Youthful Marriage and Parenthood: A Threat to Family Stability

Robert E. Furlong
YOUTHFUL MARRIAGE AND PARENTHOOD: 
A THREAT TO FAMILY STABILITY

By Robert E. Furlong*

Marriage, as creating the most important relation in life [has] more to do with the morals and civilization of a people than any other institution . . . .

THE family is a basic institution in our society. During the 19th century the family derived its strength from the multitude of functions—economic, social, and cultural—that it performed for its individual members. In the last half-century many of these familial functions have disappeared entirely or have been seriously curtailed. The whole drift of a modern technological society appears at times to be away from the family as a fundamental social unit.

At the same time, it would seem that no other social unit or social organization is able to assume the most important function of the family, the nurture of the young. It is to this institution we entrust the most important responsibilities of life. Reliance is placed on the family to perform the functions of production, preparation, and guidance of our future generations, to establish the necessary and proper moral, social, and interpersonal framework for our society. The home and the family is the first social organization into which a child is brought. The sanctity, serenity, freedom, and organization of that unit will have a marked effect upon the personality and development of the child and upon his ability to become an effective and operative

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** Maynard v. Hill, 125 U.S. 190, 205 (1888).
part of the community. A child first learns who he is through his relationship with his family. His mental and moral growth thereafter depends upon the stability of personal relationships, which only the family, at the present time, seems able to provide. To the extent that the family fails and degenerates, so shall our society, as we have known it, fail and degenerate.

From the present perspective, however, we seem to be witnessing the rapid dissolution of an institution which is yet indispensable. The seriousness of the problem is reflected in the many centers for the study of the family and in the many groups professionally concerned with sustaining it. But no social institution so complex as the family can be a matter for professionals only. In the last quarter-century much has been learned by professional investigators of familial problems, and much has been accomplished. But society as a whole must decide how it proposes to act upon the knowledge that modern research makes available. Knowledge cannot be automatically applied. It can only clarify the choices that must be made. Ultimately, the future of the family depends upon our ability to articulate, in some collective sort of way, our wishes in regard to it, in the light of the best knowledge available. Such decisions must be made with concern for the generations of the future and with the bearing that choices made today will have upon these generations.

The Multi-Faceted Aspects of the Problem

The family in today's world of complexity, mobility, urbanization, and confusion is definitely in need of assistance to assure that its proper role in the functioning of a free society be maintained. Its problems are many and its stability is constantly being threatened. The 1960 White House Conference on Children and Youth recognized that "in our complex society no family can be entirely responsible for its own destiny, and that marriage is a joint career requiring preparation to achieve success."1

Divorce Rates

One criterion of family success or failure is found in the rate at which the family unit is disrupted by divorce.2 Our country appears to have the highest divorce rate in the world—six times that of Canada, five times that of Great Britain, and four times that of France.3 Nationally there is one divorce for every four marriages.4

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2 Annulment and separate maintenance are included within the term divorce as indicative of family disruption.
4 The World Almanac & Book of Facts 309 (1963); Public Health
In Sacramento County there are more than six divorces for every ten marriages; and in Napa County the divorce rate is more than seven for every ten marriages. If divorce filings are utilized as the indicia of family disorganization the rate for the entire State of California rises to 81 percent. These figures are, of course, subject to qualification, but while it is true that many people migrate to California and then divorce, the resultant amelioration of its divorce rate does not diminish the magnitude of the problem which the state faces. If people who have failed in marriage migrate to California the task and the challenge becomes even more important because of the propensity toward divorce upon subsequent generations, i.e., upon the increased probability of divorce by the children of divorced parents.

Some authorities have disputed the reliability of the more generally utilized disruption figure of one divorce per four marriages nationally. Justice Louis Burke of the California Supreme Court, for example, has asserted this figure to be misleading "in that they relate current divorces to current marriages, whereas current divorces occur to marriages that took place in by-gone years to still living persons." Justice Burke asserts that a "more adequate or sensitive measure is the divorce rate per thousand married females aged 15 years and over, which has been under 10 (1%) each year since 1953. In terms of married couples, only one in every 109 obtained a divorce in 1960." While this computation is a more "refined" figure than the one out of four average, it should be noted that if such a rate continues for 30 years then approximately four out of every ten married couples will have experienced divorce. For the past 25 years, in each year there have been one-fourth as many divorces and annulments as marriages. If this ratio continues, then the ratio of divorces to marriages in a given year is quite accurate and seems to be more understandable to most people. That these two computations do in fact come together is documented by the fact that in 1962, 21 percent of the husbands and

7 Id.
wives had been married before.\textsuperscript{12} By any method of computation, California appears to have a high divorce rate, which it shares with the other western states.

It is not really known exactly how high the divorce rate is because establishing it is a complicated task in a mobile population. While little is presently known about the population divorcing in California, a foundation has been laid for meaningful research on this group as a result of the enactment by the legislature of a Certificate of Divorce Procedure.\textsuperscript{13} This new law, which went into effect January 1, 1966, and which is obtaining a high degree of compliance, elicits, on a confidential basis, fundamental sociological and demographic data about the parties undergoing divorce in California. With the accumulation of this data the various disciplines will, for the first time, be able to contribute their insight into the divorce phenomenon in California.

Childhood Marriage and Premarital Pregnancies

The Trend Toward Early Marriage

Studies of census data indicate that the family is going through the family life cycle earlier today than ever before. Examination of the family life cycle—birth, courtship, marriage, the birth of children, children leaving home, grandparenthood—reveals that each stage of the cycle has been moved to an earlier age.\textsuperscript{14} People are marrying at younger and younger ages throughout the country.\textsuperscript{15} The marriage rate has gone up for each age group, that is, the number of married 15-year-old girls has risen, the number of married 16-year-olds has risen, and so forth.\textsuperscript{16}

An impressing number of economic trends has contributed to the trend toward early marriage. We have seen an almost uninterrupted period of 26 years of prosperity since World War II, with our children growing up in a period of economic independence. Youngsters today have tremendous financial assets and abilities compared to children a generation ago. The young wife works until the baby comes; the husband can obtain a part-time job while pursuing his edu-

\textsuperscript{14} Glick, The Life Cycle of the Family, 17 J. Marriage & Family Living 3-9 (Feb., 1955).
cation, and many financial scholarships are available to those who can record their achievement. The early marriage of others encourages the unmarried to join the “in” group and obtain pseudo-maturity. All too often the young male is attempting to work through a female relationship with a young wife which should have been part of his development in his relationship with his mother. The middle class itself is becoming richer and hence can help support its children in an early marriage if the children cannot support themselves. The young couple can get started on a very small amount of capital in a society where there is little resistance to carrying a large debt along with a marriage. The elongation of education and the easy access to divorce encourages many early marriages, which if there were no children, might be used as a learning experience for a later marriage. But the presence of children, and the predisposition toward another divorce only make the problems more complex.

The speeding-up of the life cycle has far-reaching implications for those interested in strengthening family life. Census data reveal that, on an average, women who divorce were married 2 years younger than women who do not divorce. That would mean that the typical divorsee first married at the age of 18. The highest divorce rate is in the age group married at 15 to 19. The divorce rate is two to three times higher among those couples married in their teens than among those married at later ages. According to our measures of personality and family adjustment, teenagers who marry are more apt to reflect greater emotional instability than teenagers who do not marry. It is clear that childhood marriages tend to be the unstable marriages.

Early Childbearing

Childhood marriages are also the most fertile marriages. With child marriages there is the problem of child parenthood. In 1962, 57,500 babies were born to “child” mothers 12 to 19 years old in California. A substantial percentage of California marriages between high school students involved premarital pregnancy. Studies place the incidence of premarital pregnancy among teenage brides from

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17 BUREAU OF THE CENSUS, CURRENT POPULATION REPORTS, POPULATION CHARACTERISTICS, 3 Series P-20, No. 67 (May 2, 1956).
20 40 METROPOLITAN LIFE INS. CO. STATISTICAL BULL. 5 (June, 1959).
21 CAL. PUB. HEALTH STATISTICAL REPORT, table 9 (Part 1, 1962). Approximately 600,000 babies were born to “child” mothers in the United States during 1962. The total number of births in California during 1962 was 361,198.
30 to 50 percent. Pregnancy and marriage constitute a substantial cause of school drop-outs.

A generation ago two-thirds of divorcing couples in the United States had no children because having children was postponed for a few years after marriage. Today, almost two-thirds of divorcing couples have children. The fact that more families are breaking up through divorce when the wife is between the ages of 20 and 25 than at any other 5-year period in life is evidence that young people are marrying and having children too soon and at such young ages that they cannot cope with the responsibilities involved.

Nearly 350,000 children are being supported by the AFDC program in California and the majority of these are under 12 years of age. Of these families, three-fourths of the parents are estranged. Only one-twentieth of the families on AFDC are due to death of the father. Of the disrupted families on AFDC due to estrangement, slightly more than 40 percent are due to divorce, separation, and desertion. Slightly less than 40 percent had never married.

Divorce and Suicide

A recent article states that "suicide, which is now a major cause of death, relates significantly to maintenance of the family unit and childhood deprivation." Reports on patients who have attempted suicide indicate that the prevalence of broken homes among such patients ranges from 38 to 84 percent. Depressive illnesses, espe-

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22 See Burchinal, supra note 16, at 9.
23 Id. at 14.
26 See note 74 infra.
27 Aid to Families with Dependent Children (formerly Aid to Needy Children).
30 Id.
31 Id.
32 Id. The figure for 1962 was 249,318 children being supported by ANC; by October, 1963 there were 268,540 children; the figure of 350,000 is an estimate for 1964.
33 Editorial, Broken Homes and Suicide, 191 J.A.M.A. 494 (1965). See also Batchelor & Napier, Broken Homes and Attempted Suicide, 4 British J. Delinquency 1-10 (1953).
cially in those who are suicidal, have been found to be associated with childhood deprivation; in those instances where one of the parents has died, a morbid identification with the dead parent predisposed the patient to suicide in later life.

Data obtained on 121 patients who had made suicidal attempts, and on 114 who had succeeded in killing themselves, are presented in an article in the *Archives of General Psychiatry*. A broken home was defined as a home in which one or both parents had been missing for a period of over four years prior to the child's 18th birthday. Fifty percent of the completed suicide group and 64 percent of the attempted-suicide group came from broken homes. Divorce of the parents was the most common cause in the attempted-suicide group, whereas death of a parent was the most common cause in the completed-suicide group. The rates are greatly in excess of childhood deprivation in control groups. No particular pattern appeared with respect to the time in which a parent was lost, nor a relationship between the seriousness of suicidal intent and the loss of a particular parent. An unduly high number, over one-third, had lost both parents.

At the time of the attempt or the suicide, a large number in both groups of patients had suffered a real or threatened loss of someone to whom there was a very close emotional attachment. An earlier loss or separation from a loved one appeared to predispose the patient to suicidal behavior. Many who made suicidal gestures did so immediately after a lover’s quarrel. It should be pointed out that in the “attempted” group this may be related to the significantly higher parental loss due to divorce or marital separation. In contrast, the completed-suicide group appeared to be reacting to irrevocable losses such as death or separation of such finality that a reconciliation was impossible.

Thus, there is evidence that the breaking up of a home creates for the child emotional traumata and unresolved conflicts that may lead to an inability to cope with loss in later life and predispose to the development of depressive reactions culminating in suicidal behavior.

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36 Dorpat, Jackson, & Ripley, *Broken Homes and Attempted and Completed Suicide*, 12 ARCH. GEN. PSYCHIATRY 213 (1965).
37 Id. at 213.
38 Id. at 214, 215.
39 Id. at 214.
40 Id. at 215.
41 Id.
42 Id.
43 For data other than that related to suicide but associated with divorce, “quasi-divorces” where the parties remain legally married but sociologically divorced and when remarriage occurred, see Landis, *The Trauma of Children When Parents Divorce*, 22 MARRIAGE & FAMILY LIVING 7 (1960); Landis, Social
Medical Problems of Early Childbearing

The child mother also presents serious medical problems which have not received their proper degree of attention. Yet the trend of children bearing children continues. In 1960 in the United States, there were about 600,000 children born to child mothers aged 15-19 years. Fourteen percent of all babies born in the United States and in California in 1959 were to child mothers. In 1959, 53 percent of all teenage wives were mothers, compared with 47 percent in 1950. In 1959, more first babies were born to children in their teens; the proportion had increased by one-third over 1950, from 27 percent to 36 percent. In 1959, more first babies were born to children in their earlier teens; the proportion born to mothers under 18 years of age increased 40 percent, from 10 percent to 14 percent over the period.

Stine has reported that, in Maryland, pregnancy is the most frequent single physical condition causing an adolescent to leave school prior to graduation. More than twice as many adolescent females left school with pregnancy as the stated reason than left school for all other physical or medical reasons. He reports data for the years 1957, 1960, and 1961, from a review of all birth certificates of infants born to residents of Baltimore who were 16 years or younger. Among the nonwhite, the fertility rates are 13.6 percent for 16-year-olds, 7.5 percent for 15-year-olds, and 2.6 percent for 14-year-olds. These rates imply a high frequency of interruption of education by pregnancy in those groups, and a corresponding frequent need for medical and social services. Over 20 percent of the 16-year-olds were in their second or subsequent pregnancy, showing how frequently the first pregnancy in the 14-and 15-year-old child was followed almost immediately by a repetition. Stine reports a much higher than normal rate of prematurity and higher neonatal mortality rate among the infants born of these pregnancies. The percentage of low birthweight births to child mothers under the age of 17 is twice the rate for mothers in the age group 25-29 years. This is of significance because of the higher mortality and higher frequency of residua from

Correlates of Divorce or Nondivorce Among the Unhappy Married, 25 MARRIAGE & FAMILY LIVING 178 (1963); Burchinal, Characteristics of Adolescents from Unbroken, Broken, and Reconstituted Families, 26 MARRIAGE & FAMILY LIVING 44 (1964).

45 Id.
46 Id.
47 Id.
49 Id. at 3.
50 Id.
51 Id. at 4.
central nervous system injury in infants of low birthweight (including mental retardation, cerebral palsy, and epilepsy) as well as their increased cost of care during the neonatal period. The higher neonatal death rate of infants born of children is in large part due to an absence of proper prenatal care. The Baltimore study also found higher fertility rates among children living in neighborhoods which have older, more crowded housing, families with lower incomes paying lower rents, younger female populations more likely to be in the labor force, and adults who average fewer years of education than the rest of the city.

The clinical picture of pregnant children presents obstetric evidence that they constitute a high-risk group, requiring a high priority in services. Hassan and Falls in January 1964, published a study comparing 159 young primiparae (12 to 15 years of age) with a control group of 22-year-old primiparae and with a group of all patients delivered at two hospitals in the Chicago area. The outstanding findings in the group of young primiparae were: (1) excessive weight gain; (2) increased frequency of prolonged labor in the 14-year-olds; (3) increased frequency of toxemia in the 14-year-olds; (4) increased caesarean section rate in the 12-and 13-year-old groups, compared with the others; (5) increased frequency of cervical lacerations in the 12-and 13-year-olds; (6) prematurity was much higher in the 14-year-olds; (7) neonatal and perinatal mortality were much higher in the young primiparae group. The authors also summarize studies on young primiparae by nine other authors. In general, these other authors confirm the increased incidence of toxemia, prolonged labor, prematurity, and of neonatal and perinatal mortality. Most authors have pointed out that the young primipara is less likely to receive adequate prenatal care. One important factor in prolonged labor, with its residual unfavorable effects upon the fetus, is inadequate pelvic capacity. Hassan and Falls quote another author (Bochner) who found that the incidence of pelvic contraction among young primigravida was higher than that among older women and was higher in the 12-and 13-year-old group. This point is related to the incidence of caesarean section. The authors found that the combined incidence of prolonged labor and caesarean section was higher in the young; the 12-and 13-year-old girls had the highest section rate. The authors point out the well-known relationship between adequacy of prenatal care and toxemia, prematurity, and perinatal mortality. Thus, it seems clear from these clinical studies that the young preg-

53 Id.
54 Id. at 266.
55 Id. at 265.
nant child presents a clinical picture of increased risk, both to herself and to her child.

A discussion of child pregnancy would be incomplete without at least some mention of the importance of nutrition. Nutrition may potentially play a role in pregnancy among children in any one of several ways. Adolescence itself is of course a period of rapid growth and therefore the adolescent girl has increased nutritional needs for herself alone. Pregnancy is a period of rapid growth of the fetus. In simplified form, the first trimester of pregnancy is the period of organ development; the second trimester, of linear growth (height); and the third trimester, of increase in weight of the fetus. Thus, pregnancy places increased nutritional demands upon the pregnant child because of fetal growth. It can be expected that conception and pregnancy while the body of the child mother is still growing and maturing may place additional nutritional stress upon her.

The relationship of nutrition to child pregnancy is significant because of the problem of under-nutrition. Studies of nutrition in pregnancy have consistently demonstrated the relationship between diet of the expectant mother, particularly protein and calcium, and birth weight and birth length of the baby and the incidence of prematurity. Thus, efforts to improve the nutritional status of adolescent children represent an important approach to the prevention of premature birth, with its sequelae of high mortality or neurological damage and yet, studies of adolescent children have shown that they have the poorest food habits among children and youth of school age, and that the diet of the teen-age girl tends to be even poorer than the teen-age boy.

Thus, in essence, pregnancy may place increased physiological stress upon the child from the nutritional point of view, yet our education program does not adequately cope with the continuing trend toward ever more youthful motherhood. This nutritional status of the child mother is in stark contrast to her nutritional background, for our improved medical care coupled with proper nutritional programs up to the early teens has advanced the onset of menstruation approximately 6 months every 10 years. Thus our young girls are physically able to become mothers approximately a year and half earlier than the last generation. But little change in preparation for parenthood has occurred during this time. Much more intensive work is needed,
aimed at developing interest in this problem and in experimenting with newer and more effective ways to resolve it.

Divorce Foredooms Divorce and Failure

Studies of the growth and development of children and of the functioning of adults in society show a close relationship between the individual's functioning in society and the quality of the relationships within his family. Statistical studies of delinquency, crime, suicide and mental illness show that these indices of personal failure that create problems for society are closely associated with the damaging relationships in failing families. Similarly, studies reveal that those who are able to develop competence in coping with their personal problems and to handle their own crises in life are more likely to come from successful families.

According to reliable research, those who have failed in one marriage are more likely to fail in a second marriage, and if two people marry who have both been married two or more times before, 79.4 percent of these couples will fail in that third or fourth marriage. Not only do couples who fail in one marriage tend to fail in the second, but failing couples tend to condition their children in such a way that their children are more likely than others to fail in marriage.

Evidence of the fact that families pass on success and failure is found in the history of divorce in families. Family histories of 2,000 students at the University of California, Berkeley, were collected, obtaining the marital histories of the grandparents, parents and aunts and uncles. The study revealed that if neither set of grandparents had divorced, approximately 15 percent of their children had divorced; if one set of grandparents had divorced, 24 percent of their children had divorced; but if both sets of grandparents had divorced, 38 percent of their children had divorces. Other studies have shown a very close relationship between the failure of parents in marriage and failure of their children in marriage.

While divorce is not a very accurate measure of the success or failure of families, it is used because it is one objective criterion that does give some light in studying families. Another recent study emphasizes this point. In studying the maturation of 3,000 students, it was found that those youths from unhappy homes had received about the same adverse conditioning as had those from divorced homes.

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50 Id.
61 Landis, "Dating Maturation of Children from Happy and Unhappy Mar-
In some respects those who had been reared in unhappy but unbroken homes had received more handicaps. Considering all the evidence, the conclusion seems unassailable that unhappy homes and divorce predispose the offspring of the marriage to divorce and failure.

Costs of Family Failure

Seventy-five percent of California families on AFDC are families which have failed, and it will cost the taxpayers over $234,000,000 to support these families in one year. This expense can be expected to snowball because problem families repeat the pattern generation after generation. Even a state with as many resources as California cannot afford this expenditure of human and economic wealth. In 1950 and again in 1960 the University of North Carolina studied families who were recipients of the AFDC program nationally. The researchers found that the majority of the recipients of AFDC had grown up in families which had also received public assistance.

Certainly the state must consider the human values as well as monetary costs. A very substantial number of youth and adult delinquents who come into contact with the law enforcement agencies, before the judiciary, and to our correctional agencies come from broken homes. While the suffering inflicted by marital disintegration cannot be measured neatly in dollars and cents, the emotional cost is great. The economic cost to the state is staggering when measured in terms of the cost of the many services which are furnished to the fragmented members of a family which has failed. A four-year prison term, for example, costs the taxpayer three times more than it costs to educate a child completely through four years of high school.


Proposed Solutions: Long-Term

Increased Emphasis on Educational Courses on Marriage and Family Living

In considering solutions to the vast divorce problem confronting California, the committee was fortunate to have suggestions submitted to it which were based on several decades of research and study of the factors associated with successful marriage and parenthood. Testimony was received during the course of the committee’s hearings to the effect that if the only approach to marriage problems is one of remedial efforts such as the conciliation courts, fine as that may be, the state will be fighting a losing battle. Whether the illness is physical or marital the time to confront that illness most successfully is before it occurs. But examination of the programs which are presently being carried out in the State of California in both private and public institutions, such as the church, family service agencies, conciliation courts, juvenile courts, Department of Social Welfare, schools, interested organizations, commissions and conferences leads to the generalization that all are extremely limited by one of several means: lack of time, insufficient use, insufficient funds, insufficient staff, insufficient interest, lack of emphasis or just outright ignorance of the problems involved.

As a positive approach to building better marriages it was asserted that one of the greatest needs today is education which will delay youth in their rush to pseudomaturity, marriage and parenthood before they are old enough to cope with either. It was suggested that California launch upon a program designed to aid youth in making successful marriages and in becoming intelligent parents, on the basis that the greatest hope lies in prevention through a program of education rather than in rehabilitation after a marital relationship has degenerated. The view taken was that in considering programs to strengthen family life, especially when considering long-term programs, emphasis should be placed on the goal of helping our people build better marriages since it is the unhappy home which destroys children. Whether these unhappy marriages are ended by divorce or continue is not the key consideration. Divorce reform, conciliation courts, AFDC programs, homes for delinquents, and other similar measures, are necessary to take care of the end product of unhappy and divorced families. But if more stable and wholesome marriages could be obtained, many of the rehabilitative and supportive efforts could be reduced or eliminated. Since disintegration of the family becomes a serious social problem, society can no longer rest content to allow each family the sole privilege of preparing its children for the complexities of marriage.
Primary Responsibility

Primary responsibility for educating youth about those factors which are related to more successful marriages without question lies with the parents. But research confirms the common knowledge that a great void exists in communication between parent and child in this important area. The closeness of the relation and the sensitive nature of the subject seem to effectively preclude transmission of whatever knowledge and experience is possessed by one generation to their offspring. The problem has been compared to the abortive efforts of a husband attempting to teach his wife how to drive, compounded many times over. It may well be that education of one's children in this area is best accomplished by competently trained strangers. It was also noted that the nuclear family is already required by law to discharge its obligation to educate its children in other areas by sending them to state-approved schools.

Secondary Approach

The second line of defense would normally be the churches. The clergy has long been relied upon to assist and counsel families and individuals in need. And many clergymen offer premarital counseling services of one sort or another. But a fundamental problem lies in the fact that many California residents do not have any church affiliation, a situation shared with the other western states. And of those with church affiliations, many do not attend regularly or contact their minister or rabbi concerning problems in this area.

Because of the diminishing emphasis placed on traditional religious and moral codes, some educators and members of other disciplines have attempted to formulate a value structure which would

65 "[T]he basis of any tolerable society—from the small society of the family up to the great society of the State—depends upon its members learning to love. By that I do not mean sentimentality or possessive emotion. I mean the steady recognition of others' uniqueness and a sustained intention to seek their good. In this, freedom and charity go hand in hand and they both have to be learned. Where better than in the home? And by whom better than the parents, especially the mother?" Address by the late Adlai E. Stevenson, Smith College Commencement, Northampton, Mass., June 6, 1955, in A. STEVENSON, WHAT I THINK 182, 188 (1956). The conclusion of the psychologists testifying before the committee was that if a youth does not find security in his home, he or she will often grasp for it through an early marriage to one who has been similarly deprived.

66 This deficiency was noted many years ago: "[B]ut unfortunately many parents are not prepared for such teaching. . . . Their own training has been sadly deficient. When the parents of tomorrow have received suitable instruction in the course of their public-school life, they will be able and willing to do their part in such education." Dr. John W. Studebaker, former United States Commissioner of Education, in the Foreward to B. Gruenberg, HIGH SCHOOLS AND SEX EDUCATION at iv (Educ. Publication No. 7, U.S. Pub. Health Service, 1940).
be acceptable to modern youth. Emphasizing the interpersonal relationship as a basis for moral decision-making has led some to the statement that the essence of morality lies in the quality of relationships which men are able to establish among men to provide the basic concept upon which a meaningful value framework might be elaborated. This "interpersonal relationship" approach is an old and basic teaching of many religions and philosophies, to provide a standard which people can apply in their moral-ethical decisions in all aspects of living.

In explaining this point of view, Kirkendall has written:

Whenever a decision or a choice is to be made concerning behavior, the moral decision will be the one which works toward the creation of trust, confidence, and integrity in relationships. It should increase the capacity of individuals to cooperate, and enhance the sense of self-respect in the individual. Acts which create distrust, suspicion, and misunderstanding, which build barriers and destroy integrity are immoral. They decrease the individual's sense of self-respect, and rather than producing a capacity to work together they separate people and break down the capacity for communication.

There are two important provisos to this principle. One is that it is never, or practically never, enough to consider a decision as involving only two or three persons. No two individuals can so completely isolate themselves that their decisions will have no meaning for the rest of society. This implies that interpersonal relationships must be sought which will in the long run, rather than the short run, make it possible for all persons, regardless of race, age or sex to work together in understanding harmony. The second proviso is that individuals or groups will sometimes have to stand on principles which run counter to common practice because to do so seems in the long run to further communication and the dissolution of barriers. Standing on principle may be at the expense of the short-term relationship with one's group, friends or relatives. It is most unfortunate when an individual imagines that he can form any meaningful, enduring relationship if he persists in ignoring the needs of others, while indulging his own desires.

Many clergy also are offering alternative approaches to the problems identified in counseling with youth contemplating a forthcoming marriage. But here, again, unfortunately, is the fact that many clergy are untrained and inexperienced in offering effective family counseling. In too many cases a premarital conference amounts to nothing more than a rehearsal of the wedding procedures. The clergy in recent years has recognized its own shortcomings in this regard and much hope can be placed in the fact that recent seminary graduates are required in their educational curricula to participate

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in some clinical or other internship programs in pastoral counseling. And many religious groups are instituting comprehensive family life education programs such as the Catholic Cana and pre-Cana conferences designed for married and engaged couples.

Family service agencies offer a variety of services to the community in the area of marriage and family counseling, but while most of these agencies provide premarital counseling, few individuals utilize this service. The major portion of the staff time is spent in postmarital counseling, psychotherapy, child guidance, and other services although they make speakers available for schools and clubs.

**Tertiary Approach**

The result of the existing situation, then, is that the third line of defense appears to be the only effective method of meeting the problem. This is our school system, which has a regular, structured relationship with youth over an extended period of time. It was recommended to the committee that a major step in coping with California's family failure problem is more adequate family life education for young people and adults in our school system. Adequate preparation for marriage and parenthood was deemed essential in a state characterized by high family failure. The available evidence suggested that the best way to educate the entire society for more successful marriage and parenthood is through a consistent, widespread program in the schools. This was grounded on the fact that even good homes often prove inadequate, and a failing home cannot educate against its own failure, but unfortunately, educates its children for future failure.

**The Schools**

Within the public school system can be found a wide variety of approaches and reactions to family life education. Several years ago its popularity was extensive and many schools incorporated a unit on family life in a required senior problems course. However, more recently with increased attention to "pure" academics and the separation of academic disciplines brought about by recent legislation many of these programs have either disappeared or diminished in emphasis.

**Junior and Senior High Schools**

Continuing programs at the junior and senior high school level, however, can be found in various districts under many names in a numerous variety of departments. Some schools have retained some aspects of the senior problems course (social science department) with a brief unit on the family. In other schools one can find some
sex education being offered in physical education or science courses, some money and home management in home economics courses, some concern for the total area in health education courses, and some consumer economics in business or social science curricula. Also there are a few senior homemaking courses which are offered coeducationally and deal with the total area. Furthermore, a few schools offer orientation courses to freshmen which include discussion of personal and family problems. Often the inclusion of any family life education is dependent upon the individual teacher and/or school administrator. For example, parochial schools require 4 years of family life education for girls and a course for boys in the senior year as part of a religion course.

But a survey of the Department of Education showed that in 1,061 junior and senior high schools, with a total of 1,014,316 students in attendance, only 42,575 students were exposed to courses in family life education in various areas of the social sciences.  

**Grammar Schools**

At the grammar school level there has been some development of family life education included in parts of the curriculum by use of subtle approaches. Some schools use play houses, animals, films, and comparative culture information to teach family life to this age group. Some have teaching guides which offer a problem solving approach for discussion at the elementary level.

Some districts utilize films for parents and children in the area of sex education. A few districts emphasize the importance of parent, student, and teacher counseling in this area. The Berkeley school district offers a summer course to senior girls entitled "Philosophy for Senior Girls," which utilizes lectures and discussions. Part of this course touches upon the area of family life education under the general heading of "Choices, Inevitabilities, and Sources of Inner Strength." In many schools the P.T.A. is the sole moving force to sponsor family life programs.

**Special Projects**

Special projects in the school system have given some attention to the counseling of youth in personal and family problem areas. One such project in San Bernardino, California, involves special school counseling services for married students. Some schools employ trained social workers to assist in general noncurricular counseling

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68 CAL. DEP’T OF EDUC., REPORT (Oct. 1963). These figures are based upon a survey of textbooks dealing with marriage and family problems in use in the schools surveyed.
An interesting pilot project was done in Oregon involving several school districts in a comprehensive family life education program. This project made use of special consultants from the staff of Dr. Lester Kirkendall of Oregon State University's Department of Family Life and Home Administration to assist teachers and communities in establishing family life education programs. In 1949, the California State Department of Education had on its staff a consultant in parent education, Dr. Ralph Eckert, who prepared a suggested program for family life education. Little, however, was done in terms of implementation.

Present Problems

In the area of family life education there are many problems at present, problems not only in terms of a lack of emphasis but also in terms of practical implementation. Materials and teaching aids are frequently lacking in depth and are often unrealistic in content. Most teachers are not sufficiently prepared to teach a family life program. Home economics teachers and candidates for pupil personnel and guidance credentials are the only ones required by law to include family life courses in their college curriculum, although some state colleges require this for elementary teachers also. When courses are offered in home economics, the number of students reached is quite small and comprised almost entirely of girls. Curricula are crowded with required courses; there is no room for "frills." Many communities do not understand or support family life programs. To complicate this there are many different definitions of family life education with differing views on appropriate content. With the present emphasis in education on "pure" academics, so that our youth are prepared to compete in a world of modern technology and specialization, the importance of education for adequate living in a society of

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69 Based on responses to inquiries directed to school districts in San Francisco, Los Angeles, Beverly Hills, Oakland, and Riverside, California, concerning programs in family life education, defined as referring primarily to the psychological, sociological, and economic aspect of family as opposed to merely sex education. The study was made in 1964 by Mrs. Arlene Willits, a CORO Foundation Intern in Public Affairs under the direction of the Assembly Judiciary Committee and Assemblyman Pearce Young.

70 AVERY & KIRKENDALL, OREGON DEVELOPMENTAL COMMITTEE PROJECT IN FAMILY LIFE EDUCATION (E. C. Brown Trust, Portland, Oregon, 1955).

71 Dr. Eckert is presently Coordinator, Counseling and Guidance, Riverside County Schools, California. The program is published in 6 CALIFORNIA'S HEALTH 121 (Feb. 28, 1949).

72 Based on inquiries directed to 14 California State Colleges, by Mrs. Arlene Willits, a CORO Foundation Intern in Public Affairs under the direction of the Assembly Judiciary Committee and Assemblyman Pearce Young.
individuals in which interpersonal relationships are vital seems to be sadly neglected.

**Diminishing Emphasis**

Testimony presented to the committee was of the view that it is a disturbing fact that during the very time when California problems associated with failures in marriage and family living have been increasing at an alarming rate, the California schools have been decreasing their teaching in preparation for marriage and parenthood. In March 1964 a study done in 1956 was repeated relating to student marriages in high schools in California, and the teaching of marriage and family living courses in the schools. A questionnaire was sent to all 590 public senior high schools in the state. Of the 321 schools reporting, all but 10 percent had had one or more student marriages from September 1963 to mid-March of 1964. By March 1964, 1,727 girls and 404 boys (in grades 10-12) had married. Many of these marriages were forced by pregnancy. Of the marriages, 259 were 10th grade girls and 22 were 10th grade boys. By mid-March, 1,598 boys and girls had dropped out of school because of marriage. Thirty-three percent of the schools reported an increase in premarital pregnancies during the past 10 years and only 9 percent reported a decrease. Only 166 schools were able to furnish data on student pregnancies, and these reported that out of the 1135 pregnancies reported, a total of 829 were definitely premarital. Approximately one-half had been followed by a marriage.

Although the problem of teenage marriages has intensified during the past 10 years the survey revealed a decreasing emphasis on family life education in the high schools of California. Of the 235 schools that have in the past offered or do now offer courses in family living, 77 schools, or 33 percent have reduced courses in family living, and 39 schools have discontinued their course offerings altogether. The reason given by 60 percent of the schools for decreasing their emphasis on family living was the new state requirement necessitating a reorganization of the social studies program. Only 56 schools, or 24 percent, had increased their emphasis on family life education and this increased emphasis was most likely to be in home economics departments where the courses usually have small enrollments and are directed to girls. The committee was advised that if courses are to

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75 Id.
76 Id.
77 Id. at 275.
meet the needs of youth they must be taught in the social studies departments where both boys and girls will register for them, for boys probably have a greater need for education for marriage and parenthood than do girls.

**Popular Misconceptions**

Many people do not distinguish between what is deemed in the popular vernacular as “sex education” and what the professional educator means when he talks about education for marriage and family living. The educator’s concept embraces the entire role of the spouse, of which the purely sexual aspects comprise but one segment of the spectrum. Certainly the spectrum would not be complete without the sexual aspects. But certainly, too, it is equally incomplete with only the sexual aspects. Hence the educators are speaking in terms of the sociology of marriage, the psychology of marriage, and the economics of marriage, as well as the biology of marriage. They are referring to the interpersonal relationship which exists between any two people who regularly come into contact with each other but which differs by virtue of the relationship between them. This relationship differs whether it is one of friend to friend, employer to employee, teacher to pupil, husband to wife, or parent to child.

Educators have noted that some parents are resistant to family life courses because of this erroneous view of them as “sex courses,” and they point out that even if the local school has no “sex education courses” formally designated as such, sex education is going on every day in every school in the state. It is going on in the locker rooms, in the hallways, in the lunchroom. But when restricted to such circumstances it is never carried on in a scientific, accurate way as it would be if done by trained teachers. It is sex “miseducation” wherein the errors and mistakes of one youth are conveyed to another without a stable testing board in the form of a competent teacher to make proper appraisals and evaluations.

One of the marriage counselors who testified before the committee indicated that a very serious problem area in marriage is economics. He felt there was a great need for education in consumer practices, specifically installment buying and interest costs. A substantial number of couples who came to him for aid got themselves into serious difficulty time after time because they simply didn’t know what they were signing; how to interpret it; what the actual costs really were. It was indicated how difficult it is to be really understanding of marital problems when the couple hardly has beans for the table. His experience revealed that financial problems were one of the great contributing causes to divorce and that many finan-
cial problems are directly brought on by some people in the business community who conceal interest rates, and otherwise exploit ignorance.

Specific Proposals Concerning a Family Life Education Program

Statement of Philosophy

Any program of family life education should aid in the development of attitudes and abilities that enhance the successful establishment and maintenance of families. The program should eliminate ignorance on the part of young people regarding the responsibilities of marriage and the resources of the community that are available to help them. The program should help participants make the transition from a concept of marriage based upon fictions of love and romance to a realistic assessment of the efforts that must be made to build a lasting marriage relationship.

Content

The subject matter of family life education is taken from the academic fields of anthropology, sociology, human biology, economics, and psychology. The materials that relate to successful family membership and the assumption of adult responsibilities as husband, wife, and parent are drawn from the academic studies and related in a meaningful, practical manner.

At the elementary level, family life education is mainly concerned with awareness of the normal expectations of personal growth and development. This awareness is developed through attention to health habits; relationships in the family among parents and children; recognition of the relationship between responsibility and maturity; the development of respect among boys and girls in interpersonal relationships; recognition of the dynamic process of growth, development, life and death that are a part of the natural plan of life among plants and animals.

At the high school level where subject matter may be brought together under a specific course title, or may be treated as units of instruction in other subject areas, specific attention is given to human biology, boy-girl relationships and standards for behavior in such relationships, health education for adolescents, understanding patterns of family life in the United States and in other lands, the economics of home management, principles of mental health, responsibilities of family members, and manners and morals that are sanctioned in our way of life. The purpose of the family life education program is to bring together all factual information relative to successful family life and make the information available to adolescents as a meaningful whole.
Suggestions Regarding Organization of a Family Life Education Program

Legislation should provide for the program’s organization on an elective basis at the option of district governing boards with reimbursement provided to school districts that offer the program. There should be encouragement for the development of separate courses and also the offering of units of study within existing courses that are not specifically designated as family life education. Attention should be given to the development of demonstration projects with encouragement to the establishment of summer session classes.

A realistic program in family life education would require a comprehensive approach. That is, from kindergarten through 12th grade, during which time family life would be stressed in appropriate courses and at appropriate age levels, dependent upon the maturity of the child and the readiness for certain information. It was suggested that in terms of sex education, a course be given in the eighth or ninth grade for boys and girls separately, so that it could be taught frankly and without embarrassment, but the experience of other educators indicates this type of information can be imparted equally as well in mixed classes. In either event, the course would lay a basis for moral decision making and not teach morals as such. It would consider the emotional aspects of sex education whereas the reproductive aspects would have been touched upon at the grammar school levels.

A co-educational course in the 11th or 12th grade was recommended which would deal with family responsibility, the social, the psychological, the financial and the interpersonal aspects of married life. This course would expose children to existing community agencies, agencies which are available for assistance to married couples, and would also expose them to divorce and divorce problems, and what a divorce means to a family and to the children of any family. It would also tie together some of the previous bits and pieces of information which have been more or less filtered into various appropriate courses throughout the curriculum.

Testimony recommended that the Department of Education, with the assistance of sociologists, doctors, marriage counselors, and social welfare personnel, develop a comprehensive curriculum guide. This would include, within its text, an outline of teaching aids and teaching materials and how they might be utilized in the course approach.

This comprehensive approach was based on investigation which found that many teachers are really not prepared to teach in this area. They have nothing but their own experience and in some cases, a bad experience, to draw upon. Most do not have anything in their formal training which prepares them for this kind of education oppor-
tunity. In conjunction with this observation it was suggested that teacher workshops be conducted in preschool and in-service training programs to assist teachers in feeling more comfortable with the subject matter.

It was proposed that encouragement should also be given to colleges and universities to offer required teacher training in this area and to develop closer cooperation between the school personnel and the Social Welfare Department for the purpose of considering problem children and total family counseling. Very frequently the Social Welfare Department can give a realistic approach to certain socioeconomic levels which cannot be ascertained in a total classroom picture in which there are mixed socioeconomic levels and mixed problems.

Much of what our young people believe about marriage is fiction. Rather than being cautious about marrying they tend to think that marriage can be an escape from personal or parental problems. Without courses in school, young people receive their marriage education from teenage songs, movies and newsstand magazines, which mislead them, and from the example of failure in their own families. Good family life education in the schools creates realistic attitudes. It includes discussions of danger signals in courtship which should warn youth against making marriages which cannot possibly work. It considers the difficulties of continuing an education while married, the economic aspects of married living, the maturity necessary to make the many adjustments required in marriage, and the physical and emotional energy needed to be a good parent. Adequate courses in family living create in students some caution about marrying hastily. Young people who get a realistic understanding of what marriage means realize that it is not a quick and easy escape from problems in life. The well-prepared young person will be more inclined to take a longer look before he goes into a very youthful marriage.

Adequate preparation for marriage also should improve the student's chances for success when he does marry. If he gains some conception of the responsibilities and obligations that marriage involves he should become better able to assess and improve his ability to meet the requirements for building a good marriage. Experience in working with high school and university students indicates that our greatest hope in building stronger family life is in educating people before they marry or become parents and before they are confronted with problems and frustrations which may block their learning processes. In fact, the education must come before they are involved in choosing a mate. Regarding courses in preparation for marriage, concern was expressed about the students' children who are not yet born, on the basis that they must necessarily be the long-range goal of any legislation dealing with families in California. Helping the family achieve
a higher level of success and cutting down the social wastage from family failure is not a short-term project.

**Implementation of the Educational Program**

Being realistic, and given the crowded status of the present curriculum, and also given the present outlook by many school districts and by some people in the Department of Education, an approach which would allow the greatest amount of local autonomy and voluntary adoption of courses and content would be the most successful at this point, particularly regarding placement into the curriculum. A demonstration project, if proven successful, could be expanded to other districts. Other means include a mandate from the State Legislature itself or a graduation requirement as stated from the State Board of Education, but these are secondary in terms of a realistic approach and were not advocated.

In essence, the approach advocated was one of the state offering every encouragement to the various local school boards and districts to voluntarily adopt an educational program embracing a rich and extended exposure to the problems of marriage and family living. It was suggested that the Department of Education should, by special contract or grant, retain specialists to review curricula already prepared in family life education as well as aid in the preparation of new curricula; that establishment of pilot programs be undertaken in those school districts requesting them; and that financial aid be given those school districts which include family life courses in their curriculum, either by direct grant or by the furnishing of teachers and materials.

**Proposed Solutions: Short-Term**

**Waiting Periods for Youthful Applicants**

Since it was recognized that educational programs are long-term solutions to marriage and divorce problems, it was suggested that for an immediate response the committee consider a 30-day waiting period before the “child-marriages” of boys and girls who wish to marry before they are 18 or 21 years of age.

The view was advanced that anything which slows down, delays or postpones the all too often hasty and unconsidered youthful plunge into matrimony would be a positive step in the right direction. Such a preventative program would emphasize making it more difficult to get married.78

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78 A nationally recognized authority on marriage, Professor Lester A. Kirkendall of Oregon State University stated in a letter to the author on August 12, 1964: “Many of the early marriages are entered into by youth
In regard to waiting periods it should be noted that California is in the minority group of 17 states which do not require some type of waiting period.\textsuperscript{76} Three states vary the waiting requirements if minors are involved.\textsuperscript{80} In Georgia if one of the parties is under 21 the waiting period is 3 days, unless the female is pregnant or the applicants are the parents of a living child born out of wedlock.\textsuperscript{81} Oklahoma, which has no waiting period generally, imposes a 3-day delay if either applicant to marry is underage.\textsuperscript{82} And Tennessee, which also does not have a general waiting period, imposes a 3-day delay if either party is under 21.\textsuperscript{83} Among those states utilizing a waiting period, one state imposes a 1-day delay;\textsuperscript{84} one state a 2-day wait;\textsuperscript{85} 19 jurisdictions require a 3-day wait;\textsuperscript{86} one state a 4-day delay;\textsuperscript{87} 7 states require a 5-day reflection period;\textsuperscript{88} one state requires a 7-day wait;\textsuperscript{89} and one state requires a 30-day waiting period.\textsuperscript{90} Many states have waiver provisions, most quite liberal.\textsuperscript{91}

who are under the pressure of peer behavior and are so contracted at the time under circumstances which provide a very unsound basis for the subsequent marriage. Therefore, waiting periods, public knowledge of intent to marry and provisions for premarital counseling should be provided, particularly for couples which would fall into the youthful marriage category."


\textsuperscript{80} Ga. Code Ann. § 53-202 (Supp. 1966); Okla. Stat. tit. 43, § 5 (Supp. 1966) (3-day waiting period if one or both parties underage, female under 18, male under 21); Tenn. Code Ann. §§ 36-406, 36-410 (1955) (3-day waiting period unless waiver or both parties over 21).


\textsuperscript{89} Ore. Rev. Stat. § 106.077 (1965).


Any restrictions of this nature which California might impose on its youthful citizens seeking to marry could be circumvented by an evasionary marriage in a neighboring state or country. The committee was advised that if it felt the imposition of such a delay was a reasonable restriction on youth in their best interests, as well as for the society in which they live, it should recommend the delay notwithstanding the possibility of evasion, and ground that recommendation on the basis that it is the best thing to do in the circumstances. It was pointed out that probably most youths and their parents, confronted with this expression of legislative interest and concern for their well being, would acquiesce in that judgment.

In addition, there are several practical considerations. Many youths and their parents want to have the marriage in their own local church or community. Parents, relatives and friends, whose attendance at this important event is usually desired, will normally travel great distances if necessary to attend a ceremony in the home community of the couple or the bride, but are reluctant to travel the same distance to another state to attend an evasionary marriage. Since research documents a greater stability in those marriages where there is a greater commitment to the marriage, as indicated in part by the ceremony being performed in a church or before other responsible officials in the presence of family, relatives and friends, the committee was advised not to impose an excessive restraint on youthful marriage to the point where evasionary action would be encouraged. It was suggested, however, that the proposed 30-day waiting period would not be excessive, even in those cases where a premarital pregnancy is involved.

Waiver

Another consideration in regard to the suggested delay in youthful marriages was a provision for waiver of the 30-day waiting period upon application to the presiding judge of the conciliation court, if one exists in the county, and if not, to the presiding judge of the juvenile court, which exists in every county. In either event, waiver could be granted only upon the showing of such necessity as to warrant the dispensation in the discretion of the judge. It should be noted that in California females under 16 and males under 18 already must obtain judicial consent to marry.93

92 For a positive reaction to this fact see the joint resolution (AJR 17) passed by the California Legislature. See note 103 infra and accompanying text. There has been extensive support of this proposal by authorities in a number of states, indicating that the requisite three-fourths majority required for amendment to the United States Constitution may be obtained without undue delay.

Restriction on Judicial Consent

It has been suggested that the granting of judicial consent to marry should be restricted to the presiding judge of the conciliation court, if one is located in the county, and if not, the presiding judge of the juvenile court. The reason advanced for localizing responsibility to one judge rather than having it spread among the entire superior court bench in a county is to concentrate such cases before a jurist who, by virtue of his present assignment, is most sensitive to the best contemporary methods of handling the needs and problems of youth.

Premarital Conferences

After an extensive study in which the views and suggestions of a large number of knowledgeable individuals were elicited concerning the problem of family stability, especially as it relates to our children, the proposal was advanced that as a stopgap measure, pending the time when a larger portion of our youth are more adequately prepared for marriage, something additional be done than merely marking time for the 30 days of a waiting period. It was suggested this period be used as one in which the young people be required to have a session or two with a qualified marriage counselor. This would be to discuss the implications of their anticipated entrance into the marriage relation, the basis for their decision, the alternatives which are available to the couple, the problems which are likely to be encountered, the ways in which many other people have successfully dealt with those problems, and the various resources which are available in the community to aid any couple, especially the youthful couple. If a premarital pregnancy is involved, the goal would be to see whether there is any basis for a good marriage and if not, to encourage the couple not to marry. A divorce cannot follow a bad marriage which has not occurred in the first instance.

There already is a legal and professional structure by which a program of premarital counseling can practically be executed in California. Since there is already a substantial segment of its youthful population which must obtain judicial consent to marry, it was suggested that a beginning or pilot program of premarital counseling be commenced with this group: boys under 18 and girls under 16. If the proposal were enacted and proved successful it could later be expanded to include youths under higher age limits.

Benefits

Some of the benefits which could be realized from such a conference include:
(1) Couples in situations in which a marriage would seem inadvisable could be helped to rethink their decision.
   a. The couple itself—through concrete evaluation of potential adjustments.
   b. Discussion with parents or guardians.
   c. The judge—more basic information upon which to make his decision.

(2) When the marriage is brought about by pregnancy—the real motive could be established.
   a. Where the boy is marrying the girl as the honorable thing to do.
   b. Where parental insistence is involved.
   c. Where infatuation is mistaken for love.

(3) Those couples who have thought through their position and approach marriage in positive manner may be helped to avoid pitfalls, establish communications and advance toward a wholesome relationship.

(4) A relationship could be established with a marriage counselor which would make it possible for the couple to return early enough to be helped at any future time of friction.

(5) It would provide an unbiased third party to help them meet realistically their situation apart from the prejudices of friends and relatives.

**Organizational Location**

Where conciliation courts already exist in a county, it was suggested that they be responsible for such premarital counseling for several reasons:

(1) Their close proximity and relationship to the superior court.
(2) Their ability to see such parties on a preference basis and avoid a five to six-week wait.
(3) A governmental agency whose longevity could insure a permanent supportive role to the marriage.
(4) A referral source for reputable private and public marriage counseling and their adjunct services for those couples whose problems were either more specialized or complex than could be handled in a short-term setting.
(5) For educational services that could be provided to the community through the experience of the court.
   a. Youth want to be prepared for marriage.
   b. Youth want to speak with competent, understanding adults.
(6) Control over the competence of the counselors—not everyone authorized by state law to do marriage counseling is fully qualified to work in the area of premarital counseling.

It was suggested that in those counties which do not have conciliation courts the best location for control and supervision of the premarital counseling would be the juvenile court because of its extensive con-

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84 Among the recommendations of 3,000 young adults concerning the family, resulting from a three-day Governor's Conference on Youth, November 11-13, 1965, in Sacramento, California, was a proposal for longer waiting periods and additional premarital education when either party was under 21 years of age.
tact with young people and its experience in working with them in the resolution of their problems. Under present California law, any judge of the superior court may grant consent to marry to this age group, resulting in excessive disparity. In many counties most requests for consent are already directed to the presiding judge of the juvenile court who uses members of his staff to conduct a preliminary interview with the couple and advise him whether or not he should grant such consent. It was suggested that such a discussion with the couple, however brief, has much to commend it as compared to the pro forma consent which is granted with little or no evaluation in other counties.

**Recommendation to Judge**

Under the operation of the premarital conference the counselor would inform the youthful applicants at the outset of their discussion that one function to be served by the conference is for him to formulate an evaluation to present to the judge whose consent is requested. In many cases of coerced applications for marriage licenses, where parents are placing unwarranted pressures on the children to marry, the intervention of these interested but uninvolved third parties may benefit the children who themselves may be reluctant to marry notwithstanding the fact of pregnancy. Counseling of parents should be included when a premarital pregnancy is involved which is known to the parents or which the couple is willing to have disclosed to them. This would present an opportunity for emotions to be released, for parents and children to understand the situation, better, and for exploring other solutions to the situation which might be more desirable in particular cases than marriage.

**Limitations**

The Legislature could establish some minimum and maximum limits in terms of the amount of time to be devoted to such counseling, permitting the counselor to use his discretion within such limits.

**Waiver**

In order to encourage local decisions to institute family life courses in the school systems, and to recognize their benefits, the requirement of a premarital conference could be waived for those applicants who satisfactorily completed an accredited family life course at the high school level.

**Statutory Rape Statutes**

It is not just parents who are coercing bad marriages into taking place. The tendency of some judges to make very strong suggestions
to a defendant male that if he did not want to serve a term for statutory rape, he had better get married occasions a good number of paper marriages which then turn up as divorces. They are deceptive, misleading and unfortunate affairs for all concerned, but some judges feel they must do this to save the child from the stigma of illegitimacy. Attempting to avoid the barbaric stigma of illegitimacy was seen as the cause of many poor marriages. We need to re-examine the age of statutory rape and its effect on coerced marriages. The age of consent could be lowered to 16 from the present 18 years of age. Sixteen-year old girls today are certainly more mature than their parents were at the same age. It was observed that full control is given them at 16 of the most effective mass killer in history, the American automobile, but that they are denied the responsibility of taking care of their own bodies. So any boy who cooperated with them in what they wanted to do is a rapist. This approach did not make sense to the witnesses appearing before the committee.

The real basis behind the statutory rape statutes was to punish abnormal sexual conduct, that is, the inducement into sexual relations of an immature female by a male of substantially older age.\(^9\) This is reflected in the statutes of many other jurisdictions, which specify that statutory rape occurs only when the male is a specified number of years senior to the female, as relations between a girl under 18 and a male over 21.\(^9\) Voluntary sexual experimentation by parties of approximately the same age can be handled in more lenient ways, as for example, through the juvenile court. This removes the coercive effect presently being realized by the California statutory rape statute.

**Emancipation and Parental Consent to Marry**

The present California law permits marriage of a girl 18 years of age without her parents' consent,\(^9\) resulting in her emancipation from their control. A number of undesirable marriages are brought about simply for the reason that the girl wants to get away from what she feels, and what might in fact be, an undesirable or impossible home situation. She cannot simply move out of the home, into the home of another or share an apartment with a girl friend, unless she has the consent of her parents. Consent in these circumstances is usually withheld, or there would be no problem. But she can effectuate a move out of the house through the agency of marriage. Such a marriage has little foundation or support and hence is found to collapse quite readily.

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On the basis of these cases it was suggested that either the age of emancipation for females ought to be lowered to the present age at which they can marry without parental consent or the requirement of parental consent ought to be imposed until the female reaches age 21 at which age she is legally entitled to emancipation.

**Financing**

In order to finance the additional costs which would be incurred by enactment of a requirement for premarital counseling and the other proposals relating to family life education, it was suggested that the cost of a marriage license be increased. A similar proposal was to increase the filing costs of divorce complaints in order to help finance studies of, or establishment of, conciliation courts in the various counties. In essence these proposals are grounded on payment for services by those likely to need them with premarital counseling analogous to preventive medicine programs and the establishment of conciliation courts similar to prepaid medical plans. A combination of these two proposals would be to increase both marriage license fees and divorce filing fees and use the money thereby realized for both preventive premarital counseling and education, as well as rehabilitative conciliation efforts.

Smaller counties which would not require the use of a full-time counselor might establish cooperative agreements with other counties whereby one counselor could serve two or three counties, or they might contract for the part-time services of a community agency within the county.

**Committee Findings and Recommendations of the California Assembly Judiciary Committee**

Findings

(1) The family, our basic social institution, exercises a critical influence on the type of individuals it develops for society. Inade-
quate families tend to seriously damage their offspring in their ability to establish and maintain satisfactory relationships.

(2) Youthful marriages are a source of great trouble for our society because they are so unstable and yet so fertile. When they disintegrate they predispose the children involved to a much higher incidence of marital discord in their own lives, all at tremendous costs both in dollars and in human suffering.

(3) Educational programs in our schools which are directed to solving the problems of marriage and family living appear to be a strong and reasonable means of attacking the critical problem of youthful marriage and parenthood.

(4) Conciliation courts as an adjunct service to domestic relation courts have demonstrated their usefulness in rehabilitating many couples having marital difficulties, by short-term counseling or referral to community resources. Other couples, who have nevertheless proceeded to divorce, have been aided in understanding and adapting to the fact of divorce and its procedures, often to the great benefit of the children who are involved.

(5) The highest incidence of divorce is found among those who marry at extremely young ages. Unfortunately, this is also a group which is highly fertile, producing many children who are adversely affected by the marital disruption of their youthful parents.

(6) A brief waiting period before youthful applicants could be married appears to be a reasonable means of reducing the incidence of hasty, ill-advised youthful marriages.

(7) The objective of statutory rape statutes is to restrain and punish sexual relations entered into by a more mature and knowledgeable male with a considerably younger, less mature female.

(8) In many cases, as an alternative to a criminal prosecution for statutory rape, young men are being coerced into marriages which have little foundation for their being contracted. These marriages, many in name only, frequently result in divorce, all too often after children have been conceived or born who would not have been involved had the coerced marriage not occurred.

(9) Present reporting procedures for divorce, annulments, and separate maintenance are wholly inadequate to serve the basic needs of the individuals concerned, legislators, scholars and researchers who require accurate, accessible information.

(10) The absence of a proper reporting process precludes obtaining adequate insight into the many ramifications of our marriage and divorce problems and results in excessive costs to the legal profession and their clients.
Recommendations

(1) In order to encourage and help finance the voluntary development of marriage and family life programs in the schools, the committee recommends an increase in the cost of marriage licenses from $2 to $5 and a $5 increase in divorce filing fees, with the funds thereby realized to be utilized in part for developing curricula and materials and for implementing the institution of such courses in the public schools. Such development should include summer and in-service training programs to aid in teacher development for teaching in this area, and the utilization of consultants who are experienced in this field, to work on local curricula and other problems with local school administrators.

(2) To encourage the development and strengthening of conciliation courts and their philosophy of utilizing the insight of the behavioral sciences to aid the resolution of marital conflict, the committee recommends that the other portion of the funds be utilized for the benefit of the various counties to study the feasibility of establishing, to aid in the initiation or strengthening of such a court, and for research relating to conciliation courts in this state.

(3) The committee recommends that a waiting period be established for all youthful applicants seeking to marry. While making no specific proposal, the committee is thinking in terms of a 15- to 30-day delay for all youths under 21 with provision for judicial waiver upon a showing of necessity.

(4) The committee recommends that the age of the male who is guilty of statutory rape be specified in the statute and that the age of such males be designated as 21 years of age or over.

(5) The committee recommends that legislation be enacted which will obtain the necessary information in an economical and efficient manner, through the utilization of a certificate of divorce registry which is similar to the certificates which elicit vital information about other important events in life such as birth, marriage, adoption, and death.

Legislative Developments

Legislative proposals embodying several of the proposals recommended above were introduced in the 1965 General Session of the Legislature. Only one bill survived the process and was enacted into law. Assembly Bill 337 established a new statewide Certificate of Divorce Registry. Effective January 1, 1966, basic information about the couple filing for divorce anywhere in California is elicited on a confidential form, one copy remaining in the local county, the

other being forwarded to the Bureau of Vital Statistics. This document inquires of the couple concerning their age at marriage, number of prior marriages dissolved by death, divorce or annulment, number of children, the place and date of marriage, race, religion, education achieved, occupation, and other relevant data. Birth dates of children can be correlated with the date of marriage to establish a statistically valid index of the incidence of premarital pregnancy. Other responses can be similarly interrelated to produce valid estimates concerning such things as income, a question which is not asked for on the form.

Penal sanction for identifying parties submitting such information is imposed upon anyone obtaining access to the forms. The records are not open to public inspection either in the county clerk's office or at the office of the State Registrar of Vital Statistics. Access to the data is restricted to duly constituted committees of the legislature and such properly qualified research scholars who might obtain permission for examination of the records from the Director of the Department of Public Health upon submission of an appropriate research plan which will insure the maintenance of confidentiality. Such researchers may not identify persons in any greater detail than that utilized by the Department of Vital Statistics in its periodic reports of the accumulated data. Thus for the first time in this country, competent scholars from the various disciplines, ranging from anthropology to sociology will have available to them the basic data necessary to enable them to make meaningful contributions from the viewpoint of their disciplines. Costs of the program are covered by a $2 increase in the filing fees for marital dissolution actions.

Another bill¹⁰⁰ sought to fulfill the committee's recommendation relating to education for family life and conciliation court development. After successfully passing the Assembly, the bill was retained in the Senate Judiciary Committee for Interim Study.

A third proposal¹⁰¹ sought to establish a 30-day waiting period for a young couple seeking to marry when both were under 21 years of age. Provision was made for judicial waiver of the waiting period upon a showing of necessity. The underlying feeling was that the time had come, especially with regard to the very young, when we should stop issuing marriage licenses with the same indifference with which we issue dog licenses. After passing both houses, the bill was pocket vetoed by Governor Brown, who stated in his veto message:

> The theory is that this would give time for premarital counseling and education. However, such counseling and education is not provided for in the bill and an undue hardship is forced on young unmarried girls. More premarital counseling is needed but this bill does not accomplish this and would do more harm than good.¹⁰²

¹⁰⁰ A.B. 2946 (1965).
¹⁰¹ A.B. 488 (1965).
Recognizing that the long term resolution of the problem of hasty marriages, especially among the very young, is dependent upon eliminating the ability of the parties to circumvent the public policy of one state by an evasionary marriage (or divorce) in another, the California Legislature passed a joint resolution calling upon the United States Congress to initiate a constitutional amendment vesting Congress with jurisdiction to enact uniform, minimal waiting periods prior to marriage and similar residence periods prior to divorce. The legislature recognized that:

[T]he present interpretation of the full faith and credit clause of the United States Constitution, coupled with present application of conflict of laws principles, has resulted in subordinating the public policy of various sister states to economically oriented policies of some neighboring states which traffic in hasty evasionary marriages and migratory divorces . . . . [Pr]ior attempts to rectify this situation have been abortive since those states which profit by this situation will not join in any efforts towards uniform acts which would establish more generally accepted minimal contacts with a state before marriage or divorce . . . .

Community Developments

The state and local concern in California about the problems associated with premature marriage and parenthood, and the ill effects of the all too frequent divorce which ensues, contrasts with the development process which occurs within a properly functional marriage with one spouse interacting with the other for the mutual betterment of the entire family. Sporadic local efforts have sparked concern in the legislative, executive and judicial branches of government, which have in turn encouraged developments on the local level. Each effort has had its effects on the other with all still seeking some more uniform and generalized approach to a problem which afflicts the entire state.

One of the earliest formulations for a family life education program was articulated in 1949 by a consultant in parent education to the Bureau of Adult Education of the California State Department of Education. His highly integrated proposal encompassed prenatal counseling, attention to the problems of infancy, parent-child study groups, school demonstrations for parents, study of the family in regular segments of the educational curriculum, emphasis on family life in junior and senior high schools with content

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104 Id. The February 15, 1967 issue of the American Bar Association News announced that the National Conference of Commissioners on Uniform State Laws received a $60,000 Ford Foundation grant for another effort to bring order out of the chaos of family law. A long-sought uniform divorce bill, going beyond the scope of AJR 17, would be one part of the project.
105 See note 71 supra.
geared to the maturation level of the students, courses in college, teacher training institutions, and community family service agency development. As with many a meritorious proposal, it apparently was too far ahead of the times to obtain adequate support.

The program which appears to have initially stimulated the present concern in California was a Consultation on Teenage Parents sponsored by the Governor’s Advisory Committee on Children and Youth at Asilomar, California in April, 1964. The Sub-committee on Strengthening Family Life brought together a number of professionally qualified authorities at an intellectual island to stimulate thought and discussion. About this time a series of interviews with Assemblyman Pearce Young were published concerning both the problems of marriage and divorce, searching for some method of reducing the incidence of ill-advised child marriage and reducing the trauma of the often unnecessary divorce. As a result of widespread state and national support, the State Assembly established a Subcommittee on Domestic Relations with Young as its chairman, within the jurisdiction of the Assembly Judiciary Committee.

For a week in June, 1964, 400 teachers, school nurses, and parents participated in a workshop on “The Teenage Parent: Early Marriage and Childbearing” at the University of California, Davis. The extent of concern expressed at this meeting led to a one-day conference on School-Age Pregnancies in October, 1964, at the University of California, Berkeley, with several hundred people in attendance.

The legislative program described herein was introduced in the 1965 General Session of the California Legislature against a backdrop of a threatened constitutional amendment which would constitutionally mandate family life education in the schools and withdraw jurisdiction over divorce from the courts. Sponsored by United States Divorce Reform, Inc., the constitutional initiative sought to establish a new Department of Family Relations under the Executive Branch of the State Government to administer divorce and attendant problems within the framework of Family Arbitration Centers. Intended to qualify for the November 1966 ballot, the proposal was withdrawn when it failed to obtain the approximately 468,259 signatures necessary to qualify it. It should be noted, however, that approximately 300,000 signatures were collected.

In order to disseminate the rapidly accumulating information on family life education and to provide supplementary support to other disciplines involved in strengthening family life through mar-

106 Id.
107 See, for example, San Francisco Examiner, March 1, 1964 (People), at 1, 12.
riage counseling and conciliation courts, the California Council for Strengthening Family Life was organized on a state-wide basis.

The Sacramento City Unified School Board directed its staff to develop a proposal for family life education running from kindergarten through senior high school, and the Sacramento County Schools and the Third District Congress of Parents and Teachers initiated a similar proposal.

The California medical profession became interested and a two-day program on Sex Education and the Family Doctor was sponsored by the University of California Medical Center in San Francisco. This same sponsor presented a two-day televised Symposium on Teen-Age Marriage and Divorce in April, 1966.

In May, 1966, Governor Brown established a Commission on the Family and charged them with a four point program: (1) to study and suggest revision, where necessary, of the substantive laws related to the family, including marriage and divorce, alimony, division of property and custody of children; (2) to consider development of meaningful courses in Family Life Education in the public schools; (3) to ascertain the feasibility of uniform, nationwide minimal waiting and residence periods prior to marriage and divorce; and (4) to consider the means by which a Family Court could be established in California and the procedures by which it can function most effectively.108

By a Family Court, Governor Brown emphasized he meant a specialized jurisdiction of the superior court which would deal with all matters relating to the family. Such jurisdiction would extend to marriage, divorce, separation and annulment, alimony, division of community property and child support, paternity actions and support of illegitimate children, adoption and termination of parental rights, guardianship of minors and incompetents, minor's contracts and issues relevant to a minor's emancipation, and all such matters now handled by the juvenile courts.

The Governor noted the necessity for a Family Court staff of trained and qualified personnel to make investigations and render reports to the court as well as to assist in counseling persons involved with the court. A major function of the court and its staff would be directed toward reconciliation of spouses whose marriages can still be saved, and to lessen the bitter aftermath of those marriages which cannot. The Governor observed that at the present time parents and children alike are caught up in a confusing system where one court may decide the question of delinquency, another the issue of divorce, and still another the question of custody. He stated that:

Such a court system too often makes of the child in a suit between

husband and wife, a helpless pawn, who becomes scarred for life in the social and legal battles. Too often the fragmentation of such a system fails in what should be a primary objective of society: the preservation of the family structure.109

During the last several years some outstanding school programs have developed in various locations in California. In 1966 in the Anaheim Junior and Senior High Schools a total of 20,000 students in grades 7 through 12 were taken out of physical education or health classes for a period of four and one-half weeks and exposed to a program of family life education. Almost 50 instructors are involved full time, repeating units until all students in a particular school and grade level have been reached. In 1967 it is anticipated that 30,000 students will be involved in the program. Any youngster may be excused at the request of the parents, but less than one percent have requested that the student be excused.110

It is the consensus of those directing the program that the honest and forthright discussion by both students and faculty of every question raised by the students is highly beneficial since behavior during these years is greatly influenced by the peer group. Instructors in the course are volunteers from practically all of the subject areas, having also volunteered to take the necessary training. The goal is primarily the improvement of teenage behavior with successful marriage as the ultimate goal.

A Family Life Education Program for senior students has been in existence in the Palo Alto High School for 30 years placing a strong emphasis on developing a philosophy of life whether the issue be sex, alcohol, drugs, marriage or the family budget.111 For the last 21 years a program of family education has been established in the Palo Alto Unified School District. In each class, limited to 15 families whose children range in age from 22 to 54 months, the mother is the enrolled student where she is able to observe her child at play and work, making notes which are then used as a basis for discussion and comparison with notes made by other mothers and the teacher. Freed from distractions and interruptions, the mother can watch her child function and in discussions with the teacher, learn more about herself, her child, and explore concerns of the homelife as well. The personnel of this program are also exceptionally qualified, enabling them to

109 Id.
110 Letter from Ralph G. Eckert, Coordinator, Counseling and Guidance, Riverside County Schools, California, to the author, October 26, 1966.
help parents obtain deeper insight and understanding to the omnibus challenge of raising a child properly. Emphasis is placed on the parents' seeking their own answers rather than depending on authorities. Fathers are included in orientation meetings, father's day held on occasional Saturdays, some evening sessions, and some parent sessions.\(^{112}\)

In response to requests from the community and the teaching staff for organization and expansion of family life education beginning with pre-school, extending from kindergarten through 12th grade, and into adult education in the Palo Alto Unified School District, Mr. Snodgrass has been appointed to coordinate the district's efforts and will be leaving the classroom in which hundreds of students have learned what "living" really means.\(^ {113}\)

During the last 20 years a similar program in the Hayward Unified School District has been taught to 26,000 high school students. Surveys following graduates into their adult life continue to reveal that the course remains uncontested as the most valuable offering in the curricula of the secondary schools in the district.\(^ {114}\)

The Berkeley Unified School District has initiated pilot programs in Health and Family Life Education for grades from kindergarten through senior year of high school, and a similar program has been approved for a trial run in San Mateo County as a result of the support of the San Mateo County Medical Society.

Programs of this type answer the questions raised by former Assemblyman Pearce Young\(^ {115}\) whose untiring efforts initiated the present emphasis in California legislative circles for remedial efforts in divorce litigation and preventive measures against unprepared, un-


\(^{113}\) News and Views, from the Superintendent, May 1, 1967, at 2 (bulletin from Dr. Harold Santee, Superintendent, Palo Alto Unified School District).

\(^{114}\) Based on a letter from Mr. Donald Oakes, Director, Secondary Education, Hayward Unified School District, California, to the author, September 13, 1967. The survey results are not publicly released. Every 2 or 3 years a check list of the entire high school curricula is sent to graduates of the last 5 years of the four high schools in the district in which they are requested to rank by values 1, 2, and 3 the various course offerings. The family life education course (Sociology I) has consistently been ranked by the students as the most valuable and most popular of all courses taken.

For a "how to do it" booklet, based on Mr. Oakes experience in developing family life education programs and avoiding attendant problems, see D. Oakes, A Handbook for Reluctant Family Life Educators (1967) (Rapid Printers & Lithographers, Inc., Hayward, California).

\(^{115}\) Presently Judge of the Superior Court, Los Angeles County, California.
planned, haphazard youthful marriages and parenthood, and their all too often ensuing divorce.\textsuperscript{116}

As Chairman of the Assembly Criminal Procedure Committee, Young noted that the McCone Commission missed the significance of a primary cause of the Watts rioting—disintegration of the family. He indicated the typical offender in Watts was aged 17, from a fatherless home, and already or soon would be a dropout.\textsuperscript{117} "As chairman of the Criminal Procedure Committee, I see even more clearly the relation between family stability and crime."\textsuperscript{118} As a delegate to the United Nations Congress on Crime in Stockholm in the summer of 1965, Young related that the delegates "discussed the reasons why nations such as the United States, England and Sweden have the highest rates of juvenile delinquency. Experts from all over the world came forward with the same answer—disintegration of the family unit."\textsuperscript{119}

### Conclusion

The continued trend toward early marriage and parenthood is not hopeless. Despite the absence of any uniform state-wide policy, there are developing programs which sensitize youth to the many perils of premature marriage and parenthood. Available evidence tends to indicate that participation in these programs has a beneficial effect in retarding the plunge into early marriage and parenthood. Merely requiring the participating student to formulate a budget which is then examined under the direction of a mature and experienced teacher exposes the financial realities and inadequacies of students' illusions about the economic realities of life. Discourse about intercourse, under competent tutors, reveals the true motivations and perils to meaningful relationships. Those who persist in the plunge

\textsuperscript{116} Young, \textit{Family Life Education for California Children}, \textit{California Teachers Association, Bay Section Reporter, Part 1} (Winter, 1966).
\textsuperscript{117} The Sacramento Union, December 14, 1965 at 4.
\textsuperscript{118} \textit{Id.}
\textsuperscript{119} \textit{Id.} New York Board of Education officials have disclosed a curriculum of a comprehensive sex education program in almost 20 percent of the city's public schools this year, indicating that it would be the largest such program in the nation. An 80 page pamphlet has been prepared to guide teachers and suggest topics and means of illustration for all grade levels. In grades five and six, instruction will total 45 minutes weekly. In lower grades, the instruction will be included in social studies classes. In junior and senior high schools there will be a regularly scheduled period each week. The program includes kindergarten children under the guidance of parents and teachers. Superintendent of Schools Donovan termed the new curriculum "concerted, organized, sensitive approach to instruction... in classes preceded by adequate teacher and supervisor training and involvement of parents and the community." The program will also stress the emotional side of love and marriage, morality, and family structure. Associated Press Release, September 27, 1967.
into pseudomaturity are at least more adequately prepared to meet the challenge. Romantic fantasy has often been replaced by factual reality of what marriage and parenthood actually encompass and what it takes to make it work. Knowledge about available community resources to aid those unable to solve their problems alone deters from the hasty rush toward divorce.

For those who do proceed to the courts, facilities are being developed to make a final effort at salvaging a marriage and family unit that need not be destroyed. For those situations where a divorce is desirable, procedures are being critically re-examined in light of the psychological side effects of the present system with a view toward a more humane, honest and forthright procedure which will permit the termination with decency and dignity, and with consideration for the human beings involved, especially the children.

Attorneys are not fulfilling their obligation of professional responsibility to society if they do not take an active part in efforts such as these to ameliorate the tragically high divorce rate and ensuing ills resulting from the continuing trend toward ever more youthful but unprepared marriage and parenthood. The medical profession has recognized the problem and the need and is backing remedial programs as a phase of preventive medicine concerned with the overall health and well-being of the family. We as lawyers cannot afford to fail in contributing our own experience and expertise in such a vital and important area of contemporary society.