



**House  
Legislative  
Analysis  
Section**

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**MICHIGAN MARRIAGE AND  
FATHERHOOD COMMISSION ACT**

**House Bill 5545 (Substitute H-2)  
First Analysis (2-14-02)**

**Sponsor: Rep. Doug Hart  
Committee: Family and Children  
Services**

***THE APPARENT PROBLEM:***

A recent article in the Detroit Free Press reported that in 2000, there were 38,932 divorces in the state, compared to 16,656 divorces in the state in 1960. In addition, the Department of Community Health's Division for Vital Records and Health Statistics reports that approximately 37,000 children less than 18 years of age were affected by divorce in the state in 2000.

The Detroit News recently reported that in 1990, among cities with 5,000 or more children, five Michigan cities - Benton Harbor, Highland Park, Detroit, Flint, and Saginaw - were in the top 11 in the nation in the percentage of children living with single mothers. According to the 2000 census, 19.6 percent of Michigan children resided in single mother households. The Detroit Free Press recently reported that in Michigan, 33.9 percent of all births in 2000 were to single mothers.

Citing an Annie E. Casey Foundation study, the Detroit Free Press recently reported that seven out of every ten children born in Detroit do not have parents who are married; two-thirds of Detroit children live with single mothers; and nearly half of children of single mothers live in poverty. According to the Casey Foundation, Detroit leads the nation in the number of children born out-of-wedlock, while more than one-third of those mothers have less than a high school education.

The high number of divorces and children born out-of-wedlock, among other factors, have played a large part in the growing trend of father absence. According to the National Fatherhood Initiative, an estimated 24 million children across the country lived without their fathers in 2000, compared to 8 million children in 1960.

Mothers and fathers each play different but equally important roles in raising a child. However, millions of children each year grow up without any fatherly

influences. Some believe that the continued absence of fathers in the lives of their children can have a detrimental effect on a child's well-being, and increase the likelihood of poverty, psychological problems, criminal activity or violence, drug and alcohol abuse, suicide, being a school drop-out, and teenage pregnancy. To address the issue of father absence and to strengthen marriage, legislation has been introduced to create a marriage and fatherhood commission.

***THE CONTENT OF THE BILL:***

The bill would create a new act to establish the Marriage and Fatherhood Commission within the Legislative Council. The duties of the commission would include analyzing the status of marriage and fatherhood in the state; collecting, analyzing, and compiling information pertaining to how society can create an environment for a healthy marriage; and creating a database for the public to access by the Internet that would include the following:

- Resources for counseling, mediation, conflict resolution, and instruction on the importance of marriage to children and how to have a healthy marriage and successful parenting.
- Resources providing information about the importance of communication, shared parental responsibility for children, child support responsibilities, domestic violence, and child abuse and neglect.
- Community resources for parents or children of parents who are unmarried, divorced, or separated.
- Marriage and parenting education courses across the state.

The commission would submit an annual report to the Legislative Council, the standing and

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appropriations committees of the Senate and the House, the House and Senate Fiscal Agencies, and the House and Senate policy staffs. The commission would also issue recommendations based on its studies and identification of state policies that impede a healthy, positive, and caring family interaction. Included in its annual report would be a description of the status of Michigan families, including the distribution of the following family structures: always intact; divorced-remarried; cohabiting, never married; cohabiting, formerly married; single, never married; single cohabiting; single, formerly married; and separated, divorced, or widowed. The commission would also report effective legislation other states have implemented to help support marriage and fatherhood. The commission would not have the authority to promulgate rules, and would not receive more than \$200,000 annually in state funds. Finally, the bill would be repealed on January 1, 2008.

The Senate Majority Leader, Speaker of the House, governor, and state supreme court chief justice would each appoint two members to the commission. The House and Senate Minority Leaders would each appoint one member to the commission. Members appointed by the minority leaders would serve on the commission for three years. Members of the commission appointed by the Senate Majority Leader and the Speaker of the House would serve for four years. Members of the commission appointed by the governor and the chief justice of state supreme court would serve for five years. Each member of the commission could serve on the commission for multiple terms. The bill also states that it is the intent of the legislature that the members of the marriage and fatherhood commission reflect the cultural and ethnic diversities within the communities of this state.

The Legislative Council would appoint a director of the commission, who would be allowed to serve multiple terms. The director would serve at the pleasure of the Legislative Council and would perform the functions and duties assigned to him or her by the Legislative Council.

### ***BACKGROUND INFORMATION:***

Initiatives in Michigan. In the FIA budget for fiscal year 2001-2002 (P.A. 282), there are several provisions that pertain to marriage and fatherhood initiatives. Of the funds appropriated for employment and training services, the FIA is required to expend up to \$1 million in TANF funds

for a fatherhood initiative. No county could receive more than \$200,000. Under the boilerplate language, the FIA could choose providers that will work with counties to help eligible fathers under the TANF guidelines to acquire skills that will enable them to increase their responsible behavior toward their children and the mothers of their children. Programs could include such topics as parental guidance, infant care, food preparation, vocational training referrals, effective communication, anger management, children's financial support, respect, drug-free lifestyle, and job placement.

The 2002-2003 fiscal year executive budget for the FIA recommends reductions totaling \$20 million to programs funded with TANF revenues. Among the areas affected by these reductions is the fatherhood initiative, which would receive a 50 percent reduction in funds to \$500,000. However, funds for the fatherhood initiative, and other programs with recommended funding reductions, would be reinstated if the state receives a refund from the federal government for penalties related to the implementation of the Child Support Enforcement System for the current fiscal year.

Of the funds appropriated for employment and training services, the FIA may expend up to \$250,000 in TANF funds for a marriage initiative. The FIA may choose providers to work with counties to help support and strengthen marriages in such areas as marital counseling, domestic violence counseling, family counseling, effective communication, anger management, and parenting skills. No county can receive more than \$50,000. Each provider must be licensed through the Department of Consumer and Industry Services, and must meet the standards of the Public Health Code.

Related Legislation. There are several bills pending before the Committee on Civil Law and Judiciary regarding the preservation of marriages and families.

House Bill 4664, introduced by Representative Raczkowski, would create a rebuttable presumption that joint legal and joint physical custody is in the best interests of a child.

House Bill 5153, introduced by Representative McConico, would allow a taxpayer to claim a tax credit equal to the cost of a qualifying marriage preservation program or \$50, whichever is less. This bill is tie-barred to House Bill 5165, introduced by Representative Hager, which sets forth the criteria of the marriage preservation program.

House Bill 5164, introduced by Representative Voorhees, would require couples who intend to apply for a marriage license to either complete a premarital education or counseling program, or wait 27 days for the delivery of the marriage license.

House Bill 5166, introduced by Representative VanderVeen, would require that the parties to a divorce complete a divorce effects educational program before the entry of the judgement of divorce, if there are minor children (or if the wife is pregnant and the husband would be considered the child's father under the law).

House Bill 5167, introduced by Representative Kuipers, would add several provisions to the Child Custody Act to provide for parenting plans. Under the bill, a parenting plan would cover issues of custody, parenting time, child support, grandparenting time, and other related issues.

House Bill 5168, introduced by Representative Voorhees, would amend Chapter 84 of the Revised Statutes of 1846, entitle "Of divorce", to limit no-fault divorces to cases in which both parties agree to voluntarily end the marriage, and only if the parties have complied with other provisions of the act, including the requirement for parties to complete a "divorce effects educational program" (as proposed in HB 5166) if there are minor children in the family. If either party to a marriage did not consent to a divorce, the person seeking the divorce would file as a plaintiff and a divorce could be granted only under several circumstances listed in the bill.

Other States. In recent years, several states have created similar commissions to assist in strengthening marriage and fatherhood.

Florida. With an estimated 30 percent of the state's children living without a father, Florida created the Commission on Responsible Fatherhood in 1996. The commission consists of not more than 25 members, including seven gubernatorial appointees, two members from each chamber of the legislature, and a judge appointed by the chief justice of the supreme court. The commission also includes representatives from the Family Law Section of the Florida Bar Association, the American Association of Retired Persons (AARP), the Florida Chamber of Commerce, the Florida Family Council, the departments of social work from the state's colleges and universities, three members appointed by the commission based on specific need, and several others.

The commission was created with the purpose of raising the public's awareness of the problems children face when responsible fathers are absent; identifying obstacles that often prevent responsible fathers from being present; and promoting strategies that help fathers become responsibly involved in the lives of their children. For the 2000-2001 fiscal year, the commission expended \$1.58 million.

The commission has found that one of the most successful strategies to involve fathers in the lives of their children is to establish local, intensive service delivery programs and peer support networks specifically designed to meet the unique needs of fathers. Since 1997, the commission has funded 27 programs in 35 counties reaching out to over 5,400 fathers of nearly 11,000 children. In 2000, the commission contracted with 10 programs to serve over 650 fathers in 16 counties. The Frontline Dads program served 110 fathers in Broward County. The program, through an agreement with three child care centers, recruited and involved fathers in the centers' weekly extracurricular activities. The program integrated parenting, life management, and job readiness preparation skills.

The faith-based Prison Fatherhood Project worked with fathers in a state correctional institution to develop their parenting skills, as well as skills related to decision making, personal development, pro-social behavior, and their reintegration into the community and their family.

The Noncustodial Employment Project assisted court-ordered noncustodial and volunteer parents to obtain and retain employment; increase contact with, and improve the relationship between, parents and their children; and increase payment of court-ordered child support.

Since 1997, the commission has issued several recommendations to the legislature, many of which have been enacted into law. The recommendations include encouraging couples desiring to become married to attend a marriage preparation course and offer financial and time incentives to do so, and requiring a custodial parent who plans to move far away (with their child) from the noncustodial parent to prove that the move is in the best interest of the child. To facilitate a father's involvement in his child's education, the legislature declared May 2000 and September 2001 as "Take Your Dad to School Month".

Ohio. The Ohio Commission on Fatherhood was created by House Bill 283 of the 1999-2000

legislative session (see Ohio Revised Code 5101.34, 5101.341, 5101.342, and 5101.343). The commission was charged with the responsibility of holding a summit on fatherhood every four years. In addition to the summit, the commission was to prepare an annual report identifying resources available to fund fatherhood-related programs and exploring initiatives to build the parenting skills of fathers; provide employment-related services for low-income, non-custodial fathers; prevent premature fatherhood; provide services to fathers who are incarcerated or recently released from prison; reconcile fathers with their family; and increase the public's awareness of the critical role fathers play. In addition, the Ohio Commission of Fatherhood Fund was created.

The commission consisted of 17 members. The President of the Senate (not the Lt. Governor) and the Speaker of the House each appointed two members of their respective chamber of a different political party, and from legislative districts that include a county or part of a county that is among the one-third of counties in Ohio with the highest number per capita of households headed by females. The commission also included the governor, or his or her designee; a representative of the judicial branch, appointed by the chief justice of the supreme court; the directors of the Departments of Health, Job and Family Services; Rehabilitation and Correction; and Youth Services, or their designees; the superintendent of public instruction, or his or her designee; one representative of the Ohio Family and Children First Cabinet Council, appointed by the council's chairperson; and five representative of the public, appointed by the governor.

The commission was appropriated up to \$5 million in TANF funds for the fiscal years 1999-2000 and 2000-2001, with approximately \$300,000 appropriated for the operational expenses of the commission. However, for the current two-year budget cycle that started July 1, 2001, the commission was not appropriated any funding.

Maryland. Maryland's Welfare Innovation Act of 2001 created the Commission on Responsible Fatherhood (see Chapter 395, Acts of 2001). The commission is charged with the responsibility of making all Marylanders aware of the problems facing a child raised without the presence of a responsible father. In addition, the commission will identify obstacles that keep responsible fathers from being involved in the lives of their children and develop strategies to encourage responsible fatherhood.

The commission consists of one member from each chamber of the General Assembly, several departmental secretaries, three persons with extensive programmatic or academic experience with noncustodial fathers and their children, three persons representing community, parent, or religious organizations that have an interest or expertise in noncustodial fathers and their children, two representative from local governments from areas with a significant incidence of noncustodial fathers, and one noncustodial father.

Tennessee. Tennessee recently created the Commission on Responsible Fatherhood with the enactment of Chapter No. 974 of the Public Acts of 2000. The purpose of the commission is to raise the awareness of the problems created when a child grows up without a responsible father; identify obstacles that impede or prevent the involvement of responsible fathers in the lives of their children; promote aware of the parenting skills needed by fathers to meet the needs of their children; and identify strategies that are successful in encouraging responsible fatherhood and promote respect of women and men in the family.

The commission consists of 17 members. The Speaker of the Senate and the Speaker of the House each appoint three members from their respective chamber, and three citizens who are knowledgeable on fatherhood and family matters. One citizen appointee of the Speaker of the Senate is from the Family Law Section of the Tennessee Bar Association. One citizen appointee of the Speaker from the House is from the Tennessee Task Force Against Domestic Violence. The governor appoints a member of the faith community, a child mental health expert, and a member of the Tennessee Dads Against Discrimination organization. Other members include a judge from the pilot mediation program appointed by the director of the Administrative Office of the Courts, and a representative from the Department of Children's Services or the Department of Human Services.

### ***FISCAL IMPLICATIONS:***

Fiscal information on the committee substitute is not available.

### ***ARGUMENTS:***

#### ***For:***

The absence of fathers in the lives of their children is one of the most important factors affecting the

welfare population. The emotional or physical absence of fathers – either through divorce or out-of-wedlock births – adversely impacts the lives of children. The consequences of divorce and fatherless children not only present problems for the children and families involved, but they also have serious societal ramifications as well.

While certainly not all children with absent fathers are adversely affected by their fathers' absence, there exists a large body of data that indicates that children of absent fathers are more likely to experience certain problems compared to children of intact families. Furthermore, many of the consequences stemming from a divorce continue from generation to generation. Some studies have shown that children growing up without a father present are more likely to live in poverty than children from intact families are. According to the Heritage Foundation, compared to the poverty rate of always-intact families, the poverty rate of divorced single parents is 4.2 times higher, while the poverty rate of never married single parents is 7.7 times higher. In addition, the vast majority of children who live with a single parent are in households in the bottom 20 percent of earnings.

Studies have also indicated that the problems associated with divorce go beyond the immediate economic impact on the household. Generally, some believe that there exists a strong correlation between crime rates and divorce rates within a city. According to the Heritage Foundation, children growing up without fathers are three times more likely to commit a crime that leads to incarceration than children from intact families.

Studies have also indicated that divorce can potentially adversely impact a child's educational achievement. Children of divorced parents may have difficulty in school, because the divorce itself and factors leading to the divorce can disrupt productive learning patterns at home. The Heritage Foundation reports that children from divorced families tend to have lower graduation rates from high school and college. This may be the result of educational factors, but it also may be the result of financial factors because income often drops following a divorce.

Studies have also indicated that divorce adversely affects a child's personal well-being. Divorce has the potential of increasing the likelihood that a child will develop emotional and behavioral problems. These problems can be linked to educational achievement, propensity for crime or violence, and economic

viability, all of which can have serious implications for later generations. Some studies have indicated that there exists a strong correlation between divorce and suicide rates. Divorce also has the potential of increasing the likelihood that a child could develop health problems, which can often be attributed to drug or alcohol abuse. Other studies have indicated that divorce can also increase the likelihood that a child will engage in other risky behaviors, such as premarital sex, which can often lead to teen pregnancy and out-of-wedlock births, thereby increasing the likelihood that future generations will experience similar problems.

The bill takes a proactive step at addressing many of these societal ills. By supporting and strengthening fatherhood and marriage and fostering healthy and caring family relationships, the state will be addressing the root cause of problems with crime, poverty, and schools.

***For:***

This bill may not reduce divorce, but at the very least, it may give troubled families a fighting chance to stay intact by promoting and encouraging healthy family relationships and marriage. When marriages are strained, couples need options and solutions to help them work through their problems. However, many are not aware of the resources available to assist them in their time of need. The bill will provide troubled families with resources to receive counseling, assistance on ways to achieve a happier and more stable marriage, and assistance on improving parenting skills. This will better ensure that fathers *and* mothers play a more active role together in fostering healthy, positive, and caring family relationships, as well as providing their children with a loving and stable home environment.

***Against:***

Even if creating a state commission could succeed in preserving marriages (which many see as doubtful), the bill seems to elevate marriage to the status of being the cure-all solution to many of society's ills. Is the breakdown of marriages and the absence of fathers really the root cause, or is it just one of a myriad of factors which increase the likelihood of poverty, crime, educational underachievement, and poor health? While the institution of marriage and the notion of fatherhood are certainly important factors, perhaps they are not *the* solutions to everyone's problems.

The bill focuses its attention on promoting marriage and stronger family relationships. The bill does not,

however, address other areas inextricably linked with fatherlessness – premature fatherhood (and motherhood) and out-of-wedlock births, and poverty. How can policy makers reduce out-of wedlock births? How can governments provide single mothers and single fathers with the resources necessary to obtain child care, job training, and education?

One of the responsibilities of the Ohio fatherhood commission was to explore initiatives aimed at preventing premature fatherhood. This bill does not explicitly address this concern. The Brookings Institute reports that virtually all increases in child poverty from 1980 to 1996 were due to increases in the number of out-of-wedlock births, not divorce.

The problem with out-of-wedlock births is the fact that most occur to women in their teens or early twenties. Once a young unmarried woman has one child, it is very likely that she will have other children out-of-wedlock, thereby making it more likely that she will not marry at all or, at the very least, not have a stable marriage, which is the concern of the bill. To address the problem with fatherless children due to out-of-wedlock births these women are either encouraged to marry the father (assuming he is willing), or to have children when they are older and married. Studies have indicated that most women do indeed marry, though it is just a matter of time. If the goal of the commission is to encourage and support marriage, it is really supporting marriage for these couples at a younger age. At the very least it encourages couples to get married when one or both may not be “marriage material” – such as a poor wage earner, abusive, or an unfit parent. Age is one of the strongest predictors of whether or not a first marriage will remain intact. As the average age in couples increases, so does the likelihood that their marriage will remain intact.

Encouraging marriage for these fragile families seems to be addressing the problem after it has already occurred. Instead, proactive steps should be taken to reduce out-of-wedlock births, which will go a long way toward reducing poverty, crime, and, eventually, divorce (thereby improving the institution of marriage).

**Against:**

There is some concern with the composition of the commission being limited to political appointees. As written, the commission consists of members appointed by the minority leaders, Senate Majority Leader, Speaker of the House, governor, and chief justice of the supreme court. Other states have specified that members of their commissions consist

of, among others, members from different political parties, from the Family Law Section of their respective bar association, social workers, a child mental health expert, educators, family therapists, persons with expertise about noncustodial fathers, and noncustodial fathers themselves. The bill does not explicitly require that members have any particular expertise or interest in marriage or fatherhood.

**POSITIONS:**

The Michigan Family Forum supports the bill. (2-12-02)

The Michigan Head Start Association supports the bill. (2-12-02)

Michigan’s Children supports the bill. (2-12-02)

Dads of Michigan supports the bill. (2-13-02)

Dads of Michigan PAC supports the bill. (2-13-02)

Moms for Dads, Inc. supports the bill. (2-13-02)

The Acton Institute supports the bill. (2-13-02)

The Muskegon County Fathers Initiative supports the bill. (2-13-02)

The Responsible Single Fathers support the bill. (2-13-02)

The Greater Grand Rapids Community Marriage Policy supports the bill. (2-13-02)

The Empowerment Network supports the bill. (2-14-02)

Analyst: M. Wolf

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■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.