



Fathers and  
Families

The Coalition of Fathers and Families NY, Inc.  
an affiliate of the American Coalition of Fathers and Children

*“Working to Keep Fathers and Families Together”*

Date: November 11, 2004

To: Members of the New York State Assembly/Senate and Executive Branch.

From: The Coalition of Fathers and Families New York, Inc.

Re.: Memo in Opposition to No-Fault Divorce

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The Coalition of Fathers and Families NY, Inc. is opposed to No-Fault Divorce without a corresponding overhaul of family and matrimonial law and statutory protections for children, spouses and/or parents wishing to preserve their marriages and maintain their families intact, and for those parties most likely to become non-custodial parents.

No-fault divorce is ill advised because:

- No-fault divorce laws have produced a failure rate among all first time marriages of 50 percent, and 60 percent for all second marriages.
- Eighty percent of these divorces are initiated against the will and without the control of one or the other of the parties.
- This rate of family dissolution is responsible, in part, for producing 24.7 million children growing up in the U.S. without at least one of their parents (usually their fathers).
- The devastating impact this is having on children has been extensively documented, is well known, and is widely recognized. Virtually every social and/or behavioral dysfunction and psychological pathology experienced by children and young people today can be directly traced to the absence of at least one of their parents, and 80 percent of all child abuse occurring in single parent households.

However well intentioned the proposal to reduce the cost and stress associated with the divorce process, it is difficult to rationalize how any demographic,

except the initiator of divorce, can be said to have benefited from making divorces easier to obtain. More fundamental then is the question of whether or not it is really in the best interest of the State or the Nation to promote divorce in such a manner.

After almost thirty years of experience with no-fault divorce laws it is widely recognized that, in effect, it has given a legal preference to any spouse wishing to leave a marriage, even if the other spouse wants to preserve the marriage and has done nothing to give the deserting spouse “grounds” for a divorce. These laws have essentially acted to empower whichever party wants out, leaving the spouse who wants to preserve the marriage powerless to prevent its dissolution and with no recourse but acquiescence.

Marriage is one of the few contracts in which the law explicitly protects the defaulting party at the expense of his or her partner. The marriage contract has, thus, been described as having been reduced to little more than a contractual economic partnership devoid of any legal protection.

If all of our business transactions were conducted in a similar fashion, our national economy would collapse. With the marital contract now worth less than the paper it’s written on, why should anyone deceive him or her self into thinking that it is not having the same devastating impact on our marriages and our families.

Adding to laws that help facilitate the divorce process are others that drive the decision to initiate it. Research has shown that the single greatest factor in determining which party is most likely to initiate a divorce is the expectation of being awarded custody of the kids. Along with the kids usually comes a whole range of other financial benefits, as well, including child support, alimony, the marital residence, and one half of the remaining marital assets, to name but a few. With many states – most notably New York - still adhering to the standard sole custody model, wherein one party receives the kids, while the other is left to pay, it’s not difficult to understand how at least one of them may perceive little or no downside.

**Without a corresponding overhaul of the entire body of family and matrimonial law and statutory protections for those most likely to become non-custodial parents, no-fault divorce will only produce more of the same devastation in the lives of countless innocent people. The Coalition of Fathers and Families New York, Inc., vigorously opposes and will not consider supporting any such proposal, otherwise.**

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