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**HOUSE RESOLUTION NO. 43**

Offered January 10, 2007

Prefiled December 18, 2006

*Directing the House Committee on Courts of Justice to study the effect of no-fault divorce on the formation, duration, and dissolution of marriage. Report.*

Patron—Marshall, R.G.

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, That the House Committee on Courts of Justice be directed to study the effect of no-fault divorce on the formation, duration, and dissolution of marriage. Further, the committee shall assess whether the availability of no-fault grounds for divorce has contributed to or caused the decrease in the marriage rate and the increase in the divorce rate in the Commonwealth. The Chairman of the House Committee on Courts of Justice shall delegate the conduct of the study to the Committee's Civil Law Subcommittee which consists of 10 members.

In conducting its study, the Committee shall review the data concerning marriage and divorce rates in the Commonwealth since the advent of no-fault divorce and determine to what extent those rates have or have not been affected by the availability of no-fault divorce. The Committee 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 undermined 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 Committee 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 Committee for this study, upon request.

The Committee shall be limited to four meetings during the 2007 interim and four meetings during the 2008 interim for this study, and the direct costs of this study shall not exceed \$11,000 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 Committee and the Clerk of the House of Delegates.

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

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