



**Testimony for H.F. 1348**  
**Cooperative Private Divorce Program**  
**April 21, 2015**

Madame Chair and Members of the Committee:

My name is Kathryn Mollen, and I am the Policy and Outreach Coordinator for the Minnesota Catholic Conference, the public policy voice of the Catholic Church in Minnesota. I am here today to speak in opposition to HF 1348.

The Catholic Church recognizes marriage as a foundational building block of society. While marriage has a private dimension, it entails very public commitments that can produce both individual and community benefits. Marriage creates rights and obligations between a couple for both the spouses and any children the marriage might produce. Marriage publicly obligates fathers to recognize any children that will come from the union, and gives society the ability to publicly support unions where a couple will take care of those children. And though not every marriage produces children, every child has a mother and a father.

In short, marriage is where people find stability and are cared for, as well as where the next generation is created and nurtured. When this union breaks apart, there are very important public concerns that must be addressed, and the state has an interest in overseeing this process.

HF 1348 makes sense only under a very different conception of marriage—one in which marriage can be entered into and exited easily because it is simply a contract between two consenting parties. When their commitment ends, so does the marriage.

However, this view of marriage as a contract between consenting parties fails to recognize that when a marriage breaks apart, the community has an important stake in the outcome. It is the state that has to pick up the pieces of this broken relationship. Children and property are involved and have to be distributed. Society has an interest that this is done fairly and equitably, often because divorces occur on the initiative of one party and there is deep acrimony between the two partners. Furthermore, a broken marriage could entail public support for one or both of the parties, and the wounds inflicted on children, which could reverberate throughout their lives and have an effect on those around them, need to be minimized, which is why we impose the “best interests of the child” standard in custody cases.

This significant lack of judicial oversight detracts from the task of family law to publicly protect all parties in marriage and its dissolution. For example, as other advocates have noted, privatizing divorce could allow one spouse to coerce the other into inequitable property distributions, or create a parentage agreement that does not serve the best interests of the child. Often, broken relationships are marked by abuse of one form or another, and such abuse could be used as leverage by the other spouse to coerce a result not in the public's interest. In these cases, it is important for the judges to hear the facts, behaviors, and circumstances of the marriage in order to ensure, to the greatest extent possible, that both persons are adequately represented and that any children born of the union are taken care of—both financially and emotionally.

Nearly every family in America has been touched by divorce. Even families who have not experienced separation or divorce have friends, neighbors, or family members who have faced it. The Catholic Church understands the pain of those for whom divorce seemed the only recourse, and walks with those who have been abandoned or mistreated, always trying to bind the wounds of the broken relationship. We recognize the good intentions of those who want to minimize the pain of broken relationships. But despite those best intentions, privatizing divorce does not solve, nor will it ease, the pain that these people and families feel. And for the reasons noted, it has the potential, in the long run, to make those situations and their long-term impact on children and communities, worse.

As some legal experts have noted, this bill looks like a solution in search of a problem, as there are processes already in place to resolve the disputes and fallout related to a broken marriage.

One might claim that the Church is defending an outdated view of marriage, and that this legislation merely recognizes the transition of marriage into a means of formalizing the romantic arrangements of adults. Children are no longer being inherently connected to marriage in their creation or their nurturing. And indeed, cultural norms and legal rules, such as the redefinition of marriage, point in this direction.

But, we must ask ourselves, is this all that marriage is? Simply a contract formalizing the love and commitment of adults? Or, even though the legal definition of marriage has changed, is it still a public institution ordered toward the common good where all of us have a stake in the outcome? If it is the latter, then this legislation is not a good way of protecting the public's interest in marriage.