

TESTIMONY

PA COUNCIL OF CHURCHES

TO TASK FORCE ON DOMESTIC RELATIONS

JUDICIARY COMMITTEE

HOUSE OF REPRESENTATIVES

AUGUST 20, 1996

NO-FAULT DIVORCE

H. B. 2562 - H.B. 2003

Thank you for providing an opportunity to share some thoughts on no-fault divorce and House Bills 2562 and 2003.

My name is Paul Gehris, I am on the staff of the PA Council of Churches, a statewide ecumenical agency comprised of forty-four church bodies - mainline Protestants including the historic black denominations, Anglicans and Orthodox.

About 16 years ago the Council testified in favor of creating a no-fault divorce in PA. It seemed to us then, and remains the case, that when all neighboring states have no-fault divorce and without no-fault divorce people resort to telling untruths, or certainly exaggerating, that no-fault divorce clearly conceived and placed into law would be a step forward for the Commonwealth of PA.

It is not lost on us that since no-fault divorce became the law in the Commonwealth the divorce rate has not leveled but risen. However, the rate of divorce has been rising steadily in the Commonwealth and in our country since the middle of this century. We believe there is still a place for no-fault divorce in PA. We support in H.B. 2003, P.N. 2484 allowing judges to hold hearings and hear testimony about a counter claim to a no-fault divorce request. We do not believe one should simply walk away from a marriage because it no longer suits. Our greatest concern regarding divorce is not the act of divorce and the breaking of a once made covenant but the effect that it has, especially on children who are innocent in the matter, and in many cases the spouse who ends up with a significantly diminished standard of living.

We submit that there should not be any impediments made to civil marriage. Two people consenting to marriage should be able to get a marriage license, present it to someone who is allowed to officiate at a marriage service and have the marriage performed. Marriages performed by a clergy as part of the religious institution are another matter. Every church body has its own expectations of those wanting to be married. Clergy as individuals generally recognize that they are doing more than simply linking persons as spouses. Clergy do different kinds of premarital counseling and post marital counseling and counseling in times of marital stress. We believe there is both a religious and moral responsibility to do this. The Commonwealth should leave this with religious bodies and their clergy.

Some of our concerns regarding public policy in general and divorce reform in particular is setting criteria wherein poor people lose options while the well off can do what they wish simply because they have the resources to get it done.

In all cases of divorce, be it no-fault or contested, people who were married in a religious or civil setting, our chief concern is for the well being of children and justice for the spouse. It is not lost on us that women traditionally have been the economic losers in divorce. We support H. B. 2003 and have serious reservations about H.B. 2562.