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## **NEW RESEARCH REVEALS THAT A SURPRISING PROPORTION OF COUPLES IN THE DIVORCE PROCESS ARE INTERESTED IN SAVING THEIR MARRIAGE**

### **“SECOND CHANCES” REPORT PROPOSES MODEST REFORMS, HOPE OF RECONCILIATION FOR COUPLES CONSIDERING DIVORCE**

*Released today by the Institute for American Values, at an event co-sponsored by the Brookings Institution and the Heritage Foundation, Second Chances: A Proposal to Reduce Unnecessary Divorce reveals new findings regarding divorce in America—and offers recommendations which, if enacted, would likely reduce the rate of unnecessary divorces*

**Washington, D.C.—October 21, 2011—**The Institute for American Values released today *Second Chances: A Proposal to Reduce Unnecessary Divorce*, a major new report that includes new findings on divorce in America. Intended for U.S. State Legislatures, the report not only reveals new research that is certain to dramatically change the debate surrounding this issue, but also offers concrete recommendations aimed at policy makers for modest ways to reduce unnecessary divorce. The principal investigators of *Second Chances* are William J. Doherty, Professor of Family Social Science at the University of Minnesota, and Leah Ward Sears, partner at Schiff Hardin LLP and former chief justice of the Georgia Supreme Court.

Investigators Doherty and Sears describe two widespread misconceptions that currently exist when it comes to divorce: First, the majority of divorces happen after many years of conflict and misery, and secondly, that once a couple files for divorce, they don’t consider the idea of reconciling.

Both of these popular notions are, in fact, wrong.

*Second Chances* builds upon a growing body of scholarly research that suggest most couples who divorce are actually very similar to couples who stay married. Longitudinal research over the past decade has shown that a majority of divorced couples actually report *average happiness* and *low levels of conflict* in the years prior to the divorce.

**New research now shows that about 40 percent of U.S. couples already well into the divorce process say that one or both of them are interested in the possibility of reconciliation.** This finding is significant as it indicates that there is a major new opportunity to help millions of American families—saving couples, and their children, from the pain and anguish of an unnecessary divorce.

While the authors recognize that divorce is indeed at times necessary *more than half* of U.S. divorces appear to take place in low-conflict homes in which the best outcome for children would probably be a continuation of the marriage. Doherty and Sears confirm previous research by sociologists Paul Amato and Alan Booth, that those **U.S. divorces today that are most likely to harm children are precisely those divorces that appear to have the greatest potential for reconciliation.**

Major findings of *Second Chances* include:

- About 40 percent of couples already deeply into the divorce process report that one or both spouses are interested in the possibility of reconciliation.
- A modest reduction in divorce would benefit more than 400,000 U.S. children each year.
- A modest reduction in divorce would produce significant savings for U.S. taxpayers.

Based on their research, Doherty and Sears propose a Second Chances Act for U.S. State Legislatures to consider. It would provide married couples who are thinking about divorce the time and educational resources necessary to make reconciliation a viable option. *Second Chances* offers three specific recommendations:

1. Extend the waiting period for divorce to at least one year, with a voluntary early notification letter individuals may use to let their spouses know their intentions without necessarily filing for divorce.
2. Require pre-filing education for parents of minor children considering divorce, with a module on reconciliation and a module on a non-adversarial approach to divorce.
3. Create university-based centers of excellence to improve the education available to couples at risk of divorce.

According to the authors, “*Both of us sincerely believe that the modest reforms contained in our proposed Second Chances Act can contribute measurably to reducing unnecessary divorce in the United States.*”

**WILLIAM J. DOHERTY** is a professor of Family Social Science at the University of Minnesota and has worked with couples since 1977. He has seen his share of unnecessary divorces, as well as those that were necessary to prevent further harm. He is committed to the idea of adults doing their best for their children, which sometimes means employing every available resource to restore a troubled marriage to health. Married for forty years himself, Bill knows that the marital journey is not always easy. He believes government has a modest but important role in preventing unnecessary divorces, and hopes that policy makers find this report helpful to their thinking about how to encourage couples to survive the “worst” and restore the “better” in their marriages.

**LEAH WARD SEARS** is the former chief justice of the Georgia Supreme Court who has been considered twice for nomination to the U.S. Supreme Court by President Barack Obama. As chief justice, she spoke frequently about the need to restore the culture of marriage in America. As a jurist, Justice Sears used persuasion to win victories on a court where some viewed her as part of the liberal minority, even though she has always called herself a moderate. In a 1998 concurring opinion against Georgia’s anti-sodomy law, she wrote: “To allow the moral indignation of a majority (or, even worse, a loud and/or radical minority) to justify criminalizing private consensual conduct

would be a strike against freedoms paid for and preserved by our forefathers.” Since retiring from the bench in 2009, Justice Sears has continued her work on issues surrounding marriage and divorce, while leading the national appellate team at the law firm of Schiff Hardin LLP. Divorced after twenty years of marriage, she has two children and has been married to Haskell Ward since 1999.

**THE INSTITUTE FOR AMERICAN VALUES**, founded in 1987, is a private, nonpartisan organization devoted to research, publication, and public education on issues of family well-being and civil society. By providing forums for scholarly inquiry and debate, the Institute seeks to bring fresh knowledge to bear on the challenges facing families and civil society. Through its publications and other educational activities, the Institute seeks to bridge the gap between scholarship and policy making, bringing new information to the attention of policy makers in the government, opinion makers in the media, and decision makers in the private sector.

**For more information about this report, or to schedule an interview with Professor William J. Doherty or Justice Leah Ward Sears, please contact Doug Schneider at 302-635-7354 or [doug@americanphilanthropic.com](mailto:doug@americanphilanthropic.com).**

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