



**Senate Bill 288: Marriage Waiting Period**  
**Senate Committee on Mental Health, Substance Abuse Prevention, Children**  
**and Families**  
**Testimony of Senator Joan Ballweg**  
**September 21, 2023**

Good morning Chair James and members of the committee. Thank you for hearing this legislation regarding Wisconsin's waiting period for remarriage after a divorce.

Senate Bill 288 eliminates the redundant mandatory six month waiting period for someone to remarry after their divorce judgement has been finalized. Currently, Wisconsin is one of eight states as well as Washington D.C. that still has a mandatory waiting period to remarry, with no exception. Of those states, Wisconsin is one of the three longest government-mandated waiting periods in the country.

When a couple decides to divorce, they must go through a lengthy court process that has time built in to slow the proceedings. In Wisconsin, the court must wait a minimum of 120 days before a divorce judgement can be granted. When you include the six-month waiting period, this amounts to a total of at least 10 months before someone can remarry in Wisconsin once they begin the formal court process.

Many have probably heard the statistic that marriage rates in the U.S. have declined over time, but some might be surprised to learn that divorce rates have also declined to the lowest levels we have seen in 50 years. In fact, according to the Institute for Family Studies that used census data, "the median duration of current marriages in the U.S. has increased almost one year in the recent decade, from 19 years in 2010 to 19.8 years in 2019." The consistent decline in divorce rates occurred during the same period in which some argue states made it far too easy for people to divorce.

Additionally, some argue divorce and remarriage have potentially detrimental effects on children, which is why we should maintain a government-mandated waiting period. But, in many situations, someone is filing for divorce because of an unsafe situation for the child. In the U.S., there is often not a single factor resulting in a marriage ending. However, a 'final straw' is usually reported as the tipping point that caused someone to make the decision to divorce. This is the case in 69% of divorcing couples. While infidelity was the most common issue reported as the final straw for 24% of couples, domestic violence was reported for 21% of couples and 12% said substance abuse was the deciding issue. Wisconsin's waiting period has no exceptions to remarry, which can leave the parent and child in limbo before trying to move on with their lives.



# JOAN BALLWEG

STATE SENATOR • 14<sup>TH</sup> SENATE DISTRICT

I agree marriage is a fundamental institution that is important to the strength of the family and our society. However, I recognize that every person's circumstances are different. The state should not determine when someone who is legally single can remarry, and I do not believe that an arbitrary waiting period of six months is the solution to increasing marriage rates and supporting stronger families.

This bill is being re-introduced from the previous two sessions (2021 AB 79 and 2019 AB 439) after passing the senate committee and Assembly floor with bipartisan support in 2019 and being unanimously recommended by the assembly committee in 2021.

Thank you for your consideration, and I am happy to answer any questions.





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**Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families  
Testimony on Senate Bill 288:  
Eliminating the Waiting Period for Marriage after Divorce Judgment  
September 21, 2023**

Thank you Mr. Chairman and members of the Committee for the opportunity to testify on Senate Bill 288. Simply put, this bill eliminates Wisconsin's mandatory six – month waiting period after a finalized divorce before an individual is allowed to marry again.

You might be familiar with this bill – this is the third session in a row that I've introduced it. This legislation passed the Senate committee and Assembly floor in in 2019, and was unanimously recommended by the Assembly committee in 2021.

A newly-divorced person in Wisconsin must wait six months after their divorce judgement has been finalized before they are permitted to marry again. There are no exceptions – death of the former spouse, their consent, or even remarriage to the same individual.

The waiting period is also redundant. When a petition for divorce is filed, Wisconsin has a mandatory 120-day period, about four months, before the divorce can become final. Depending on other factors, this minimum four-month waiting period will likely exceed that timeframe. 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.

Wisconsin is an outlier on this issue. Only seven states and the District of Columbia have waiting periods. Wisconsin, along with Oklahoma and Nebraska, are the longest. I've provided a handout from NCSL showing the state-by-state comparisons.

We've also never had a very good public policy rationale for such a long waiting period. I asked the researchers at Legislative Reference Bureau about the statutory history. They don't have drafting files dating back to 1901, when this became law. However, they were able to find an article in the Wisconsin State Journal from March 29, 1901, quoting the bill's author. He said,

“The bill is aimed at men who induce silly women to leave their husbands by telling them how much better they (invaders of home) will care for the wife, will testify, will pay expenses, etc. – then marry them in a short time.”

Politics and policy are downstream of culture. In 1901, when married women rarely worked or had an income outside the home, this was probably an effective policy solution to keep them there. Today, men and women have different options, society has different attitudes.

Nobody wants a marriage to end in divorce. People who go into marriage always hope and plan for the best, with an image of the future – and often, the vows we take say “until death do us part.” The process of divorce reduces a relationship to a business and legal transaction. It’s a terrible and tragic thing, regardless of the circumstances.

My husband and I just celebrated our anniversary – I can’t imagine a life without him, and I can’t imagine the pain that families go through when dealing with a divorce. Every case is different, and oftentimes a marriage is over long before the divorce is officially concluded.

It is not government’s job 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 for your time and consideration on this bill once again. I’m happy to answer any questions you may have.



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# JOHN J. MACCO

STATE REPRESENTATIVE • 88<sup>TH</sup> ASSEMBLY DISTRICT

**To:** Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

**From:** Representative John Macco

**Date:** Thursday, September 21<sup>st</sup> 2023

## In Favor of SB 288

Chairman James and Committee Members,

Thank you for holding a hearing for SB 288.

As a man of profound faith, I hold the institution of marriage in the highest regard. I fully recognize the desire to safeguard this sacred union and the benefits it gives to those who enter into it. However, it is imperative to acknowledge that when the unfortunate event of divorce arises, the state should not be in the position to prolong another marriage unnecessarily; especially when the timeline is of no fault of the people involved.

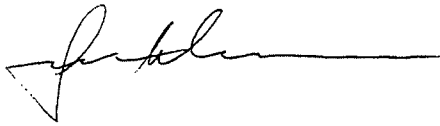
Ideally, a six-month waiting period would not pose an undue burden on individuals seeking marriage after divorce. Regrettably, we do not live in a perfect world, and the reality of our court system's inefficiencies cannot be ignored. While I do not support jumping from one marriage to the next, it is crucial to acknowledge that, in our current societal landscape, the courts often encounter delays beyond the control of the involved parties. These delays routinely extend beyond the statutory six-month waiting period and meanwhile both parties, frequently, have moved on.

This issue is personal to me as I have been through it myself. My now-wife, initiated a divorce in June of 2021 in the state of Maine, and both parties had signed the divorce agreement in September of 2021. However, due to the complexities of asset division and the backlog plaguing our court system, the divorce proceedings were not concluded until September of 2022 which began the waiting period dictated by our statute- a whole year after both parties had agreed to the divorce. By that time, my wife and I had been in a committed relationship and were eager to be married in alignment with our religious beliefs. Unfortunately, the state of Wisconsin

barred us from marrying here until June of 2023 a staggering two years after the divorce had been filed.

It is noteworthy that only nine states in our nation enforce waiting periods, and Wisconsin, alongside Nebraska, imposes the most extended waiting period. It is high time for Wisconsin to step away from this process and grant individuals the freedom to marry without more unnecessary delays.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "John J. Macco", with a long horizontal line extending to the right.

**John J. Macco**  
**Representative**  
**88<sup>th</sup> Assembly District**





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**TESTIMONY ON SENATE BILL 288**  
**PUBLIC HEARING – COMMITTEE ON MENTAL HEALTH, SUBSTANCE ABUSE PREVENTION,**  
**CHILDREN AND FAMILIES**  
**THURSDAY, SEPTEMBER 21, 2023**  
**JACK HOOGENDYK, LEGISLATIVE AND POLICY DIRECTOR**  
**WISCONSIN FAMILY ACTION**

Thank you, Chairman James and committee members, for the opportunity to testify on Senate Bill 288. I am Jack Hoogendyk, legislative policy director for Wisconsin Family Action. We work to defend and preserve life, family, marriage and religious freedom. 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 288 proposes to completely eliminate this waiting period.

We oppose this change for five primary 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 be considered before her parents pursue their own personal desires.
2. **Divorce is stressful in multiple ways on the adults involved.** A waiting period provides time for the divorced individuals 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 encourage newly divorced individuals to be deliberate, thoughtful and fully prepared for marrying again. Ideally, the couple will engage in 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. Requiring their parents to wait before a remarriage after a divorce will help to ensure the well-being of children.
5. **Every divorce costs the taxpayers of Wisconsin.** 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 would like to speak a little more on the importance of a waiting period in situations where minor children are involved.

Marriage today, sadly, has become much more centered on the adults than the children. In other words, marriage is far more about adult desires and their perceived "happiness" than what is truly best for children. Remarriages often 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.

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."

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.

Let me read a statement from E. Lee Webster, a licensed family and marriage counselor from here in Wisconsin. "I am writing to express my concern about the Senate Bill 288. I am a Licensed Clinical Social Worker and have had over 40 years of professional counseling and supervisory experience. I believe that there are several reasons why the waiting period is important.

"Perhaps my biggest concern is for the children that will be innocently impacted by adult decisions. Of course, the best environment for them is to be raised by two committed parents in a healthy family. Their parents should provide a security base for them. That base is traumatized by a divorce, and they need time to heal and adjust. The introduction of another parental figure often interferes with their adjustment and is a difficult adjustment for the newly married couple as well.

"Secondly, a waiting period is important for the divorcing couples. There is a necessary period of time for 'grieving' the loss of the marriage. Often the divorcing parents develop better co-parenting relationships after a period to adjust to their new situation. In addition, the success of subsequent marital relationships is already at a higher risk than first marriages and a waiting period (with pre-marriage counseling) will lower that risk. Please consider these factors in your decision and table this proposed legislation."

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