21, where the risk curve quickly flattens out.

Eight states (FL, GA, MD, MN, OK, SC, TN, TX) have provided incentives for engaged couples to invest in formal premarital education by discounting marriage license fees (or a one-time tax rebate). There have been no rigorous policy studies of the effects of these laws. But given the empirically validated positive effects of premarital education and its ability to reduce divorce, at least in the early years of marriage, it is reasonable that these incentives are decreasing divorce rates in the early, high-risk years of marriage.⁴ (Also see NHMRC Fact Sheet *Premarital Preparation Requirements in State Law*).

Efforts directly targeted at minimizing divorces are limited. Three states—Arkansas, Arizona, and Louisiana—passed covenant marriage legislation that allows couples to choose a more stringent set of requirements for entry into and potential exit from marriage (these laws do not apply to couples who are divorcing due to domestic violence), but few couples are choosing the covenant marriage option, and those that do have low-risk profiles for divorce. So these laws are unlikely to impact divorce rates, given the few states passing them and the low uptake on them.⁵ Louisiana is the only state to increase its divorce-waiting period to a year (for parents with dependent children, with an exception for cases with domestic violence). In contrast, most states now have minimal waiting periods.

Also, during the past 20 years most states have passed mandates for divorcing parents to take a co-parenting class to try to minimize the negative effects of divorce on children, and these programs do seem to have a modest, positive impact.⁶ However, these laws do not require a serious consideration of

4 For studies documenting the positive potential for premarital education, see Fawcett, E. B., Hawkins, A. J., Blanchard, V. L., & Carroll, J. S. (2010). Do premarital programs really work? A meta-analytic study. *Family Relations*, 59, 232-239; and Stanley, S. M., Amato, P. R., Johnson, C. A., & Markman, H. J. (2006). Premarital education, marital quality, and marital stability: Findings from a large, random household survey. *Journal of Family Psychology*, 20, 117-126. For an argument that policy to incent premarital education should pay off at very low levels of reducing divorce rates (1-2%), see Hawkins, A. J., (2007). Will legislation to encourage premarital education strengthen marriage and reduce divorce? *Journal of Law & Family Studies*, 9(1), 79-99.

5 For a more in-depth treatment of covenant marriage, see Nock, S. L., Sanchez, L. A., & Wright, J. D. (2008). *Covenant marriage: The movement to reclaim tradition in America*. New Brunswick, NJ: Rutgers University Press.

6 For a review of the impact of mandated co-parenting classes, see: Fackrell, T. A., Hawkins, A. J., & Kay, N. M. (2011). How effective are court-affiliated divorcing parents education programs? A meta-analytic study. *Family Court Review*, 49, 101-119.

the possibility of reconciliation, despite evidence that some divorces are likely unnecessary and some couples are open to the possibility of reconciliation.⁷ One exception, however, is a 2007 law in Utah that established a divorce orientation education mandate for divorcing parents that requires informing divorcing parents of the effects of divorce, reasons and resources for considering reconciliation, and the value of divorce mediation. In 1996, Arizona passed legislation to establish a fund to promote education about the effects of divorce, but it is unclear what actions have been taken to implement this law.

Four states have passed “time-out” laws since 1990 to temporarily halt divorce proceedings. In most states, there is little a spouse can do to challenge a divorce. An assertion by one spouse of “irreconcilable differences” cannot be challenged by the other spouse. Indiana, Maine, Ohio, and Pennsylvania passed legislation that allows a spouse involved in a divorce to challenge the assertion of “irreconcilable differences” by seeking a delay in the divorce decree and/or a court order for marital counseling. A few other states had similar laws in place before 1990.

Conclusion

State policies to strengthen families and improve child well-being can come in various forms, including legislation intended to strengthen marriage and reduce divorce and through the provision of marriage and relationship education services, which has largely been funded by the federal government. There has been a large variation in the amount of federal funding states have received to implement and sustain such initiatives, with Texas, Oklahoma and Florida being the largest recipients of raw funding. When broken down per capita, Washington D.C., Oklahoma and Alaska are showing the highest numbers of monetary support. If marriage and relationship education can help couples form more stable and satisfying family lives, this may help diminish the public costs of marital and relationship breakdown. State legislative changes vary, too, and more studies of their impact are needed.

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⁷ For a study documenting the potential of reconciliation, see: Doherty, W. J., & Willoughby, B. J., & Peterson, B. (2011). Interest in marital reconciliation among divorcing parents. *Family Court Review*, 49, 313-321.