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Assembly bill to speed divorce after abuse will save many lives, bring needed reform

February 24, 1998 | By Jane C. Murphy

LAWMAKERS around the country have begun to rethink laws governing divorce. Now, Maryland's General Assembly joins that debate in considering a bill that would make getting a divorce easier for victims of domestic violence.

In a misguided effort to preserve marriages and strengthen families, the legislature defeated a similar bill last year. So far this session, the measure sailed through the House of Delegates, but it now goes to the Senate, where it foundered before. Reforming Maryland's often painful and punitive divorce laws is an important issue, and this bill deserves approval.

Few would disagree that society would be better off if marriages were stronger and fewer couples wanted to get divorced. There is certainly evidence that children, who are involved in two-thirds of all divorces, suffer from the process of going through their parents' divorce and from the resulting changes in their lives. But is making divorce harder to get the answer? Probably not.

Maryland's divorce debate is a bit different from those being waged in Florida, Michigan, Iowa and other states where lawmakers are rethinking "no-fault" divorce laws. Maryland's divorce law requires a one-year wait in almost all circumstances except adultery. Under Maryland law, people who can demonstrate that their spouses have regularly subjected them to physical and mental abuse must separate and wait a year before even filing for divorce.

Maryland is one of only five states that require victims of domestic violence to wait before filing for divorce. Most states -- given the overwhelming evidence that women in abusive marriages are at the highest risk of injury during separation and that children suffer more from observing domestic violence than from divorce -- decided to deny abusive spouses additional time to victimize women and children.

House and Senate bills

The legislation before the General Assembly this session (House Bill 9/Senate Bill 194) would allow a spouse who can prove he or she was abused to file for divorce immediately. It's a good idea that will protect women and children, probably saving many lives.

As someone who has represented hundreds of such victims in divorce proceedings, I see no benefit in making couples wait at least a year to file for divorce; violent marriages don't suddenly transform into healthy stable relationships. On the contrary, the period between separation and divorce is often the most volatile. Battered wives need to make a quick, clean break.

Being abused by your spouse should provide at least as much justification for ending a marriage as having your mate cheat on you. As Lt. Gov. Kathleen Kennedy Townsend argued before the legislature, "We cannot continue to tell women . . . that when their husbands sleep with someone else, they can file immediately for divorce, but when they beat them up or even rape them, that they have to stay in the marriage for another year."

Legislators hearing testimony in support of the bill earlier this month seemed skeptical. For some legislators, any step in the direction of making divorce easier for anyone -- even people trying to escape violent marriages -- threatens the institution of marriage.

One legislator questioned the motives of people who might seek divorce under this new law. How could proponents be sure that women wouldn't induce their husbands to hurt them in order to get divorced more quickly, he asked.

Dr. Leigh Vinocur, representing the Maryland chapter of the American College of Emergency Physicians, responded that having seen the injuries women suffer at the hands of abusive husbands in the emergency room, she's convinced no woman would encourage such abuse. In fact, battering by a spouse or intimate partner is the leading cause of injuries to women in the United States. Protecting adults and their children from abusive spouses should be a top legislative priority, making passage of this bill an easy call.

Lawmakers interested in finding ways to provide real help to families can find many pending bills to support, including one that proposes the expansion of Medicaid to include some 60,000 children from families that make too much money to now qualify for the program but can't afford private insurance.

Other family-friendly bills worth supporting provide tax relief for families, support for parents returning to school and more and safer child care.

Fixing marriages torn apart by violence is probably beyond the reach of Maryland's lawmakers, but sound public policy to strengthen Maryland's families is not.

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