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## HOUSE JOINT RESOLUTION NO. 582

Offered January 10, 2007

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*Establishing a joint subcommittee to study the effect of no-fault divorce on the formation, duration, and dissolution of marriage. Report.*

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Patron—Marshall, R.G.

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Referred to Committee on Rules

WHEREAS, the ability for parties to obtain a no-fault divorce on the ground that the parties have lived separate and apart for a fixed duration without the requirement that any marital fault be shown was first permitted in the Commonwealth in 1960 by Chapter 108 of the 1960 Acts of Assembly; and

WHEREAS, between the years 1960 and 2004 the divorce rate in the Commonwealth has more than doubled; and

WHEREAS, during that same time period the marriage rate in the Commonwealth has fallen by almost 13 percent; and

WHEREAS, there may be a correlation between the creation of no-fault divorce and the increase in the divorce rate and decrease in the marriage rate; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the effect of no-fault divorce on the formation, duration, and dissolution of marriage. Further, the joint subcommittee shall assess whether the availability of no-fault grounds for divorce has contributed to or caused the decrease in marriage rates and the increase in divorce rates in the Commonwealth. The joint subcommittee shall have a total membership of 11 members that shall consist of six legislative members, three nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; one nonlegislative citizen member who is a circuit court judge and one nonlegislative citizen member who is a member of the Family Law section of the Virginia State Bar to be appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member who is a member of the Virginia Bar Association Coalition on Family Law Legislation to be appointed by the Senate Committee on Rules. The Executive Secretary of the Supreme Court of Virginia and the Commissioner of Health or their designees shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall review the data concerning marriage and divorce rates in the Commonwealth since the advent of no-fault divorce and determine to what extent these rates have or have not been affected by the availability of no-fault divorce. The joint subcommittee shall further evaluate whether the public policy goals underlying the creation of no-fault divorce have been achieved and whether the effect of no-fault divorce has served to undermine other public policy goals of the Commonwealth, specifically the encouragement and defense of the institution of marriage.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Virginia Department of Health, Office of Vital Records. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2007 interim and four meetings for the 2008 interim, and the direct costs of this study shall not exceed \$8,200 for each year without approval as set out in this resolution. Of this amount an estimated \$1,000 is allocated for speakers, materials, and other resources. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members

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59 or a majority of the Senate members appointed to the joint subcommittee (i) vote against the  
60 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the  
61 joint subcommittee.

62 The joint subcommittee shall complete its meetings for the first year by November 30, 2007, and for  
63 the second year by November 30, 2008, and the chairman shall submit to the Division of Legislative  
64 Automated Systems an executive summary of its findings and recommendations no later than the first  
65 day of the next Regular Session of the General Assembly for each year. Each executive summary shall  
66 state whether the joint subcommittee intends to submit to the General Assembly and the Governor a  
67 report of its findings and recommendations for publication as a House or Senate document. The  
68 executive summaries and reports shall be submitted as provided in the procedures of the Division of  
69 Legislative Automated Systems for the processing of legislative documents and reports and shall be  
70 posted on the General Assembly's website.

71 Implementation of this resolution is subject to subsequent approval and certification by the Joint  
72 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or  
73 delay the period for the conduct of the study, or authorize additional meetings during the 2007 and 2008  
74 interim.