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Battle rages over no-fault divorce

BY TIM RICHARD
STAFF WRITER

Gail Ritchey, a Milford mother, told state lawmakers openly: "I did not want this divorce. The law needs to be more supportive of marriage."

She was among 11 men and women supporting a bill to make it tougher for married couples with minor children to divorce. After her husband obtained a divorce, her son killed her ex-husband.

Countered Nancy Jean Bliss, representing Michigan's NOW (National Organization for Women): "The state cannot force people to stay in love."

"This bill will have unintended consequences — more taxes for our overburdened court system; a burden on the poor and middle class; more money for lawyers and less for living expenses," said Bliss, one of seven opposed to tightening Michigan's no-fault divorce law.

Eighteen people spoke Monday (March 13) before a state House Judiciary subcommittee in the Farmington Hills City Hall on a bill by Rep. Jesse Dalman, R-Holland. Her bill would require couples with minor children to go through the pre-1972 "fault" divorce system.

Of seven opposed to Dalman's bill, five were attorneys and one a psychologist. Of 11 in favor, only one was an attorney.

Dalman, noting the split, summed it up: "The professional system is not working for the average person."

'Worst nightmare'

On one point, nearly everyone agreed. As Wilma Fellman, a West Bloomfield educator and divorced mother, put it: "It (divorce) can't be called easy by any stretch of the imagination. It's the worst nightmare anyone could go through."

Dalman's bill was the work of Michigan Family Forum, a right-wing group previously best known for fighting state school curriculum laws. Its pamphlet is entitled "Breaking Up Is Easy to Do." Author Brian Willata wrote that Michigan's 40,000 divorces a year (two-fifths of all first marriages) result in an "economic free-fall" for women and children, poverty, kids dropping out of school, suicide and a host of social problems.

The MFF-Dalman remedy: House Bill 4432, requiring one party to allege the other committed adultery or engaged in "deviate sexual intercourse," was physically incompetent at the time of marriage, has been sentenced to prison for three years or more, deserted for two years or more, "habitually uses and abuses alcohol or a controlled substance" or commits extreme cruelty.

"Fault-based divorce has problems — we admit that," said Willata. "If anyone has a better idea, we're all ears."

Other ideas

Many — both supporters and opponents of the Dalman bill — did have other ideas: a separate Family Court, mandated instruction on parenting, mandated counseling, better training for lawyers, and guardians ad litem for all children in a divorce.

Family court — "Personally, I'm in favor," said Michael Robbins, Birmingham attorney who chairs the Michigan Bar's family law section. Many judges "shove off cases to mediators, arbitrators. Many have never tried a divorce case."

NOW's Nancy Bliss agreed. "Judges hold a low opinion of domestic cases. Friend of the Court is totally disorganized; the judge rubber-stamps their work. A judge never even hears these cases."

Parenting classes — "You got a lot of people out there who think marriage is a joke," said David Hagood of Detroit. "You oughta make it harder to get married and harder to get out."

"Life is hard," said Farmington Hills psychologist Lyle Danuloff. "Parents are overwhelmed by life." Danuloff challenged MFF's conclusion that the soaring divorce rate is caused by no-fault divorce. He proposed mandated instruction on parenting and greater mental health services.

Counseling — Attorney Robbins praised Oakland County's "Smile" program, in which a judge and social worker spend 45 minutes with couples in divorce cases, showing a videotape in which kids tell "what divorce did to me." His conclusions: "Some marriages are saved; some divorces are more amicable."

Eugene Ludwig of Troy also supported mandatory counseling. A grandfather whose son is in a

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bitter divorce case, labelled "rubbish" the lawyers' notion that "courts would be clogged" if divorce were made more difficult under Dalman's bill. "It's the child that counts," he said.

Mark and Betty Squier, a Fraser couple who almost divorced, advocated Retrouvaille, where volunteer couples and a Catholic priest lead a weekend program and six later meetings to "help couples put the pieces back together and rebuild loving relationships." Participating couples are asked for a donation.

Lawyers' training — "Our profession is not trained to the sensitivities of maintaining the family. We're trained to be warriors," said James Elsmann, a scripture-quoting attorney from Birmingham who would prefer to allow almost no divorces.

From the opposite end of the political spectrum, Elsmann was joined by NOW's Bliss, who advocated "separate licensing of attorneys in family law."

Joseph Ditzhazy, a Redford Township leader of a gun owners' group who denounced both the political right and left, had a dif-

ferent view: "Attorneys profit from the misery of divorce. To the extent you can get attorneys and doctors out of divorce, you should do so."

Guardians ad litem — "A child is not represented in divorce court," said attorney Elsmann, proposing "a guardian ad litem for each child under age 18." "Guardian ad litem is a great idea," said Margaret Cotant, staff attorney with the Oakland Livingstone Legal Aid in Pontiac, "but never fool yourself into thinking you'll get enough volunteers."

Several people who had been unwilling participants in divorce called Dalman's bill the best solution.

"State officials are too willing to dissolve marriage and collectivize the costs," said "average citizen" Michelle Meadows of Southfield.

"I've seen many second marriages where the woman said her first husband was better," said Shirley Hobbs, a nurse in two prisons at Coldwater. "When the lawyers realized what our incomes were, they pumped us all the harder."

Joan Martineau, a Plymouth resident who said her husband "walked out the door" after 35 years of marriage and no arguments, said the loss of income has cost her her house while her ex-husband, now remarried, is buying his fourth new car in seven years.

Refer to House Bill 4432 when writing to your state representative, State Capitol, Lansing 48909.

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