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Assembly Committee on Family Law
AB 79 – Repealing Remarriage Waiting Period
March 9, 2021

Thank you Madam Chair and members of the Committee for the opportunity to testify on Assembly Bill 79. This legislation simply seeks to eliminate the mandatory six month waiting period an individual must wait after a finalized divorce before they are allowed remarry again.

I have never been divorced, nor have any future plans to do so, but when this law was brought to my attention, it surprised me. Wisconsin still remains one of seven states with a mandatory waiting period for remarriage following a settled divorce. Of those seven, Wisconsin is among the three with the longest government-mandated waiting period for remarriage in the country.

Despite being legally single, a newly divorced individual in Wisconsin must wait six months after their divorce judgement has been finalized before he or she is permitted to marry again, with no exceptions. This mandatory six month waiting period is *in addition to* the minimum 120 days that is already required before a divorce judgment can be granted. This 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 these 120 days. When the divorce is finally granted, the mandatory six month waiting period for remarriage then begins. This amounts to a total of *at least* ten months before someone is able to remarry in the State of Wisconsin.

Assembly Bill 79 simply eliminates the additional six months an individual must wait for remarriage after the grant of that person's judgement of divorce. Every case is different and often times a marriage is over long before the divorce is officially concluded. It is not the role of the state to determine when a legally single individual is ready to be married again. The individuals involved in these relationships understand their feelings and emotions better than anyone else, and the decision to divorce and remarry needs to be left up to the individual.

Thank you Committee members for your consideration of Assembly Bill 79.

Representative Cindi Duchow



— Alberta Darling —
Wisconsin State Senator · District 8

Assembly Committee on Family Law
Assembly Bill 79
Tuesday, March 9, 2021

Thank you Chair Magnafici and committee members for holding a public hearing on Assembly Bill 79. 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. Notably, the other 44 states in the nation do not place such a restriction on the marital decisions of their residents.

Assembly Bill 79 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 remain bound to a failed marriage for 10 months before they can legally start anew. Additionally, if our citizens choose to exercise their freedom and attempt to marry outside the State of Wisconsin during their 6 month waiting period, they are subject to fines and criminal penalties under Wisconsin law.

Assembly Bill 79 removes this restriction so that divorced individuals aren't tied to their former spouse for an arbitrary 6 month period after their divorce has been finalized. Thank you for taking the time to hear Assembly Bill 79. This legislation passed the State Assembly last session on a voice vote. I hope to count on your support for this reform.

AB79

My name is Phil Moore. I am 74 years old and live in Gillett, Wisconsin. After 47 years of marriage, my wife decided to walk out and filed for divorce. Near the end of the divorce proceedings my wife decided she need to go to Europe to see our daughter and grandchildren, which further extended the time until the divorce was final. The divorce was finally granted 16 days short of one year. At that time, I decided to get on a senior dating website and see what was out there. I found a lovely lady who had very similar interests and beliefs as I did. We wanted to get married but couldn't because of Wisconsin's waiting period after divorce for remarriage. We did get married on February 17, 2018 and are very happily married today. Our marriage couldn't take place until a year and a half after my wife walked out on me. I sincerely wish that this bill had passed in 2017 instead of 2021.

I will acknowledge that the 6 month waiting period may stop some people from making hasty and/or unwise decisions. But every state around us doesn't have a waiting period after divorce. So why not just go to an adjoining state and get married?

I don't think that it is the job of the state to tell people that they cannot get married. They should just wait a little bit and then get married if they still want to. I think that this encourages people to live together instead of getting married. The state should be encouraging people to get married and have a stable long term relationship. As I am sure you are aware of, more than 50% of births are to out-of-wedlock parents. I have a step-grand daughter who has two children, by two different fathers and has not been married to either. I watch the almost daily turmoil and upset in her life caused by the lack of a stable marriage relationship. We as individuals and a state government should be doing all we can to promote strong, stable families instead of taking steps to keep people apart or putting them in unstable family situations.

Thank you for putting forth this legislation and for letting me speak on this matter.

Sincerely,

Phil Moore



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Testimony in Opposition to Assembly Bill 79
Assembly Committee on Family Law
Public Hearing, March 9, 2021
Julaine Appling
President, Wisconsin Family Action

Thank you, Chairwoman Magnifici and committee members, for the opportunity to testify on Assembly Bill 79.

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))

Assembly Bill 79 proposes to completely eliminate this waiting period.

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 in 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 Thing 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."

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 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, who are truly Wisconsin's future.

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

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 79, 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 AB 79 is about to me, freedom^[RJ1], 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 poufy 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 ages 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. AB 79 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.

Seth Lindblom
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8 March, 2021

Honorable Members of the Family Law Committee:

My name is Seth Lindblom. I am a 20-year retiree from the Army. I maintained my Wisconsin residence throughout my career and actually settled in Madison upon retiring in 2013.

I apologize for not being able to appear in person. I stand in favor of Bill AB-79; I feel that when someone divorces, there should be no 6-month waiting period, or at least that the law should not be absolute because there are many reasons why it is not appropriate in all circumstances.

I divorced my ex-wife, but had a Marital Settlement Agreement (MSA) which stipulated we remain married but separated so she could receive my insurance for two more years. As part of this agreement, the divorce could be finalized by either party on or about 7 March, 2020. I initiated the divorce and was shocked to find out that Wisconsin does not honor marriages until the waiting period is ended. Where this caused problems is as follows:

- 1) VA Disability Benefits- I was forced to remain single for 6 months and lost disability benefits that I would otherwise be entitled to as a result of marriage.
- 2) There was no consideration for the circumstances, the law is absolute. In this case, I had already found someone who I wanted to marry during the 2-year period while I had to remain separated from my ex, but not divorced. This was unfair, especially because 2

years already had to pass in order for me to divorce and then I had to wait another 6 months.

- 3) I, as a person, should not be told by the State or any other government entity when I can marry someone. As an adult, it should be reasonable that I know what I want for myself.

Please consider my circumstances in your decision. I appreciate you allowing me to give my personal account of how this law affects people.

Seth Lindblom

March 9th, 2021

Testimony since I am unable to attend the public hearing in person due to a medical situation with my mom.

Dear Senators, Representatives and Committee Members,

My name is Tressy Keister, I am a 49 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, 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 AB 79 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 impactfully 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 couples 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 we dated for 2 years and I lived with him for 8 years as his "wife".

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 79. Passing this bill 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 harms 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