

**Alberta Darling**  
**Wisconsin State Senator**  
Co-Chair, Joint Committee on Finance

Senate Committee on Universities, Technical Colleges, Children and Families  
Senate Bill 398  
Wednesday, September 25

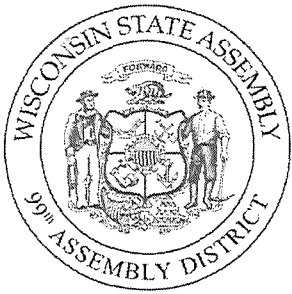
Thank you Chair Kooyenga and committee members for holding a public hearing on Senate Bill 398. This important piece of legislation removes an unnecessary government regulation that requires an individual to wait six months after a divorce is finalized before he or she can re-marry.

In order to obtain a divorce in Wisconsin, an individual must file for divorce and then wait 120 days before the final hearing can take place. Under Wisconsin law, an individual must then wait an additional 6 months in order to re-marry.

Wisconsin is one of just six states who require a waiting period after a divorce in order to re-marry. Along with Oklahoma and Nebraska, Wisconsin's 6 month waiting period is the longest restriction in the US. Kansas, Alabama, and Texas all have shorter waiting periods ranging from 30-60 days. Notably, the other 44 states in the nation do not place such a restriction on the marital decisions of their residents.

Senate Bill 398 removes the waiting period from our statutes because it is simply not the role of government to place such a restriction on the lives of its citizens. Divorce proceedings are complex and already take a minimum of 4 months to carry out. Under the current statutes, there is no consideration for time the couple may have been separated before actually filing for divorce, nor is there any consideration for cases of domestic violence or abuse that lead to a divorce proceeding. Wisconsin law mandates its citizens to remain bound to a failed marriage for 10 months before they can legally start anew.

Senate Bill 398 removes this restriction so that divorced individuals aren't tied to their ex-spouse for an arbitrary 6 month period after their divorce has been finalized. Thank you for taking the time to hear Senate Bill 398. I hope to count on your support for this reform.



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Senate Committee on Universities, Technical Colleges, Children and Families  
Public Hearing, SB 398  
September 25, 2019

Thank you Chairman Kooyenga and members of the Committee for holding a public hearing on SB 398, relating to eliminating the 6 month waiting period after a finalized divorce.

Wisconsin is just one of six states that still mandates a waiting period after a finalized divorce before an individual is allowed to re-marry. Other states include Oklahoma – six months, Nebraska – six months, Alabama – sixty days, Kansas – thirty days, and Texas – thirty days. Under Wisconsin's current law, an individual must wait six months before he or she is allowed to re-marry, with no exceptions. This bill would simply eliminate the prohibition against a person marrying for six months after the grant of that person's judgement of divorce.

An argument you may hear from those who oppose this bill is that it is in the state's best interest to ensure that any remarriage following a divorce is given the best opportunity to succeed. Who determines what an individual's 'best opportunity' is? It is not the role of the state to decide for a single person when it is appropriate to re-marry. Nor should the state determine what a marriage's best opportunity to succeed looks like. Every circumstance is different. Ultimately, it is the individual person who knows and understands what is in their own best interest, not the state.

Another argument you may hear is that an individual needs a waiting period to recover from the emotional stress that happens with a divorce. An individual knows his or her own feelings and emotions better than the state. In order for a final judgement of divorce to be granted, a minimum of 120 days of waiting is already required. This waiting period starts the day someone first files for divorce and ends when the divorce is granted by the court commissioner. Depending on the intricacies of the divorce, this minimum four month waiting period could exceed well beyond 120 days. When the divorce is finally granted, the mandatory six month waiting period begins.

Recovering from a divorce looks different to each of the individuals involved. For some, it is easy, for others it is more difficult and takes an emotional toll. It is not our role to judge these people or to try and understand how quickly they are able to recover. Our role is to allow individuals to make their own decisions in determining what is best for them, not discriminating against them by mandating they wait six months. A marriage could be over long before the divorce is final and creating a timeline for a new marriage is arbitrary. In fact, according to the CDC, the average time a person has been thinking about divorce before filing is two years.

A final argument from those who oppose this bill is that the waiting period protects the interests of the institution, in particular children. DHS indicates that in the year 2015 52% of Wisconsin

divorces involved families with children under 18. This means that 48% of divorces did not. While we all want what is best for the children of our great state, don't the parents know what 'best' looks like? Shouldn't we trust parents to make decisions on behalf of their family unit? This waiting period also impacts individuals who want to start a family - a woman who may get pregnant out of wedlock and is not able to be married - though it is her desire to do so. Or children who were previously in an abusive relationship and are required to wait to be in a healthy one. In some instances, it is actually in the best interest of the children to get married.

I would like to entertain you with an example. Two married parents, with children, have been physically separated for years. One of those parents met someone and would like to start a life with this person. The children like this person and even the soon-to-be ex-spouse is in favor. At the very minimum, these two people will have to wait 10 months (four months minimum for the divorce process and another six months for the waiting period). Since these parents have been separated for years already, would it not be acceptable for them to re-marry after the final divorce? Each situation is different and we need to allow individuals to decide what is best for them, with or without children.

Something important to note is that there is no statistical evidence which definitively correlates that a waiting period after a finalized divorce keeps divorce rates low. In fact, Oklahoma, which has a six month waiting period after a finalized divorce, has one of the highest divorce rates in the country. Iowa, with no waiting period, has one of the lowest divorce rates.

In summary, the state should not be in the business of telling someone when an appropriate time to remarry is. The individuals involved in these relationships know what is best for them and their families. The decision needs to be left up to that individual. This waiting period discriminates against people simply because they are divorced.

It is my hope that the Committee support SB 398 to allow legally single individuals the ability to decide for themselves when re-marriage is appropriate.

Thank you again for bringing this bill forward for public testimony.

Representative Cindi Duchow



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**Testimony in Opposition to Senate Bill 398**  
**Senate Committee on Universities, Technical Colleges, Children and Families**  
**Public Hearing, September 25 2019**  
**Julaine Appling**  
***President, Wisconsin Family Action***

Thank you, Chairman Kooyenga and committee members, for the opportunity to testify on Senate Bill 398.

Wisconsin Family Action strongly opposes this bill.

Currently, Wisconsin's law precludes any person who is divorced under Wisconsin law from remarrying anywhere in the world until six (6) months after the divorce has been finalized. Any marriage before the end of the 6 months is considered void. (Wis. Stats. 765.03 (2))

Senate Bill 398 proposes to change this from six months to no waiting period at all.

We oppose this change for five main reasons:

1. **Minor children** should be a top concern in a divorce and remarriage situation. Research regularly and repeatedly shows minor children are very vulnerable emotionally, socially, physically, and academically when their parents are divorcing. Research also shows (and certainly common sense would confirm) that vulnerability increases when the children become part of a blended family with all the changes and adjustments that brings. The well-being of a child should not be sacrificed on the altar of adult desires because a parent wants to immediately remarry after a divorce is finalized.
2. **Divorce is very stressful in multiple ways on the adults involved.** A waiting period ensures men and women have some time to recover before entering a new marriage.
3. **Remarriages are statistically more likely to end in divorce than are first marriages.** The state should do everything it can to ensure newly divorced individuals are deliberate and are fully prepared for marrying again, including time for pre-marital counseling, which when done right can take from 3-6 months.
4. **The state has a vested interest in marriage and divorce, especially when children are involved** because the state is depending on future generations being well-adjusted, healthy, competent citizens who will become the next workforce, taxpayers, entrepreneurs, leaders, etc. Safeguarding children by requiring their parents to wait before a remarriage after a divorce helps to ensure the well-being of children is considered.
5. **Every divorce costs the taxpayers of Wisconsin.** Some research has shown as much as \$30,000 public costs result from each divorce. Vulnerable remarriages mean the state and its taxpayers will very likely be shouldering additional costs from more divorces.

I want to elaborate on the importance of a waiting period in situations where minor children are involved.

Marriage today, sadly, has become much more adult-centric than child-centric. In other words, marriage is far more about adult desires and their perceived "happiness" than what is truly best for children. Too often remarriages especially illustrate this as just-divorced parents move rapidly into another marriage because that is what they as adults want, without carefully considering the impact on children and without sufficient time for the children to adjust.

The trauma divorce brings to children is well-documented. Imagine how that trauma is multiplied if within weeks or even days of the divorce being final, the children are thrust into a situation where one or both parents is remarried. A 6-month waiting period helps mitigate this trauma. With a waiting period, the state is protecting the interests of the institution and in particular the interests of children. The waiting period appropriately checks adult desires for a reasonable amount of time.

Ron Deal, is a Licensed Marriage and Family Therapist and Licensed Professional Counselor with close to 30 years experience in marriage and family training. A highly sought after recognized expert in marriage and blended families, Mr. Deal is a member of the Stepfamily Expert Council for the National Stepfamily Resource Center.

In an article entitled “Ten Things To Know Before You Remarry,” Mr. Deal suggests the following as it relates to children and divorced parents remarrying.

**“Wait two to three years following a divorce or the death of your spouse before seriously dating....**Most people need a few years to fully heal from the ending of a previous relationship. Moving into a new relationship short-circuits the healing process, so do yourself a favor and grieve the pain, don’t run from it. In addition, your children will need at least this much time to heal and find stability in their visitation schedule. Slow down.”

Further, Deal says, **“Think about the kids.** Children experience numerous losses before entering a stepfamily. In fact, your remarriage is another. It sabotages their fantasy that Mom and Dad can reconcile, or that a deceased parent will always hold his or her place in the home. Seriously consider your children’s losses before deciding to remarry. If waiting till your children leave home before you remarry is not an option, work to be sensitive to your children’s loss issues. Don’t rush them and don’t take their grief away.”<sup>1</sup>

Ron Deal is just one professional counselor who specializes in blended families who understands the importance of time when blending families. Many others agree with him.

Saying that government should have nothing to say about when a person can marry, which is what the proponents of this bill assert, prompts me to ask where that idea stops? Should government remove all the requirements it has for entering into a marriage? Perhaps government shouldn’t be involved at all in marriage. I am not advocating for that. Government has a vested interest in marriage because of the next generation. It is reasonable to believe that those who passed the law establishing a six-month waiting period were definitely considering the well-being of children. This committee should do the same and should be extremely wary of a change that essentially ignores what is in the best interest of children, Wisconsin’s future.

***Wisconsin Family Action strongly urges committee members to vote no on this bill.***

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<sup>1</sup> <https://www.familylife.com/articles/topics/blended-family/remarriage/dating-and-preparing-for-marriage/10-things-to-know-before-you-remarry/>



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## **POSITION STATEMENT ON PROPOSAL TO ELIMINATE WISCONSIN'S STATUTORY REQUIREMENT OF A 6-MONTH WAITING PERIOD AFTER DIVORCE BEFORE REMARRYING**

### **Background**

Currently, Wisconsin's law precludes any person who is divorced under Wisconsin law from remarrying anywhere in the world until six (6) months after the divorce has been finalized. Any marriage before the end of the 6 months is considered void. [Wis. Stats. 765.03 \(2\)](#)

In 1972, the state legislature changed the waiting period from one year to the current six (6) months. (1971 Senate Bill 241, published April 11, 1972; Chapter 245 of the State Statutes become Chapter 765 in July 1979 per 1979 Senate Bill 176.)

### **Wisconsin Family Action Position**

This 6-month provision is for good reason and should not be changed.

### **Importance of Marriage**

The state of Wisconsin recognizes the importance of marriage as state in the "Intent" section of the state statutes:

765.001 (2):

*INTENT. It is the intent of chs. 765 to 768 to promote the stability and best interests of marriage and the family. It is the intent of the legislature to recognize the valuable contributions of both spouses during the marriage and at termination of the marriage by dissolution or death. Marriage is the institution that is the foundation of the family and of society. Its stability is basic to morality and civilization, and of vital interest to society and the state. The consequences of the marriage contract are more significant to society than those of other contracts, and the public interest must be taken into account always. The seriousness of marriage makes adequate premarital counseling and education for family living highly desirable and courses thereon are urged upon all persons contemplating marriage. The impairment or dissolution of the marriage relation generally results in injury to the public wholly apart from the effect upon the parties immediately concerned. Under the laws of this state, marriage is a legal relationship between 2 equal persons, a husband and wife, who owe to each other mutual responsibility and support. Each spouse has an equal obligation in accordance with his or her ability to contribute money or services or both which are necessary for the adequate support and maintenance of his or her minor children and of the other spouse. No spouse may be presumed primarily liable for support expenses under this subsection.*

Wisconsin has taken marriage seriously because Wisconsin recognized that the next generation is truly important to the state's ongoing well-being and prosperity. Historically the state has understood that the very best environment for children—the future workforce, taxpayers, entrepreneurs, leaders, etc. of our state—is to

be brought up in the homes of their married dads and moms. Therefore, in its policies, Wisconsin has generally sought to encourage marriage and child-bearing within marriage, as well as encouraging parents who bring children into the world to remain together as a married couple in particular for the well-being of the child/children. The presumption has been (and we would maintain correctly so) that in any male/female marriage, the possibility of procreation exists.

## **The State and Divorce**

From time to time, we have unfortunately lost sight of the importance of marriage in state policy. For instance, in 1977, the state legislature replaced the traditional divorce system (involving fault and contest) with a “no-fault” system, which ultimately included, for all practical purposes, a “no-contest” system, as well. These legal changes have resulted in marriages being able to be dissolved simply because one spouse is unhappy, leaving the other spouse with no legal recourse to object. When even just one spouse indicates a marriage is “irretrievably broken,” the court has little to no way to deny the divorce petition, regardless of any protestations of the other spouse.

This very drastic change in divorce was within 5 years of changing the waiting period, both of which happened following the tumultuous 1960s, when our country underwent the so-called “sexual revolution.” It is reasonable to conclude changing the waiting period from one year to 6 months (see earlier) was the initial “nibble” on changing Wisconsin’s divorce law with the major “bite” coming five years later.

Some supporting the proposed bill in Wisconsin have asserted that “it is not the government’s role to determine when a divorced person should be allowed to re-marry.” As noted earlier, government has a very valid interest in protecting the next generation of Wisconsin citizens. While government should not be interested in anyone’s love life, government has a totally legitimate interest in creating public policy that is in the best interest of its future taxpayers, entrepreneurs, workers, inventors, and leaders.

Children are incredibly impacted by divorce, even in the best of marriage dissolutions.<sup>1</sup> In fact, especially to the point of this waiting period, experts report the first year after a divorce is the hardest and that remarriage comes with even more adjustments for children.<sup>2</sup> Research continues to show that parental remarriage negatively impacts, at a minimum, children’s academic success and psychological well-being.<sup>3</sup>

The authors of this proposal to completely eliminate the waiting period contend government “should be supporting individuals and families in these circumstances [*i.e.*, divorced and waiting for remarriage], not prohibiting them from marriage.” If government truly wants to support “individuals and families in these circumstances,” then it will retain the 6-month waiting period because that is in the best interest of all parties, but especially children.

## **Why Waiting Periods Are Good**

This is predicated on the idea that Wisconsin understands the importance of marriage and its valuable contributions to our state’s present, and certainly future, well-being. As noted in the Intent section of Chapter 765 of our state statutes, “[t]he impairment or dissolution of the marriage relation generally results in injury to the public wholly apart from the effect upon the parties immediately concerned.” Therefore, it is in the state’s best interest to ensure that any remarriage following a divorce is given the best opportunity to succeed.

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<sup>1</sup> <https://www.verywellfamily.com/psychological-effects-of-divorce-on-kids-4140170>

<sup>2</sup> *Ibid.*

<sup>3</sup> [https://www.tandfonline.com/doi/abs/10.1300/J002v40n04\\_05](https://www.tandfonline.com/doi/abs/10.1300/J002v40n04_05)

Even so-called “easy divorces,” (*i.e.*, those without much acrimony and contention; usually ones without children involved) take emotional and often financial and even health tolls on the individuals involved. More complex divorces result in commensurately more stress.

Recognizing the importance of marriage and the “injury” divorce brings to the immediately concerned parties, the state built in a waiting period before a divorced person can remarry. While little is written regarding the history of Wisconsin’s waiting period specifically, marriage experts have opined and continue to do so that the reason for a waiting period is to make sure the divorce is truly what the couple wants, to give them time after all the emotional and other upheavals of finalizing the divorce, to reflect on what they have done, recover a bit in all ways, work on the new relationship, etc. before they leap into marriage again.<sup>4</sup>

Marriage and divorce aren’t like any other kind of relationship or dissolution, especially when children are involved. Much needs to be considered after a divorce before a remarriage.

Marriage counselors and therapists we have consulted consistently indicate regarding the 6-month waiting period before remarriage, that if anything, the waiting period should be longer.

Statistics show that remarriages are considerably more likely to end in divorce than first marriages.<sup>5</sup> A waiting period of significant duration affords opportunity for careful deliberation, clearer thinking, more talking, more discovery, more preparation especially for children who would be involved, intensive premarital counseling and more. The goal is to do everything possible to have a successful next marriage; building in some time helps increase the likelihood of that happening.

Marriage today, sadly, has become much more adult-centric than child-centric. In other words, marriage is far more about adult desires and their perceived “happiness” than what is truly best for children. Too often remarriages especially illustrate this as just-divorced parents move rapidly into another marriage because that is what they as adults want, without carefully considering the impact on children and without sufficient time for the children to adjust. The trauma divorce brings to children is well-documented. Imagine how that trauma is multiplied if within days or even weeks of the divorce being final, the children are thrust into a situation where one or both parents is remarried. A 6-month waiting period helps mitigate this trauma. With a waiting period, the state is protecting the interests of the institution and in particular of children. The waiting period appropriately checks adult desires for a reasonable amount of time.

In 2014, 52% of Wisconsin divorces involved families with children under 18. In divorces involving children, an average of 1.9 children were affected by each divorce.<sup>6</sup>

Even in marriages where children are not involved, waiting to remarry is wise. Coming out of a failed marriage and rushing into another marriage, even if the individuals have been separated for some time, is not a good beginning and actually sets the couple up for problems and as a result increases the likelihood of divorce.

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<sup>4</sup> <http://healthresearchfunding.org/55-surprising-divorce-statistics-second-marriages/>;  
<http://www.familylife.com/articles/topics/blended-family/remarriage/dating-and-preparing-for-marriage/10-things-to-know-before-you-remarry>; <https://www.psychologytoday.com/blog/the-joint-adventures-well-educated-couples/201210/how-long-wait-getting-married>; <http://divorceinfo.com/remarriage.htm>

<sup>5</sup> <http://healthresearchfunding.org/55-surprising-divorce-statistics-second-marriages/>

<sup>6</sup> <https://www.dhs.wisconsin.gov/publications/p45359-14.pdf> Note: The 2015 Marriage and Divorce report issued by the Dept. of Health Services in May 2016 (most recent data available), interestingly for the first time does not include any reference to children or any statistics involving them.



## Other States

Wisconsin legislators have indicated a primary reason for eliminating the current waiting period is to bring the state into conformity with the majority of other states. Admittedly, the vast majority of states (44) have no waiting period. That does not make eliminating an existing waiting period right or good. It means the states have taken what appears to be the easy way out but which will ultimately be the hard way for their citizens and for the state's overall good.

Consider, for instance, that by any standard, divorce is expensive—not just for the individuals directly involved but for states. In 2008, a national study was done showing (conservatively) the cost of “family fragmentation,” defined as divorce and unwed child birth. The study broke out each state. Wisconsin's annual cost for “family fragmentation” eleven (11) years ago was \$737 million.<sup>7</sup> Obviously, a large portion of this cost is from divorce.<sup>8</sup> A number of years ago some researchers estimated each divorce in any given state costs taxpayers about \$30,000. Wisconsin has had roughly 15,000 divorces annually for the last 4 years.<sup>9</sup> If we assume the \$30,000 per divorce (which is likely quite low), then the state's taxpayers bear about \$450 million per year as the public cost of divorce. It is definitely in any state's best interest to mitigate the likelihood of divorce. Wisconsin is doing that by requiring a reasonable waiting period before remarriage after a divorce.

## Summary

Removing Wisconsin's 6-month waiting period for remarriage after a divorce is not good policy. ***Wisconsin Family Action strongly urges that legislators not co-sponsor LRB-3762/1, authored by Rep. Cindi Duchow and Sen. Alberta Darling, nor support the proposal in any way.***

Wisconsin should continue its good history of prudent policy that is truly in its citizens' best interest and its own best interest.

August 22, 2019

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<sup>7</sup> <http://americanvalues.org/catalog/pdfs/COFF.pdf>

<sup>8</sup> “These costs arise from increased taxpayer expenditures for antipoverty, criminal justice, and education programs, and through lower levels of taxes paid by individuals who, as adults, earn less because of reduced opportunities as a result of having been more likely to grow up in poverty.” *Taxpayer Costs of Divorce and Unwed Childbearing*, p. 5

<sup>9</sup> <https://www.dhs.wisconsin.gov/publications/p45359-15.pdf>



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September 25, 2019

To Members of the Senate Committee on Universities, Technical Colleges, Children and Families:

I am a Wisconsin State Licensed Clinical Social Worker and administrator of a State Certified Outpatient Mental Health Center. Assembly Bill 439 and its companion Senate Bill 398 which eliminate the waiting period after divorce before remarriage have me very concerned. I do not believe this is good policy as it is potentially harmful to the individual partners, the community, the state and the institution of marriage, especially when children are involved.

When children are involved in a divorce, they are at risk at all levels—physically, socially, educationally and legally. The evidence is clear that divorce is traumatic to children. The fiscal cost of divorce, especially when children are involved, impacts public welfare, mental health costs, educational achievement costs, and legal costs.

A longer waiting period after divorce before any remarriage, with some expectations, is a positive option, especially to help children adjust to the trauma of the loss of security that is part of a divorce. Step-parent or adult-cohabitation situations have significant risks for children. A longer waiting period with some requirements before remarriage is important in particular to help children prepare for the changes.

Rather than eliminate the waiting period, I have long advocated for a mandatory class for all divorced parents with children, where one or both parents are looking to establish a new relationship. Parents must be informed of the potential negative impact of their decision on their children and on their own future. Pre-marriage counseling with an inventory is important for all marriages, and I believe it is essential for remarriage and step-parent situations. Such counseling takes time, and a waiting period provides the necessary time.

Please do everything in your power to stop passage of this harmful legislation.

Sincerely,

***E. Lee Webster, MSW, LCSW***

Founder and director

Mr. Webster holds a Masters' degree in Social Work from the University of Denver. He spent five years in Child Protective Services with Marathon County Department of Social Services, where he was both a social worker and supervisor. Since leaving the County, Mr. Webster has spent more than 45 years as a therapist, working with individuals, couples and families, most of that as the founder and director of a State Certified Outpatient Mental Health Center. He is also a School Board Member for the Wausau School District.

## **AB439/SB398**

Dear Senators, Representatives and Committee Members,

My name is Tressy Keister, I am a 47 year old, educated professional. I am a Registered Nurse and I also hold a BS in Human Development where I received education in the physical and psychological development of individuals through the lifespan and that included the impact of relationships and family dynamics from beginning to end, including marriage, divorce, and death, the birth of a child, blended families and how roles change throughout life. As an RN, I work with disabled and special needs patients in their homes and have witnessed various family dynamics in these settings. I have experience in Long Term care as well and family dynamics in those settings. I am the survivor of abuse, a parent of 4 grown children and a person who has experienced marriage and divorce and now a successful, happy, blessed marriage that is the result of divine intervention.

I am writing to you in support of getting AB439/SB398 passed. This bill, in regards to eliminating the 6 month waiting period for divorced persons to remarry needs to be passed. Currently as it is written in the statutes, not only does the state of Wisconsin deny the right for a divorced person to remarry in the state of Wisconsin for 6 months, but in fact, it denies the right to remarry anywhere in the world for those 6 months. Consequences being, if a person were to leave the state to marry somewhere else and then return to the state, the marriage would be considered void and they could be charged with evading the law and could be fined \$10,000 and face imprisonment. This law as it stands is archaic and needs to be rewritten. A divorced person should not be considered a criminal because they get remarried.

There are only a few states in the entire country that have any post-divorce waiting period before allowing remarriage and statistics do not support that the divorce rate is any lower for the states that have waiting periods for remarriages. It may be argued that statistics do show that 2nd, 3rd etc marriages do have a risk for ending in divorce as well but a waiting period for remarriage does not likely decrease those statistics. Many states that have no waiting period have lower divorce rates than Wisconsin does therefore, this waiting period with the current law has not proven to reduce the rates in Wisconsin. It is an ineffective and harmful law. I state it is harmful in the fact that it discriminates against and further stigmatizes divorced persons who are already dealing with the emotional impact of a failed marriage. Divorce is not easy. Divorce leaves feelings of guilt and hurt and failure but at times and in many circumstances it is the best situation for all involved. There are cases of mental, emotional, physical and sexual abuse. There are cases of severe mental health of one spouse that is impactful harmful and unsafe for the other spouse. There are cases of infidelity and deception that puts one spouse at a health risk. In such cases, there is already emotional devastation from the realization that their marriage is over. Should that victim also now have to be treated as though they are not entitled to the basic right to pursue happiness in a possible successful different marriage if their path leads them there? The law requiring a waiting period impedes the basic right of an American Citizen to pursue happiness. And that is unconstitutional. I cannot say that the law itself is unconstitutional, because I researched and the idea of waiting periods for remarriage post-divorce is not even addressed in the Constitution. If our founding forefathers did not see the need to make laws that govern personal choices to pursue happiness through a new marriage, then why should the State

of Wisconsin think they have the authority to do so? The majority of the rest of the states in our fine, free country do not see the purpose in such a law, so why does Wisconsin?

It may be argued by Wisconsin Family Council and others who want to reduce harm to families and, that this waiting period allows time for adjustment, healing, premarital counseling, etc and I do not disagree with divorce being harmful nor do I disagree that families should stay together in most situations. Nor do I disagree that it may be wise to have time between the end of a marriage and the beginning of a new marriage for the best interest of everyone involved. Nor do I disagree that marriage counseling should be a part of every couple's life. However, it is more likely the case that a marriage has long been "over" and households and families have long been dealing with the "brokenness" long before the final judgement date of a divorce. It already takes a minimum of 120 days post filing for a divorce hearing and more than likely the household has already separated prior to even the date of filing for the divorce. Therefore, "time" between the end of a marriage and the beginning of another already likely adequately occurs. It is not likely the case that a person moves out of one house, divorces that day, and the next day remarries. If the argument is that people need time to get to know each other before rushing into a decision for a new marriage is made, I have to say I disagree on the foundation that you never truly "know" anyone. You only know what they are willing to show you and tell you and be truthful with you about.

My previous marriage, I dated him for 2 years prior to marriage, I paid attention to red flags, questioned them, received "validated" answers to and was "reassured" to believe that it was a sound decision to marry. Eight years of marriage later, after a total of 10 years of "knowing" this "man", I discovered he had been living a lie the whole 10 years and had an entire second lifestyle outside of our marriage that put my health at risk. Because I believe in marriage and forgiveness and healing and counseling, I forgave him, requested we receive counseling and almost a year later, discovered he was still deceiving me and continuing to put my life at risk. I had to choose divorce to protect myself. It was a realization to me that it doesn't matter if you "take time" to get to "know" someone before you marry them or not. I didn't "know" this "man" even though I lived with him.

As this marriage was now over, and I was hurting and trying to find my new direction, My friend from high school, whom I had never dated but considered to be my best friend, located me and helped me, as my friend, to navigate through the situation and find a way to breathe again. While I was emotionally done with men and the idea of trust and marriage, and had no desire to ever do that again, within a very short time, it was obvious that we needed to be together and would make life better for one another. He was a single dad for 10 years raising his 3 children with one minor child still left in his care, a boy who was 15 at the time. There were little employment opportunities in FL whereas there were many available in Wisconsin. His son was good with the idea of seeing his dad happy and moving to Wisconsin and the chance to know what it would be like to have a stable family and a stable "mom" in his life. He was looking forward to starting soccer and having a new and better life. This current law, kept us from beginning this new marriage and him being able to find good employment and his, now "our", son, from being able to experience a happy and stable life with a "mom". They were being punished by a law that should have had no impact on their lives. I should have been given the freedom to at least go to

FL to marry and then come back to Wisconsin and begin our life together without threat of being a criminal and risking losing my professional license as a result.

The point may be raised that this waiting period allows time for premarital counseling to better ensure a successful marriage post-divorce. However, there is no law that mandates premarital counseling so it is not likely that during that 6 months, people will be seeking said counseling. If the state wishes that people would undergo said counseling to try to increase successful marriages, then a new law should be written requiring such counseling prior to issuing a marriage license and again, prior to issuing a divorce hearing date. I agree that would be a good law and I will support that law. However, that has nothing to do with AB 439/SB398. Passing these bills to eliminate the discriminatory 6 month waiting period for divorced persons to remarry is simply the first step to giving Wisconsin/American citizens back the freedom to pursue happiness. After these statutes are rewritten appropriately to give back that right, then I urge the governing authorities to put into action the writing of new law that mandates such counseling if that is the argument behind why this waiting period should be required. If we deal with "counseling" proactively before issuing marriage licenses and before issuing divorce hearing dates, maybe that would increase successful marriage rates. This current 6 month waiting period does not impact the counseling scenario.

As a Christian, I am not supportive of taking marriage or divorce lightly as it is supposed to be a commitment and vow to the spouse and God to be forever. However there are often extenuating circumstances such as abuse, hidden mental health disorders and life altering lies that would substantiate divorce. Those circumstances should not keep someone from remarrying. We should not have been made to have our lives kept in limbo instead of beginning a new and better life together where I was allowed to heal and am now married to a man who prays with me, reads the Bible with me, attends church with me, works hard to help support our household and is always looking out for my best interest instead of being punished because I left a man who did none of those things but instead lived a life of deception and put me in harm's way. Pass this bill and change this law and then if it is going to be in the best interest of families and children to write new laws that include counseling, I support that. But the waiting period this bill currently seeks to eliminate needs to happen first.

Thank you for your time and consideration and your efforts to represent, serve and protect the rights of Wisconsin citizens!

Sincerely, Tressy Keister, RN  
Kewaunee, WI

Monday, September 23, 2019

**PERSONAL TESTIMONY REGARDING PROPOSAL TO ELIMINATE WISCONSIN'S  
STATUTORY REQUIREMENT OF A 6-MONTH WAITING PERIOD AFTER DIVORCE  
BEFORE REMARRYING**

**AB439/SB398**

My position: This 6-month provision should be ELIMINATED.

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Good morning,

My name is Shannon Tonsor and I am a resident of the state of Wisconsin. Due to this hearing being during working hours, the nature of my responsibilities at my job and responsibilities to my family, I could not travel to Madison for half a day to personally give my testimony. While this is of utmost importance to me, and has been for years, I simply could not attend.

I'd like to start with thanking Senators Darling, Kooyenga and Ringhand; and cosponsors Representatives Duchow, Krug, Loudenbeck, Novak, Kulp, Kitchens, Subeck, James, Tranel, Felzkowski, Sinicki and Skowronski. And, thanks to Alicia Dorsett for reaching out to me after years of this bill being tabled. Means so much to me I finally get a voice in this matter.

**FREE WILL.**

I was brought up in a christian household and was always taught that I had a free will. I had a will that enabled me the right to choose what I wanted for my life. Sometimes those choices are good, sometimes bad, but they are always, always mine to make. I was taught having a free will means not only to I have the ability to make decisions for my life, but I have the responsibility to choose wisely.

Freedom to make life choices is a human right. I would say human rights extend to rights to decide how to spend my money, make my own healthcare decisions, right to choose my career, and covers my rights regarding social aspects like relationships with friends, family and marital. Each person has different ideas about what is important and how they want to live their lives.

**MY STORY.**

I was engaged at 16 years old to a 22 year old man. I was engaged for 3 years then married for 13 years... 4 children. I was emotionally and sexually abused by this man since 16 years old. He was an ordained pastor so I wasn't allowed to say anything to anyone about the abuse. And when I did, I was met with "You have to forgive him and move on." I begged for marital counseling... but he would only go to a christian counselor. We did... and the result? "Shannon, you have to forgive him and be a good christian wife. Let go of the hurt and pain and the bruises he puts on the children are

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okay because they are fair skinned and he can spank them as hard as he wants." I was told I couldn't report him. I was told no one would believe me over him because he was a 6 figure earner at his job and who he was as a pastor. However, I decided my kids meant more to me than dealing with the control, emotional abuse, sexual/physical abuse and religious perversion. I decided I was not going to another women's shelter with my children. I asked a friend for money and absolutely petrified... I filed for divorce after 16 total years together and 13 years of marriage.

I hadn't had a job in over 12 years. I was made to quit college to have kids and be a stay at home mom and homeschool our children. So, here I was, no degree, zero earning potential and completely dependent on this man for money. The only marketable skills I had was a history of competitive cheerleading and being a mom. I am from good stock and I know I can work hard. I refused to be an able bodied woman and live off the government. So, I got a job the week I filed for divorce. I worked hard at a tool and die shop and moved up quickly to the point I could afford to move out of the condo we shared. During the time after I filed to the time I moved out was a nightmare. I was petrified. He controlled my every move. As a mom. As a person. I was in counseling. He harassed me. I filed multiple police reports against him. So, for WFA to say in their statement "In other words, marriage is far more about adult desires and their perceived "happiness" than what is truly best for children." This infuriates me. What about seeing your mother cry every single day, be pushed down stairs and emotionally abused is best for my children? These people who say this are completely ignorant as to all the complexities and the myriad of reasons people divorce. They hide behind religion and without any regard for the real life reasons people divorce. No, actually, I divorced him because I cared more about my children than to keep them in that situation. How dare anyone say it was about just my happiness. I stayed as long as I did because I bought into the lie my children needed both parents married or they'd fall apart. That it's a sin to divorce. That you somehow have to be a martyr for the sake of a piece of paper. I bought into the lie you either stay married or your children become those kids who lose it in life and end up on an episode of Dateline. Shame on anyone for putting that on people.

He drug out our divorce for 10 months. Then I was punished for divorcing, by my own government, and was legally held captive for 6 more months.

I met a man after I filed for divorce, who became my confidant and friend. He was good to my children and my children liked him. We wanted to marry when the divorce was final... but was legally unable to. A total wait of 14 months to just move on with my life. The point is... who is the government to tell me when I can move on with my life to something I feel is better for me and my children? I pay my bills. I pay taxes. I care for my children in all aspects. You should have no right making those decisions for my life. We have one life. 6 month waiting period? I've seen people get cancer and die in a fraction of that amount of time. Why put a block on a families' happiness? My children were happy to see me happy and happy because they weren't seeing fighting and

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yelling and abuse and their mom cry day in and day out. What about my children who were completely happy with our family moving on?

My second marriage lasted 10 years. My children were all 10 years older... We filed JOINTLY to divorce. And yet there was a 4 month period to finalize a divorce that was not contested in anyway! Then on top of it another 6 months waiting to MOVE ON and marry. This is absolutely ABSURD. I waited the 6 months and married.

A 16 year relationship (13 years married) and a 10 year marriage... I'd say that's not even close a revolving door. When people get divorced... it's none of our government's business why... or to make it meet some standard they set... or to quantify the reasons. We are human beings who live in AMERICA for God's sake. As an adult, I can make decisions for my life without my government telling me what is best for ME and my family.

No one gets married to get divorced. It's more detrimental to people to have to wait an additional 6 months after their divorce is final to move on with their lives with someone else, if they so choose. It's like punishment. From our own government. What country is this?

I am married. We have 6 children. We are very happy and contrary to WFA's statement; we contribute to our society, are not a burden, our children are very happy and all make very good grades in school. So, while I am not actively facing this ridiculous law anymore... I did face it. Twice. And I want my voice to be heard to help anyone else out there who just wants to be free to make their own decision about their lives without the government interfering.

Please understand, this law is not allowing people to be free to make the decisions they have the god given right to make for themselves. 45 other states understand this. Please abolish this law. It's beyond time.

Thank you for your time.

Shannon Tonsor



**September 25, 2019**

**PERSONAL TESTIMONY REGARDING PROPOSAL TO ELIMINATE WISCONSIN'S  
STATUTORY REQUIREMENT OF A 6-MONTH WAITING PERIOD AFTER DIVORCE  
BEFORE REMARRYING**

**AB439/SB398**

My position: The 6-month provision should be terminated.

Good morning,

My name is Clint Christy and I was born in Madison, Wisconsin and raised in Tomah, Wisconsin. I have attended UW colleges and I am a military veteran with my unit being out of Milwaukee. I love Wisconsin for everything it offers. Through work, military, and college athletics, I have had the opportunity to live and experience other states cultures. Still, Wisconsin is the best.

I cannot attend the hearing otherwise I would gladly and openly testify. First, I would like to thank Senators Darling, Kooyenga and Ringhand; and cosponsors Representatives Duchow, Krug, Loudonbeck, Novak, Kulp, Kitchens, Subeck, James, Tranel, Felzkowski, Sinicki and Skowronski for involvement with this matter. Also I would like express thanks to Alicia Dorsett for corresponding and responding to my inquiry about this bill.

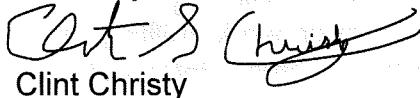
My beliefs and testimony is that the 6 month waiting period is unjust and unfair. It seems and feels like it is a punishment and goes against my rights and constitutional rights. I did a search and Wisconsin is 1 of 6 states that has a waiting period and in addition to that it has the longest waiting period. Just looking at that it seems like Wisconsin residents are a minority and have less rights or a voice when it comes to marrying. Also, most divorces have a finalization period i.e. 90-120 days. That seems to be a great time for the individuals to determine what's best for the family as well as if they will ever remarry. In my opinion, when two individuals divorce, it is still a family and if the individuals remarry to others happily, it is a family. Family above all is what is important. So, having another 6 months (waiting period) on top of the finalization period seems very unusual and unjust.

Another very important reason is family. Family is very important to me. Families today come in all different forms. My own personal dilemma is I have to wait 6 months in addition to a divorce finalization period to start a family with my fiancé, soon to be wife. That is 10 months, practically a year. We both are at an age where we don't want to be older before having a child together but we also want to wait until we are married and not have a child out of wedlock. The 6 month waiting period delays our family from becoming a family and that is not okay.

If I was a resident of any other state, this wouldn't be an issue and that is what really pains me because I have lived in Wisconsin for 30 plus years and have paid taxes, enjoyed professional team sports, GO PACK GO!!! Brew Crew BUCKS, hunted, I am a Wisconsin military veteran, and have lived the Wisconsin way, yet it seems like the state of Wisconsin has a law that I don't agree with and severely hampers my ability and life and right to get married and create a family. It just does not seem fair or right considering family and love is the ultimate gift.

Please hear my concern and understand my feelings on this matter and please consider terminating the 6 month waiting period.

Sincerely,

A handwritten signature in black ink that reads "Clint Christy". The signature is written in a cursive, somewhat stylized font.

Clint Christy

Good morning. My name is Ryan Robinson-Delaney. It is my honor to have the opportunity to bring my testimony forward today in support of Assembly Bill 439, a Bill that will eliminate the waiting period for divorced citizens of Wisconsin to re-marry.

There is a stigma surrounding divorce. Maybe not as bad as it once was, but there is a stigma. Upon sharing with friends that I was going to bring my testimony today in support of this bill, I received a huge amount of support along with a small amount of pushback. There is this strange law in Wisconsin that, without respect to any factors of the length of the marriage, length or costs of the divorce process, adds an additional 6 months before a party can remarry. It treats those with no marriage experience with a higher level of freedom than those that *do* have marriage experience. That is really what this bill 439 is about to me, freedom<sup>[RJ1]</sup>, equality, and equal protection, as marital status is a protected class in Wisconsin – why are all who have been divorced, for a period of time, treated differently than other citizens?

The additional six months waiting period after a divorce is punitive. An additional “sentence”, if you will, for once being married. A time-out, of sorts, where you can witness the government sending adults to sit in a corner. Like little Johnny who cut himself with a pair of “real” scissors, and has to go through a period of having NO scissors ... and then has to have the flimsy plastic ones with the round point so he no longer hurts himself or others. How does current law differ? How is making divorced citizens wait six months to remarry anything more than a punitive measure meant to keep people from “harming” themselves?

The stigma of second marriages not being as “good” as the first marriage surrounds us in our religions and culture. What public good is being served by having this waiting period? Does society really need government placing some citizens in “time-out”? No.

As you are all undoubtedly aware, Wisconsin has another law which mandates a divorce process take a minimum of 120 days from filing until dissolution. This, for many, is a best-case scenario. A streamlined process in which two parties who formed a partnership dissolve their partnership and are able in an uncontested way to do so and move on with their lives. Although statutorily possible, it is almost impossible in any way to be divorced within 120 days if there are any contested issues or if there are children of the marriage.

A man named Rowan Williams, one-time Archbishop of Canterbury and author, wrote in his book *“Why Study The Past”* about the folly of studying history by imagining historical people being the same as we are. Williams says it’s problematic to think of historical people as ‘the present in fancy dress’. Meaning, as we look throughout history, we can’t simply surmise our forebears to be us wearing colorful and poofy clothes. They are different, their experiences were different, the way they saw the world or interacted with each other was based on their context, not ours. Not that they were *any* less sophisticated than we are, it’s just that without a full understanding of the full context of their time – it is lazy and inconsistent with any normative reasonable thought process (better put - intellectually dishonest) to assume we understand them by looking through the lens of our own lives. We can’t transpose what we know into their stories and say what we would do given similar circumstances.

Likewise with this bill, when we think about the “they” this bill impacts – we can’t simply imagine ourselves in the situations of those going through divorce. We can’t think of divorcees as an ignorant, rash, or a jumpy bunch who will throw themselves into another marriage with haste. We cannot examine a great unknown “they” or “those people” who have been divorced through the lens of our own lives and experiences, even if our own lives and experiences have included a divorce. The basic objection I heard about my testimony today was a conjuring of images of an unknown mob of angry divorcees who are hell bent on jumping into another marriage. I don’t believe that group exists. I don’t believe in “they” or “those people” – I believe in “us” in “citizens” and in those affected by divorce either willingly or unwillingly and in empowering those citizens to move on with their lives without unnecessary restraint.

I believe Wisconsin is one of only 6 states that require a waiting period after divorce to remarry and one of two that extends this wait as long as six months. I am quite frankly shocked that those professing to be "pro marriage" would oppose this bill. Equally shocking is the fact people that say they are "pro family" oppose this bill. If one were "pro" anything, I believe that thing would come under the protection of the very groups that are now speaking out against this bill. The arguments for keeping the law as it is include that abolishing the six month waiting period for those who have suffered a divorce will somehow cheapen existing marriages, or give those in an unhappy or perhaps even an abusive relationship an escape hatch – or provide some middle aged scarlet letter "D" for folks to wear for 6 months. Divorce is simply difficult enough without additional punitive admonishments.

The State's role in divorce should be to provide its residents with the ability to obtain a fair and expedient method of unraveling their marriage partnership. It should not be to prolong any portion of this emotionally tumultuous process.

In conclusion:

The true costs of divorce are not lost on me. Marriage provides the bedrock for a stable society. When a marriage breaks down, the costs are more than just monetary. I am not "pro" divorce, although sometimes being able to divorce is a blessing. Divorce is not easy. Being divorced is not easy. I pray the State of Wisconsin embraces a pro-marriage stance and enacts this bill so that no member of its citizenry is subject to an unnecessary waiting period to be married. No citizen should be treated as second class with fewer rights and protections than any other.

To my friends from Wisconsin Family Action, and others who speak against this bill. You do so many great and right things. Supporting this bill is not anti-marriage, it is by its very definition "pro" marriage. We do not need government's help in encouraging our fellow Wisconsinites to not be married. The arguments some make in order to oppose this bill are, at best, reliant on imagery of "those people". Casting once again the lens of our own lives and judgements upon others who have or will suffer through a divorce. If you are pro-marriage, you should support this bill. If you believe our citizens have the right to make decisions regarding their own lives, you should support this bill. This bill is not an erosion of the sanctity of marriage. It does nothing to encourage divorce. This bill is pro-marriage, not anti-marriage. 439 supports citizen's rights to choose their own futures, without burdensome oversight and regulation.

Agree with me today to end this six-month waiting period and join the overwhelming majority of States that trust their citizens to make choices about their own lives. Freedom to love and be loved within a marriage covenant should not be delayed to anyone.