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REMARKS: Urgent For your review Reply ASAP Please comment

Karen,
Sue is on vacation. I was supposed to send this last week. I hope it isn't too late!
Thal - Cass Tracy

Please contact Women's Law Project if all pages are not properly transmitted.

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Thank you for the opportunity to testify today. The Women's Law Project is a private, nonprofit feminist legal advocacy organization founded in 1974 for the purpose of improving the legal and economic status of women in Pennsylvania and in the nation. In addition to providing information and counseling to women seeking divorce, the Law Project represented amici curiae in the 1993 Pennsylvania Supreme Court case Berrington v. Berrington, in support of a long-married homemaker seeking equitable distribution upon divorce of the marital portion of her former husband's defined benefit pension.

The U.S. divorce rate is almost one in two; as of 1991, 47.5 % of first marriages and 49% of second marriages ended in divorce.¹ As Lenore Weitzman and numerous other researchers have pointed out, divorce is often financially disastrous for women. Women constitute the majority of economically dependent spouses and are therefore more likely than men to be dependent upon the terms of a court's property division for their economic security after divorce. The failure of courts to compensate women for their contribution to a marriage at the time of divorce is a direct cause of the striking disparity in per capita income and standards of living between men and women after divorce. Older and longer-married women are likelier to suffer the most economically from divorce.

¹ Ellen B. Bogolub, "Women and Midlife Divorce: Some Practical Issues," in Social Work, Vol. 36, No. 5 (1991), p. 428 (citing Walters, Carter, Papp & Silverstein, 1988).

Indeed, as a result of the disproportionate economic vulnerability of these women, owing to their age, educational levels, reduced labor market opportunities and less work experience, almost three quarters of the elderly living below poverty level are women.

House Bills 2003 and 2562 would restrict married people's ability to divorce in Pennsylvania. HB 2003 would do so by permitting courts to conduct hearings on fault-based grounds even in cases in which no-fault grounds have been established; HB 2562 would abolish divorce by mutual consent and would also abolish divorces for marriages that are irretrievably broken where the parties have lived apart for two years. In other words, HB 2562 essentially reinstates the divorce laws of the eighteenth century in which marriages could not be terminated without showing that one of the parties was guilty of a marital fault such as adultery or cruelty.

The Women's Law Project urges you to reject this legislation. While it is regrettably true that divorced women often fare worse economically than still-married women and considerably worse than divorced men, the answer to women's economic insecurity is not to lock them into marriages they cannot escape. The repeal of "no-fault" divorce would return Pennsylvania women to a time when they were forced to remain in loveless marriages or, alternatively, undergo a lengthy, expensive, and destructive fault-finding and blame-fixing process. Requiring divorce to take longer, cost more, and be more difficult will not necessarily improve women's economic status. Indeed, for many women, imposing such hurdles will only make their struggle to free themselves more difficult.

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Instead of limiting married people's access to divorce, we would urge you to address the difficulties faced by single and divorced women through fighting gender and age discrimination in the workplace, improving women's wages and working conditions, calling off this Legislature's continuing attacks on safety net programs for low-income women and children, providing vastly expanded funding for legal services for women, and pursuing spousal and child support enforcement with greater vigor. These are reforms that could truly aid women seeking economic independence.

Thank you for the opportunity to submit this testimony.

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