

AN ABSTRACT OF THE THESIS OF

Barbara R. Rowe for the degree of Doctor of Philosophy
in Family Resource Management presented on November 25,
1985.

Title: The Economic Consequences of Divorce in Oregon
After Ten or More Years of Marriage.

Abstract approved: Redacted for Privacy
Alice Mills Morrow

The financial aspects of divorce are of great importance to the growing numbers of men, women, and children who live with the consequences of economic decisions made at dissolution. The purpose of this study was to provide data on the economic aspects of divorce in Oregon after ten or more years of marriage; to determine what assets were owned, how those assets were valued for the purpose of division, which assets were allocated to wives and which were allocated to husbands, the factors that affected the allocation, and the effect of asset division on the post-divorce economic well-being of wives and husbands.

The sample was drawn from final divorce decrees for marriages lasting ten or more years filed between July 1983 and June 1984 in the Oregon counties of

Multnomah, Clackamas, and Washington. Interviews were conducted with 67 women and 49 men.

Most of these couples after ten or more years of marriage, owned homes and tangible personal property, most often furniture and a car. Pensions were the most frequently owned intangible personal property. The greater the value of an asset the more likely it was to be valued objectively. Assets were allocated fairly equally between spouses. However, this did not have the effect of putting husbands and wives in similar economic positions. When predivorce and postdivorce household incomes were compared, almost all of the movement toward lower income was accounted for by wives.

Mothers were more likely than fathers to have custody of children. When there were children under age 18, child support was usually awarded. However, the monthly amount of child support was less than one-half of the estimated monthly cost of raising a child, leading to the conclusion that the custodial parent bears a disproportionate share of the cost of raising a child.

While the allocation of property between divorcing spouses is a concern that cannot be ignored, an equally important concern in these marriages lasting ten or more years is the lack of income-earning ability of the wives.

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THE ECONOMIC CONSEQUENCES OF DIVORCE IN OREGON
AFTER TEN OR MORE YEARS OF MARRIAGE

by

Barbara R. Rowe

A THESIS

submitted to

Oregon State University

in partial fulfillment of
the requirements for the
degree of

Doctor of Philosophy

Completed November 25, 1985

Commencement June 1986

APPROVED:

Redacted for Privacy

Associate Professor of Family Resource Management in
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Date thesis is presented November 25, 1985

Typed by Sandra Warren for Barbara R. Rowe

ACKNOWLEDGEMENTS

I wish to especially thank Dr. Alice Mills Morrow, my major professor, who gave up nights, weekends, holidays and vacations to see me through a Master's by-pass, proposal, data collection, and dissertation. Her critique of my research ideas and sharp editorial skills have always made the finished product better.

I would also like to extend my sincere appreciation to my graduate committee: Dr. Arthur Gravatt, Dr. Gary Tiedeman, Dr. Patricia Wells, and former committee member Dr. Virginia Haldeman, for their support and constant encouragement during my class work and the preparation of this dissertation.

A special debt of gratitude is owed Dr. Geraldine Olson who served as the "guiding hand" throughout my graduate program and research. I was so lucky to have her wise counsel and assistance.

Sincere appreciation is also extended to Ms. Evelyn Leasher of Kerr Library, who kept an eye open for articles I could use in my research; Mr. Larry Gildea for believing in me; Dr. Helen Berg of the Survey Research Center, who helped me understand sampling techniques and gave me a better grasp of research methods; Sandra Warren for the thousand favors she did for me; and Mr. Tom Gus, without whom my "n" would be half as big.

In addition, I wish to thank the men and women who

participated in this study for their time, and for the deeper understanding they gave me of the divorce process.

I can never repay my mother and my sister, Edith, for their financial and moral support; nor my sister Virginia, who provided ten months of free room, board, and emotional support.

Lastly, a very special thank you to my children; Alice, Tom, and Mike, without whose understanding and love these years of graduate study would not have been possible.

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THE ECONOMIC CONSEQUENCES OF DIVORCE IN OREGON
AFTER TEN OR MORE YEARS OF MARRIAGE

I. INTRODUCTION

Nationally, and in Oregon, there has been a dramatic increase in the incidence of divorce (Gravatt and Hunt, 1979). In a single year, 1981, 2,438,000 adults and 1,219,000 children, 2 percent of the total United States population were affected by divorce (Statistical Abstract, 1982-83). The 17,762 divorces and annulments in Oregon in 1980 set a new record, and the rate per 1,000 was 6.8, double what it had been in 1965 (Oregon Vital Statistics, 1980). In human terms, a significant number of our population has had a direct experience with divorce, either in their own marriages or in their parents' or childrens' marriages (Albrecht, 1980; Wiseman, 1975). The importance of divorce lies not only in its numerical growth but also in its increasing social, psychological, and economic implications for families, individuals, and society (McGraw, Sterin and Davis, 1982; Weitzman, 1981).

Since 1970, the number of families maintained by a woman alone has increased by more than 53 percent to 9.4 million (Marital Status and Living Arrangements, 1983). Female-headed families represent the largest subgroup of the population living below the poverty level (Wattenberg and Reinhardt, 1979). Most of the growth in female-headed families has been related to increased marital disruption

and to the higher proportion of divorces which involve children (Ross and Sawhill, 1975).

At least four studies have concluded that the poorer a family is, the more likely the parents are to divorce (Carter and Glick, 1970; Cutright, 1974; Glick and Norton, 1976; Goode, 1956). What is not known is the extent to which divorced mothers are poor because they were poor before the divorce and the extent to which they are poor because of the divorce.

In all divorce actions, the court has a legal responsibility to insure that the resolutions are equitable and in the best interests of the parties (McGraw, Sterin and Davis, 1982). Yet, very little is known about actual awards and agreements. This lack of systematic information makes it impossible for the parties, legislators or the courts to make an accurate analysis of the impact of divorce or to alter its effects.

There are five major decisions where divorcing couples may need to reach agreement: child custody, child visitation, child support, alimony and division of property (Kressel, Lopez-Morillas, Weinglass and Deutsch, 1978). Recent studies using court records to analyze property divisions have been "hampered by the fairly large amount of missing information in the case record" (McGraw, Sterin and Davis, 1982) or have been linked to state laws requiring an equal division of community assets (Weitzman, 1981), restricting the generalizations to a small minority of

jurisdictions. For those cases in which information was available, gender appeared to have an independent effect on both the amounts and types of marital assets awarded (i.e., wives usually received homes and furniture, husbands received bank accounts, stocks, and businesses).

Most states, including Oregon, use the standard of a "just" or "equitable" division of assets. This empowers the courts to distribute property regardless of how title is held in order to achieve equity and justice between the parties (Patterson, 1981). This standard allows a great deal of judicial discretion in the division of marital property (Weitzman, 1981). In addition, Oregon law makes no distinction between assets acquired before the marriage and those acquired after. Neither is there any distinction regarding assets acquired after the marriage by gift or inheritance. The assets considered at dissolution are all of the property belonging to either party or both parties, regardless of when or how acquired, creating a "universal community" for division (Cantwell, 1980). Thus, Oregon is an ideal environment for the collection of objective data regarding the prevalence and reciprocity of property awards and for exploration of the impact of property division on the post-dissolution economic outcomes of divorcing families.

Need for the Study

The economic consequences of divorce are a major social problem in the United States today. Reforms which were instituted in the 1970s have shifted the focus of the legal process of divorce from moral questions of fault and responsibility to economic issues of ability to pay and financial need (Bahr, 1983; McGraw, Sterin and Davis, 1982; Weitzman, 1981). The increased importance of these financial issues suggests the need for more complete information to aid judges, attorneys, and divorcing couples in making economically sound decisions (Weitzman, 1981).

However, divorce as a primary subject of study has been ignored to a great extent (Kitson and Raschke, 1981). Prince-Bonham and Balswick (1980), in a decade review of family literature, found that much of what we do know about divorce has been a by-product of research on other topics such as mental health and life satisfaction. Findings based on these data sources provide more knowledge about who divorces than what happens to them after divorce. Kitson and Raschke (1981), in a similar review, concluded that one of the issues that needs to be addressed in future research is analysis of the variables related to divorce adjustment, which include economic problems.

The numerous decisions and changes in life-style that accompany most divorces present important challenges for all the family-helping professions. The economic aspects

of divorce are of great importance to the growing numbers of men, women, and children who will live with the consequences of economic decisions made at the time of dissolution.

Statement of Purpose

The purpose of this study is to provide data on the economic aspects of divorce in Oregon after ten or more years of marriage: to determine how divorcing couples and the courts value and allocate marital assets at dissolution; to look at the effects of marital duration, the ages of the parties, their employment histories and earning capacities, education levels, and the custodial and support provisions of the decree on the valuation and allocation of marital assets; and to determine whether or not the valuation and division of marital property affects the post-divorce economic well-being of husbands, wives, and their children.

A study focusing on the financial aspects of divorce settlements should provide information which will assist divorcing couples, attorneys, the courts, and policy makers concerned with the divorce process and the security and economic well-being of families.

This information should also provide a frame of reference for developing educational programs and materials in the areas of family economics and home management and for strengthening marital, financial, and employment coun-

seling programs.

Objectives of the Study

The objectives of this study were:

1. to determine the types and total dollar value of assets owned by divorcing couples;
2. to identify the methods used in valuing assets for the purpose of division at divorce;
3. to identify types of assets allocated to wives and types of assets allocated to husbands;
4. to identify the factors affecting the types of assets allocated to wives and the types allocated to husbands;
5. to determine the percentage of the total dollar value of assets allocated to wives and the percentage allocated to husbands at divorce; and
6. to assess the effects of asset division on the post-divorce economic well-being of husbands and wives.

Delimitations of the Study

1. The study is limited to the investigation of divorces occurring after ten or more years of marriage.
2. The study is restricted to individuals granted divorces in three Oregon counties. Findings can be generalized only to these respondents.
3. The study is confined to those potential respondents with a verifiable phone number and address who agreed to be interviewed.
4. The study is limited to divorces whose final decrees were granted between July 1983 and June 1984.

Limitations of the Study

1. Potential respondents who declined to be interviewed may be different from those who did agree to be interviewed.
2. Information provided by respondents is as accurate as their recall will allow.

Definition of Terms

Assets - real and personal property: real property includes land and that which is affixed to it (Black, 1983); personal property includes pensions, stocks, bonds, and other investments, businesses, vehicles, household durables, bank accounts, and life insurance with a cash value.

Equitable distribution - for the purpose of this study a division of assets is considered equitable when either party receives no more than sixty percent or no less than forty percent of the fair market value of all assets legally and beneficially acquired during marriage by either husband or wife, or both, regardless of legal title.

Employment history - number of years in the labor force, whether continuous or discontinuous, whether part or full time paid employment.

Objective valuation - assets will be considered objectively valued if some data were used to arrive at a fair market value (e.g., independent appraisal, property tax records, Blue Book, classified advertisements, retirement account statements, bank statements).

Post-divorce economic well-being - defined for this study by respondent's answer to the question, "Do you think your economic situation now, as compared to before the divorce, is better, somewhat better, about the same, somewhat worse, or worse?"

Subjective valuation - assets will be considered subjectively valued if no data were used to arrive at a fair market value.

Types of assets - for the purpose of this study, each asset has been placed into one of these four categories: family home; other real property; tangible personal property (e.g., cars, other vehicles, furniture and household durables) and intangible personal property (e.g., bank accounts, stocks and bonds, pension and retirement benefits, life insurance, and businesses or professional practices).

Research Hypotheses

Hypotheses for this study are as follows:

- H₀1: The types of assets owned by divorcing couples have no relationship to:
- (a) age of wife
 - (b) age of husband
 - (c) duration of marriage
 - (d) employment history of wife
 - (e) employment history of husband
 - (f) wife's monthly income at time of divorce
 - (g) husband's monthly income at time of divorce
 - (h) number of minor children
 - (i) ages of minor children
 - (j) education level of wife
 - (k) education level of husband
- H₀2: There is no difference between the dollar value of assets owned by divorcing couples and:
- (a) age of wife
 - (b) age of husband
 - (c) duration of marriage
 - (d) wife's employment history
 - (e) husband's employment history
 - (f) wife's monthly income at time of divorce
 - (g) husband's monthly income at time of divorce

- (h) number of minor children
- (i) ages of minor children
- (j) education level of wife
- (k) education level of husband

H₀3: There is no relationship between how assets are valued for division and who retains the assets.

H₀4: There is no difference in the types of assets allocated to wives and allocated to husbands by:

- (a) age of wife
- (b) age of husband
- (c) duration of marriage
- (d) employment history of wife
- (e) employment history of husband
- (f) wife's monthly income at time of divorce
- (g) husband's monthly income at time of divorce
- (h) number of minor children in wife's custody
- (i) number of minor children in husband's custody
- (j) amount of child support paid per month
- (k) amount of spousal support paid per month
- (l) duration of spousal support
- (m) who wanted divorce most in beginning
- (n) who wanted divorce most at end
- (o) education level of wife
- (p) education level of husband
- (q) whether or not the couple made the decision(s)
- (r) total dollar value of assets

H₀5: There is no relationship between equitable distribution and:

- (a) age of wife
- (b) age of husband
- (c) duration of marriage
- (d) employment history of wife
- (e) employment history of husband
- (f) wife's monthly income at time of divorce
- (g) husband's monthly income at time of divorce
- (h) number of minor children in wife's custody
- (i) number of minor children in husband's custody
- (j) amount of child support paid per child per month
- (k) amount of spousal support paid per month
- (l) duration of spousal support
- (m) who wanted divorce most in beginning
- (n) who wanted divorce most at end
- (o) education level of wife
- (p) education level of husband

- (q) whether or not the couple made the decision(s)
- (r) whether or not a family home was owned
- (s) whether or not other real estate was owned
- (t) whether or not tangible personal property was owned
- (u) whether or not intangible personal property was owned
- (v) total dollar value of assets

H_o6: The post-divorce economic well-being of husbands and wives has no relationship to:

- (a) age of respondent
- (b) duration of marriage
- (c) respondent's employment history
- (d) household income prior to divorce
- (e) number of minor children with respondent
- (f) amount of child support paid/received by respondent
- (g) amount of spousal support paid/received by respondent
- (h) if respondent wanted divorce most at beginning
- (i) if respondent wanted divorce most at end
- (j) education level of respondent
- (k) whether or not couple made the decision(s)
- (l) net amount of assets received by respondent
- (m) sex of respondent
- (n) if respondent presently employed
- (o) respondent's present household income

II. REVIEW OF LITERATURE

Divorce Law, In General

Divorce law is closely related to a society's view of marriage and the family (Clark, 1968). The traditional view of marriage in the United States recognized the husband as the primary decision maker who provided economic support for the wife and children. The role of the wife was caring for the household and children (Glendon, 1980). Marriage was a permanent and cherished union that the state had to protect and preserve.

The traditional view of divorce in the United States was that a divorce could be obtained only if one spouse committed a marital offense, such as adultery, cruelty, or desertion, giving the other spouse a legal basis, or grounds, for such action (Eisler, 1977). Traditional divorce was based on an adversary proceeding requiring that one party be guilty or responsible for the divorce and the other be innocent (Kay, 1971). Being found guilty or innocent had financial consequences. Only an innocent wife could receive alimony--a means of continued support--and only a guilty husband had to pay alimony (Crozier, 1935; Karowe, 1974). Property awards were also linked to fault. In most states the court had to award more than half of the property to the innocent party. This led to heated accusations and counteraccusations of wrongs to obtain

a better marital settlement (Hogobloom, 1971). At divorce, the husband also remained responsible for the children's economic support and all states gave preference to a virtuous wife as the "natural and proper" parent after divorce (Mnookin, 1975).

By the mid-nineteenth century, in the United States, conservatives concluded that divorce was symptomatic of a national moral crisis (Halem, 1980; Rheinstein, 1972). Between 1884 and 1947, conservative reformers made many efforts to abolish or stiffen traditional divorce laws which were regarded as too liberal.

Since Congress could not be moved to propose an amendment to the Constitution that would have extended Federal legislative power to the field of family life, conservatives began a parallel effort to restrict divorce by coordinating state legislation. To this end, the National Conference of Commissioners on Uniform State Laws was created. At its first meeting, the body's stated motive was to "stem the rising tide of divorce" through "improvement and uniformity" of existing state marriage and divorce laws (Rheinstein, 1972).

After the Commission's founding in 1892, the traditional view of marriage and divorce began to change. It became generally agreed that dead marriages should end, family assets should be fairly divided, economic circumstances should govern alimony or maintenance, and children, where possible, should know and associate with

both parents (Freed and Foster, 1983). In 1965, the Commission's co-chairmen suggested the abandonment of traditional grounds for divorce and recommended that a new approach to the administration of divorce laws be researched and drafted (Rheinstein, 1972).

In 1967, the Ford Foundation granted funds to the Commissioners to "assist in the research, deliberation, and drafting necessary for promulgation of a comprehensive family law" (Cheadle, 1981). Professor Robert J. Levy of the University of Minnesota prepared a monographic study on marriage and divorce, which served as a working basis for the Committee. In his report, Levy concluded that American divorce law should be "predicated solely and exclusively upon the ground of irremedial marriage breakdown" (Rheinstein, 1972).

In 1970, the proposed Uniform Marriage and Divorce Act (UMDA) was approved by the National Conference of Commissioners (Rheinstein, 1972). In addition to adopting "no-fault" marriage breakdown as the sole ground for divorce, it proposed new standards for alimony and property division.

The Family Law Section of the American Bar Association (ABA) withheld approval of the UMDA for four years. The Bar attacked the statute on three grounds: the ease and speed with which a divorce could be granted; the absence of reconciliation provisions; and the proposed provisions of the property distribution section (Podell,

1973). The ABA favored an "equitable distribution" provision giving divorce courts the power to distribute all the property of the spouses, marital or separate.

Because of the ABA's objections, a section allowing distribution of all property was written. This became the provision "recommended generally for adoption" by the ABA and is referred to in the UMDA as Alternative A (Cheadle, 1981). It provides that the property available for division is "the property and assets belonging to either or both, however and whenever acquired, and whether the title is in the name of husband, or wife, or both" (Uniform Marriage and Divorce Act, 1982). No distinction is made between assets acquired before the marriage and those acquired after marriage. Neither is there any distinction regarding assets acquired by gift or inheritance after the marriage. This permits the broadest possible distribution of all assets held by either spouse at the time of dissolution (Freed and Foster, 1984). The essence of this alternative was adopted by the Oregon Legislature in 1971.

The original guidelines providing for property division were retained with minor changes as Alternative B, because Commissioners from community property states protested that their jurisdictions preferred to retain a distinction between community and separate property (Cheadle, 1981). Alternative B describes marital property as "all property acquired by either spouse after

the marriage except for property acquired by gift, bequest, devise, or descent" (Uniform Marriage and Divorce Act, 1982). This provision includes a presumption that all property acquired by either spouse after the marriage and prior to dissolution would be marital property "regardless of whether title is held individually or by the spouses in some form of co-ownership" (Cantwell, 1980). Both alternatives include other factors to be considered in making a division, such as the contributions of the homemaker-spouse, the custodial provisions of the decree, and the economic circumstances of each spouse (Cantwell, 1980; Cheadle, 1981).

The Uniform Marriage and Divorce Act met with extensive criticism and was enacted by only five states. But its basic concepts are now incorporated in the statutes of most states (Connell, 1981). On July 1, 1985, South Dakota became the fiftieth state to adopt a form of no-fault divorce (Americans for Legal Reform, 1985; Freed and Walker, 1985). Regardless of the property distribution section, states have adopted UMDA principles and enacted legislation requiring the courts to look beyond title in deciding how much each spouse should share in the assets to be distributed (DiLeo and Model, 1982).

Property Division

Historically, only two approaches to dividing property upon divorce existed: the separate property system

of common law and the community of assets created in community property jurisdictions.

Under common law, upon marriage, all the wife's personal property became the property of her husband. She did not lose title to real property owned by her prior to the marriage, but her husband was entitled to the rents and profits from her lands without accountability to her. If the marriage produced a child born alive, the husband was entitled to income from his wife's lands for the rest of his life. During the marriage, the wife could not sue or be sued on her own behalf; and her husband was entitled to all of her earnings (Clark, 1968; Johnston, 1972). In exchange, the wife received the benefit of the husband's duty to support the family in an amount determined by him. In addition, she was entitled to one-third of the husband's real property if she survived him (Bartke and Zurvalec, 1980; Karowe, 1974).

In the latter half of the nineteenth century, legislation known as the Married Women's Property Acts was passed in all of the common law states (Cheadle, 1981). These laws gave women the right to own and control their separate property, including their earnings from employment outside the home (Cantwell, 1980; Cheadle, 1981; Kanowitz, 1969). Traditional forms of joint ownership continued, but if title was held in the name of one spouse, that property was legally shielded from the other

(Cheadle, 1981).

These new freedoms did little to improve the economic situation of most wives. No property rights arose during marriage by virtue of the marriage itself (Krauskopf, 1976). A spouse retained all the property he or she earned or inherited during the course of the marriage. The other spouse had no right or interest in his or her partner's income or separate property (Weitzman, 1981). Upon divorce, real inequities existed if the family assets had been acquired and held in the name of the wage-earning husband (Wirth v. Wirth, 1971). The courts had no power to order transfers or divisions of separately held property (Krauskopf, 1976). Only jointly held property was subject to distribution on dissolution (Greene, 1979).

In the community property jurisdictions, all property owned by a married couple was classified as either community property or separate property. Separate property consisted of all property owned by a spouse before the marriage, any property obtained after the marriage by way of gift or inheritance, and other property acquired by a spouse during the marriage which could be traced back to separate property (Cheadle, 1981; Greene, 1979). Each spouse retained the right to own, manage, and control such separate property during the marriage (Greene, 1979). Community property consisted of all other property acquired after marriage by either husband

or wife. Each spouse owned a present, vested, undivided one-half interest in the community property (Greene, 1979).

Despite the equality-of-sharing philosophy of community property laws, until recently, the husband had the power to make virtually all management decisions involving that property (Cheadle, 1981). He could sell it, mortgage it, and in three states, give it away without his wife's consent (Younger, 1973). Any debt incurred by a married man was presumed to be a community obligation and community property could be attached by his creditors. The wife needed to prove that she was acting for the community in order to pay an obligation from community assets (Karowe, 1974).

Upon divorce in community property states, the court "disregarded" title and determined whether the community owned the property or whether it was the separate property of one of the spouses (Patterson, 1981). Each spouse was entitled to one-half of all the marital property regardless of the monetary contribution each person might have made towards its purchase (Krauskopf, 1975). Separate property was generally not subject to division, but remained with its original owner (Brake, 1982).

Today there are three general methods of dividing property at divorce; the community property or "deferred" community property approach, common law-title statutes,

and common law equitable distribution systems.

In community property states (Arizona, Arkansas, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and the territory of Puerto Rico), property is classified as either separate property or "marital" property. Marital property is divided along the lines of "equal in value" or "equitable." The traditional concept of fault has been abandoned, although in some states (Arkansas, Idaho, Nevada, Texas, and Puerto Rico) marital misconduct may decrease or eliminate the guilty party's share of the community property (Freed and Walker, 1985).

In the one common law-title state (Mississippi) only jointly held property is distributed at divorce. As to property not jointly held during the marriage, the person with title during the marriage continues ownership at divorce.

The remaining states (including Oregon) are equitable distribution states. At divorce, courts permit a spouse who has made contributions toward the acquisition of property to claim an equitable interest in such property, regardless of how it is titled (Freed and Walker, 1985). An increasing number of states recognize as contributions being a homemaker and parent. Equitable distribution laws allow the courts to distribute property according to the court's view of what is "equitable," taking into account the contributions of both parties,

regardless of the extent to which they were measured in the marketplace (Foster and Freed, 1974). Equitable distribution does not guarantee any property interest to a wife, but gives her the possibility of acquiring an interest in the marital assets if the court views such a decision as "just and proper."

Spousal Support

In traditional marriage, the primary obligation to provide financial support to the family rested upon the husband "so long as he is able" (Clark, 1968). This duty was placed on the husband because at common law he owned and controlled all his wife's property, all her earnings, and her services. Even after the Married Women's Property Acts permitted a wife control of her separate property, it did not relieve the husband of his duty to support her (Clark, 1968). The same marital rules functioned in the community property states, except the wife's earnings, but not her separate property, was subject to support obligations (Karowe, 1975).

This rule had limited practical significance in an ongoing marriage for the courts refused to intervene while husband and wife lived together (Kanowitz, 1969). The wife had no legal recourse to require the husband to provide support unless she left him and set up a separate household (Krauskopf, 1977).

One explanation for the court's refusal to recog-

nize a remedy for the wife's right to support while the parties lived together was that of keeping the parties together. In 1962, a New York court justified its refusal to grant a support order to a wife who was still living with her husband by saying, "The court should not encourage a separation by granting temporary support in which event the wife would move from the marital residence, if otherwise she might not" (Baker v. Baker, 1962). Another purpose was the court's reluctance to become involved "as budget makers for family units" (Commonwealth v. George, 1948). Private contracts between husband and wife which change the nature of his support obligation have been ruled invalid on the theory that "the duty of support is so important to the preservation and stability of the marital relationship that variation is against public policy and therefore void" (Garlock v. Garlock, 1939).

There were some legal means through which third parties would seek enforcement of support payments. Under common law, while living with her husband, or separated for good cause, the wife had the authority to pledge his credit for the purchase of "necessaries" for herself and the family (Clark, 1968). This has been described as the remedy afforded her if the husband fails in his obligation of support (Ewell v. State, 1955). This was actually a right available to the creditor, not the wife. She benefits only if she per-

suades the merchant to sell to her on the husband's credit (Krauskopf and Thomas, 1974).

Poor laws or family responsibility statutes imposed an obligation upon certain persons to support relatives. In the tradition of Elizabethan poor laws, these statutes were designed to secure minimum support for the very poor. They were not a remedy for enforcement of the wife's common law right of support (Mandelker, 1956).

In essence, to attempt to obtain legal reinforcement of the husband's duty to support, the wife had to break up the family and seek a separation or divorce decree. If she chose to live with her husband, she could, "in practice, get only what he chooses to give her" (Citizens Advisory Council on the Status of Women, 1972).

In the United States, before and after The Married Women's Property Acts were adopted, alimony could be awarded upon absolute divorce even though the husband, upon marriage, no longer acquired the property of his wife. Alimony awards have often been used to compensate for the inequities of marital property law in common law property states (Foster, 1978). Such an award "has always been inherently precarious. It ceases upon the death of the former husband and will cease or falter upon his experiencing financial misfortune. This may result in serious misfortune to the wife and in some cases will compel her to become a public charge"

(Rothman v. Rothman, 1974).

Under traditional divorce law, alimony was awarded for the lifetime of either spouse or until remarriage of the wife. It was assumed that the wife had neither the ability nor the resources to become self-supporting (Foster, 1978). In 1979, the U.S. Supreme Court ruled that wife-only statutes were based on sexual stereotypes and were invalid, thus extending postdivorce support to both partners (Orr v. Orr, 1979). As of 1984, forty-nine states have statutory provisions for alimony, variously referred to as maintenance, allowance, support, recovery, payment, separate maintenance, and spousal support (Weitzman, 1981; Freed and Walker, 1985). Alimony awards are still made through periodic payments and are limited to the amount deemed "equitable and just" (Karowe, 1974; Krause, 1981). The amount of alimony awarded can be subject to modification or discontinuance upon a change in the earning capacity of either spouse or other factors (Larson, 1979).

With the mounting dissolution rate, the advent of no-fault dissolution, and the recent influx of women into the labor force, the focal point of a spousal support determination has shifted to the individual's ability to become financially independent (Veith, 1978). Advocates of divorce law reforms argue that the old laws had converted "a host of physically and mentally competent young women into an army of alimony drones who...

become a drain on society and a menace to themselves" (Doyle v. Doyle, 1957).

The aim of the new standards for alimony awards is to provide support for spouses who (temporarily or permanently) have compelling financial need (Weitzman and Dixon, 1980; 1983). This change has given rise to the concept of rehabilitative alimony, also called limited alimony or step-down spousal support. Rehabilitative spousal support may be awarded for a period of time during which the dependent spouse, usually the wife, retrains for the job market. This interim support terminates automatically upon a date fixed in the final decree of dissolution (Veith, 1978).

It should not be assumed that, historically, all deserving wives received alimony (Foster, 1978). In fact, only a small percentage asked for or were awarded alimony (Foster, 1978). The U.S. Bureau of Census reports that from 1822 to 1922, only 9 to 15 percent of all divorces included provisions for alimony (Weitzman and Dixon, 1980). Today, alimony is awarded in less than one-quarter of all divorces. The national Commission on the Observance of International Women's Year (1975) found that 14 percent of divorced wives surveyed in a national poll said they were awarded alimony. The U.S. Bureau of the Census says that 15 percent of all divorced or currently separated women in 1982 were awarded alimony or maintenance payments or had an agree-

ment to receive them (Child Support and Alimony, 1983). The amount of alimony typically awarded is too meager to provide much economic protection for a dependent spouse (Weitzman, 1981). In a random sample of 1977 Los Angeles divorce decrees, Weitzman and Dixon (1980) found the median alimony award was \$209 per month. The U.S. Bureau of the Census reported that the mean total amount of alimony received by women in 1981 was \$3000 per year. "After adjusting for inflation, this reflected a decrease of about 25 percent from the 1978 level" (Child Support and Alimony, 1983).

In order to determine whether awards had kept up with the rate of inflation, Weitzman and Dixon (1980) calculated the purchasing power of 1968 awards in 1977 dollars and vice versa, using the Consumer Price Index. In Los Angeles, awards represented a real increase of about \$39 per month over the rate of inflation. Awards in San Francisco, in contrast, had not kept up with the rate of inflation.

Nonpayment of alimony and support obligations is a widespread problem (Foster, 1978). Approximately 57 percent of alimony orders are violated (Child Support and Alimony, 1983). Either no payment is made at all, or payments are not made on time and arrearages build up. Even when payments are made for the first year or two, they often stop or tail off with the passage of time (Eckhardt, 1968; Foster, 1978). There is no other

area of law where court orders are so consistently violated (Foster, 1978).

Child Custody and Child Support

Initially in this country, child custody decisions tended to follow English common law in that they considered the father to have the superior right to the custody of his children, "and to the value of their labor and services" (Derdeyn, 1976; Foster and Freed, 1978). By the middle of the nineteenth century, there was a gradual development of the belief that a child of "tender years" required the care of the mother, and that the child's best interests were served by awarding custody to the mother. In the twentieth century, courts are giving a substantial preference to the mother (Mnookin, 1975). This preference for maternal custody was linked to the inclination of courts to award custody to the innocent party in a divorce action (Derdeyn, 1976; 1978). Given the social convention that the wife filed for divorce, the mother came to be the preferred custodian (Foster and Freed, 1978; Mnookin, 1975).

The maternal preference standard was rarely questioned until the 1970's. Social scientists began suggesting that the legal standards of the time gave too little weight to the psychological well-being of the child and they called for "generally applicable guidelines" to govern all "child-placement disputes"

(Goldstein, Freud and Solnit, 1973). This view has contributed to recent legislative efforts toward sex-neutral child custody statutes.

There is also a growing national trend toward parents exercising joint custody of their children (Folberg and Graham, 1979; Schulman and Pitt, 1982). As of 1985, about 30 states had joint custody laws which vary in substance and detail (Freed and Walker, 1985). Another recent phenomenon has been the enactment of statutes in a growing number of states (including Oregon) conferring upon a child's grandparents legal standing to seek visitation rights with their grandchildren after the divorce of the child's parents (Freed and Foster, 1983). A number of states have also enacted laws criminalizing parental child abduction or have put new teeth into their existing laws regarding parental child abduction (Freed and Foster, 1984).

Today, in the majority of states, statutes impose the obligation of child support on both parents (Freed and Walker, 1985). Nevertheless, most courts continue to place the major responsibility for postdivorce support on the father (Derdeyn, 1978; Mnookin, 1981; Weitzman, 1981). However, the amount of child support payments is frequently small and many mothers receive nothing at all (Espenshade, 1979). Yee (1979) reported that child support orders entered by the Denver District Court during 1977-78 averaged \$47.15 per month.

In a study conducted in 1972, Weitzman and Dixon (1979) found that the median amount of child support ordered for each child was \$75 per month in Los Angeles. The median total amount of child support per month per family (for all children) was \$121. When these data were compared to the estimated cost of raising two children to age 18 (Bureau of Labor Consumer Expenditure Survey, 1960-61), the average child support awarded was one-half of the direct cost of raising children in a low-income family. Using data from a second sample, drawn in 1977, they found that the median child support award per child had risen to \$100 per month and the median total award had risen to \$150. These amounts had not kept up with the interim cost of living calculated at an increase of 8 percent per year. Nor were they equal to half of the actual cost of raising a child, even in a low-income family. A 1972 report of the Citizens Advisory Council on the Status of Women concluded that "the data available indicate that payments generally are less than enough to furnish half of the support of children," and that in most cases, ... the mother is actually fulfilling a coextensive duty of support to the child."

In California less than 10 percent of the child support awards were tied to potential increases in the father's income or to cost of living increases (Weitzman and Dixon, 1979). When the amount of child support re-

mains fixed, the payments are gradually consumed by inflation, and with each passing year, the mother assumes an even greater share of the financial responsibility for the children (Eden, 1979).

A large number of children never receive child support awards in the first place. In a 1973 survey of families receiving Aid to Dependent Children (ADC), approximately one-quarter of the mothers had child support awards (Jones, Gordon, and Sawhill, 1976). In a 1975 survey of American women only 44 percent of the divorced or separated mothers reported that they had been awarded child support (National Commission on the Observance of International Women's Year, 1975). In 1981, the Bureau of the Census reported that of the 8.4 million families with absent fathers, only five million were awarded child support (Child Support and Alimony, 1983).

Many fathers are reluctant to live up to their court-ordered support obligations (Collins, 1983; Espenshade, 1979; Foster, 1978; Weitzman and Dixon, 1979). The first complete study of compliance with child support orders was conducted by Professor Kenneth Eckhardt in Wisconsin. Eckhardt (1968) found that in the first year after the court order, 62 percent of the fathers failed to comply fully with the order. Forty-two percent did not make a single child support payment. By the time ten years had passed, 79 percent of all fathers had ceased providing any money. The Census

Bureau put the number of delinquents at over 2 million in 1981, 380,000 more than in 1978 (Child Support and Alimony, 1983).

Recent years have brought new legislation aimed at improving child support enforcement programs. The Uniform Reciprocal Enforcement of Support Act (URESA), initiated in 1950, permits the custodial parent to secure support from the noncustodial parent residing in another jurisdiction (Adams, 1983). Public law 93-647, passed in 1975, established a federal parent locator service to assist states in locating absent, non-supporting parents (Uhr, 1979). And on August 16, 1984, Congress extended federal services to help enforce support in non-welfare cases (Freed and Walker, 1985).

Typically, courts are lax in enforcing child support obligations (Collins, 1983; Espenshade, 1979). There seems to be a general belief that a noncomplying father simply does not have the means to support two families.

In some cases a father's ability to support is stretched to the limit by his remarriage and assumption of the financial burdens of a new family. In other cases, the husband's income is simply too low to share; nothing divided by two is still nothing. Even husbands who earn the average wage ... do not seem well off enough to do without a large proportion of their income: (Bane, 1976).

But Griffiths (1974), reporting to the U.S. House of Representatives stated:

"We found no clear or consistent relationship between compliance with support orders and absent parent's income. Eighty-two percent of the parents earning less than \$6,000 were not substantially complying with their support orders or agreements--but neither were 66 percent of those earning between \$6,000 and \$12,000, or 70 percent of those earning \$12,000 or more."

Winston and Forsher (1971), found that many affluent fathers had evaded child support obligations and that a number of physicians and lawyers had families who were ultimately forced onto welfare because of the breakdown in enforcement of child support orders. They concluded that much middle-class poverty is attributable to nonsupport by fathers who clearly have the financial ability to comply with court orders.

And after a study of one small sample, Cassety (1978) stated that an overwhelming majority of absent fathers (86 percent) were "better off than their former wives and children and even for many of the officially poor mothers in the sample, enough money was available to raise them above the poverty level without causing the fathers to either fall below the poverty line or to reduce their income level below that of their families." She found only a small minority of the fathers were truly unable to contribute anything toward the support of their children while most could contribute much more than the courts had believed possible. She

concluded that "there appears to be an enormous untapped source of funds that could be used to improve the economic status of children in female-headed households."

Oregon Law

In 1971, Oregon became the second state to abolish fault as the basis for dissolution of marriage and as a basis for the award of spousal support and for the determination of property settlements (Leo, 1972). The enactment of no-fault dissolution legislation was hailed as a "realistic and generally rational approach to an area of serious legal and social importance" (Leo, 1972).

Under earlier Oregon law, courts were required by statute to make a disposition of real and personal property as the courts deemed "just and proper in all circumstances" (Siebert v. Siebert, 1948). Evidence of fault, however, remained relevant to what constituted a "just and proper" division of property (McCraw v. McCraw, 1962; Morgan v. Morgan, 1973).

"As this court has repeatedly and consistently held in making a distribution of the property of the marital community upon the dissolution of a marriage, each case rests on its own facts. No formula can be stated, nor percentage given, for all cases. Each case must be viewed independently, for a distribution which is just and proper in one case may not be just and proper in another" (Johnson v. Johnson, 1966).

This statute remained unchanged under Oregon's

Marriage Annulment and Dissolution Act of 1971, but evidence of misconduct was no longer admissible. Cases decided under the 1971 act followed the property division guidelines set out in Siebert v. Siebert (1948).

In Glatt v. Glatt (1979), the Oregon Court of Appeals reaffirmed Siebert (1948) and stated, "the factors (that) ORS 107.105(1)(c) mentions with respect to spousal support determination, while not controlling, provide useful guidance in property divisions." Those factors were:

- "(A) The duration of the marriage;
- "(B) The ages of the parties;
- "(C) Their health and conditions;
- "(D) Their work experience and earning capacities;
- "(E) Their financial conditions, resources, and property rights;
- " * * * * *
- "(H) Such other matters as the court shall deem relevant."

The court did not include (F) The provisions of the decree relating to custody of the minor children of the parties; or (G) The ages, health, and dependency conditions of the children of the parties of either of them (ORS 107.105 (1)(c)(A)-(H) (1974)). Three years later, the court said that "In practice, the financial portions of a dissolution decree (spousal support, division of property, and child support) are worked out together, and none can be considered in isolation" (Grove v. Grove, 1977).

In 1977, the Oregon Legislative Assembly took

another step toward reform of the state's separate property system in declaring that the contributions of homemakers should be granted legal recognition in dividing property and determining support awards (ORS 107.105(f)).

Under the 1971 Act, spousal support could be awarded to a party regardless of fault. The Act also delineated factors for determining the amount and duration of support: duration of the marriage, ages of the parties, their health, their work experience and earning capacities, their financial resources, the property and custodial provisions of the decree, and the ages, health, and dependency conditions of the minor children. The trial court also retained discretion to consider additional factors which the court may deem relevant (ORS 107.105(1)(c); Stevenson, 1976).

In Grove v. Grove (1977), the Supreme Court discussed extensively the general questions surrounding the award of spousal support. The court in Grove acknowledged the interrelationship of spousal support, property division, and child support (Stevenson, 1976). On the question of duration of spousal support, the court approved the general approach taken by the court of appeals in Kitson v. Kitson (1974). To wit, when there is a significant discrepancy between a spouse's probable future income and an income which would maintain the standard of living enjoyed during the marriage, permanent spousal support is usually awarded (Grove v.

Grove, 1971). The court concluded that "the most significant factor (in awarding support) is usually whether the wife's property and potential income, including what she can earn or can become capable of earning will provide her with a standard of living which is not overly disproportionate to the one she enjoyed during the marriage" (Grove v. Grove, 1977). The court emphasized that it is not a comparison with the minimum amount necessary to provide food, shelter, and other basic necessities (Aarnas, 1978; Grove v. Grove, 1977).

ORS 107.105 was amended by the 1977 Legislative Assembly to include two new factors for a court to consider in awarding support. "The need for maintenance, retraining or education to enable the spouse to become employable at suitable work or to enable the spouse to pursue career objectives" and recognition of the homemaker spouse "as an economic contributor to the marriage" (ORS 107.105(1)(c)(H); ORS 107.105(1)(e), 1977). The 1983 Legislative Assembly added several more factors to be considered in awarding spousal support including the contribution by one spouse to the education and earning power of the other, the length of absence from the job market by the dependent spouse and a realistic appraisal of suitable job opportunities, the net spendable income of the parties after assessing tax liabilities or benefits, the costs of health care and life insurance premiums, and the standard of living established during the

marriage (ORS 107.105(1)(d)(C)(F)(H)(J)(K)(L), 1983). These changes also codified the Grove decision by incorporating the "not overly disproportionate to that enjoyed during the marriage" standard (ORS 107.105 (1)(d)(E)(M)).

In 1968, Tingen v. Tingen established factors to be weighed in determining child custody, and held that a party's misconduct is relevant only when it directly affects the child's welfare (Tingen v. Tingen, 1968). The 1971 Act eliminated the maternal preference statute (Stevenson, 1976). In Oregon, the court's primary concern now is the "best interests of the child," with all other matters being of secondary importance (In re Gaub, 1976; Ray v. Ray, 1972). In 1981, Oregon's Supreme Court rejected the use of tables or percentage methods which were based on the noncustodial parent's income alone as the appropriate means for determining the amount of child support (O'Donnell, 1982). By adopting a "formula method," the court gave a clear directive that both parents' incomes must be considered in determining the amount of support to be paid by the noncustodial parent (Smith v. Smith, 1981). The formula relating incomes of both parents to the child's needs looks like this:

$$\text{obligation of N} = \frac{\text{income of N}}{\text{income of N} + \text{income of C}} \times \text{needs of children}$$

where "N" represents the noncustodial parent and "C"

represents the custodial parent. Criticism of the Smith decision centered on the court's lack of guidelines in determining the needs of the child leaving the trial court to "decide whether ballet lessons, designer jeans ...or even the child's own room, are 'needs'" (Allen, 1982; Smith, 1982).

Since 1977, bills have been introduced in every biennial session of the Legislature proposing changes in Oregon's divorce laws. Many of these bills have been spearheaded by the Women's Rights Coalition, which included a dozen women's organizations, and the Oregon Older Women's Caucus (Wohler, 1977). In 1979, House Bill 2648, a bill amending provisions relating to the payment of child and spousal support and the division of property, was defeated when the Coalition fell into splinter factions in the face of heavy lobbying by a divorced men's group (Williams, 1984). Just before the session ended, language mandating life insurance coverage on the obligor of child and spousal support was written into another bill which did pass and became Oregon law (ORS 107.820, 107.830).

The remaining sections of the bill were introduced as House Bill 3177 in 1981. Among its details were considerations to be used in determining visitation rights, the amount of child support, the support granted an ex-spouse and additional grounds for modifying a support order should the obligor die prior to termination of the

support obligation (Turnquist, 1983). House Bill 3177 did not pass in 1981, but became the subject of an interim study by the House and Senate Judiciary Committee, clearing the way for final passage by the 1983 Legislature. As Senate Bill 12, the bill passed the Senate almost unanimously and cleared the House with only ten dissenting votes. Governor Victor Atiyeh vetoed the sections dealing with mandated joint custody, which had been incorporated into the bill, and then signed Senate Bill 12A-Engrossed into law on August 4, 1983 (ORS 107.085, 107.105, 107.135, 107.407, 107.445, 107.820, and ORCP 68C).

In 1985, the Legislative Assembly produced nearly two dozen bills dealing with divorce issues: property division, spousal support, child support, and child custody. The lobbying efforts of a fledgling political action group called Dads Against Discrimination (DAD'S-PAC) were aimed at creating a presumption favoring joint custody (Hortsch, 1985). It is not enough, in their opinion, that state statutes or court decisions already "encourage" joint custody, do award custody to some fathers, and provide that neither parent shall have an uncontested right to exclusive custody. Similar statutes in other states have been vetoed on the grounds that such statutes put the interests of the separating spouses ahead of the best interests of the child (Freed and Foster, 1983).

The Economics of Female-Headed Households

Between 1960 and 1982, there was a phenomenal increase in the number of American families in which only one parent, usually the mother, had the main economic and social responsibility. The accelerated growth in the number of one-parent families during the 1970's--an increase of over 2.5 million--was far greater than that of the preceding two decades.

The increasing prevalence of one-parent families can be measured in terms of the proportion of children living with only one parent (Kitagawa, 1981). Even though the total number of children under 18 years old in the United States declined by six million from 1970 to 1981, the number of children living with only one parent rose by four million. Thus, in 1980, one out of every five children lived in a one-parent family (Marital Status and Living Arrangements, 1983). The most prominent reason for the dramatic increase in the number of one-parent families was the rising incidence of divorce (Johnson, 1980; Ross and Sawhill 1975).

Accompanying the large increase in the number of mothers maintaining their own families has been a decline in the average age of female householders and an increase in the number of families maintained by women which contain young children. In 1979 there were one million families with children under age six maintained by women, and an additional 861,000 families

which had children under age six as well as children ages six to 17 (Families Maintained by Female Householders, 1980).

One-parent families headed by women are more likely than families maintained by men to be living at or below the poverty level (Johnson, 1978; McEaddy, 1976; Johnson, 1980). Between 1965 and 1981, the number of female-headed families living in poverty increased 70 percent while the number of all other poor families declined 25 percent (Money Income and Poverty Status of Families, 1982). In 1981, the National Advisory Council on Economic Opportunity said, "All other things being equal, if the proportion of the poor who are in female-headed families were to increase at the same rate as it did from 1967 to 1978, they would comprise 100 percent of the poverty population by about the year 2000" (Caudle, 1982).

A number of explanations have been given why women with children but without husbands find themselves in such desperate economic straits: loss of economies of scale; greater prevalence of divorce and death among poor families; low and irregular levels of alimony, child support and public assistance; fewer adult earners; fewer opportunities for female heads of families to work; and lower wages than men when they do work (Bane, 1976).

Loss of Economies of Scale

One economic fact of life is that it takes more money to support two separate households than to support one household with the same number of people (Vickery, 1978). Economies of scale exist in rent, furnishings, transportation, and food so that when family members live together, the per capita cost of maintaining a given level of living is less than when living apart (Bane, 1976; Espenshade, 1979; Vickery, 1978). When couples divorce these economic benefits are reduced. Emberson (1981), using revised data from the U.S. Bureau of Labor, concluded that a four person family consisting of husband, wife, and two children would experience a 13 percent reduction in their level of living if the parents divorced and set up separate households.

Bane (1976) reported that "the loss of economies of scale would in itself cause the proportion of children below the poverty level in female-headed families to be approximately double that in male-headed families. But in fact the proportion is six times greater, a much larger difference than would be expected by economies of scale alone."

Poverty as a Result of Divorce

Much of the decline in economic status experienced by divorced mothers can be traced to the divorce (Bane,

1976; Brandwein, Brown and Fox, 1974). Kriesberg (1970), in his study of mothers in poverty stated that "among mothers who are husbandless due to separation or divorce, whether or not they are poor is not related to their socioeconomic status." He indicated that in addition to the poverty of many mothers prior to divorce, a large number of previously non-poor wives and families suffer downward economic mobility following divorce.

Using data from the Panel Study of Income Dynamics (PSID), Hoffman (1977) compared the incomes of men and women who stayed in intact families with the incomes of men and women who were married in 1968 but divorced or separated in 1974. Alimony and/or child support orders were subtracted from the husband's income and added to the wife's postdivorce income. All income was calculated in constant 1968 dollars to examine changes in real income. There was a sharp contrast in the economic well-being of both men and women who were divorced by 1974. Divorced men lost 19 percent in real income while divorced women lost 29 percent. Married men and women experienced a 22 percent rise in real income during the same period. To see what the income loss meant in terms of family purchasing power, Hoffman and Holmes (1976) constructed an index of family income in relation to family needs. They found over the seven-year period that the economic position of divorced men, when assessed in terms of need, improved by 17 percent. Over the

same period, divorced women experienced a seven percent decline in terms of what their income could provide in relation to their needs.

Weitzman (1981) used a similar procedure for calculating the basic needs of the divorced couples she interviewed in 1977. She assumed the basic needs level for each family was the Lower Standard Budget devised by the Bureau of Labor Statistics. Three lower standard budgets were calculated for each family: one for the predivorce family, one for the wife's postdivorce family and one for the husband's postdivorce family. She noted a substantive change in the two families' level of living just one year after legal divorce. Men experienced a 42 percent improvement in their postdivorce level of living, while women experienced a 73 percent loss. These figures may, if anything, underestimate the disparity. Weitzman assumed compliance with all alimony and child support orders and included the full amount of support ordered in the wife's income and subtracted the full amount from the husband's income. Where alimony or child support is not paid at all, or is only partially paid, the husband's income will be greater than assumed; the wife's less, and the income difference between the two even greater.

Public Assistance

Another form of income available to divorced

mothers besides husbands' support payments is public welfare. How many divorced mothers turn to welfare is difficult to determine. Wallerstein and Kelley (1980), in their longitudinal study of 50 families following divorce, noted that seven percent of the women moved onto welfare rolls. Goode (1956) reported that 26 percent of his sample felt that "public and community agencies were the main source of financial aid during economic difficulties." In 1970, about "three-fifths of the 3.4 million families with children headed by women received welfare assistance (Stein, 1970). Hoffman (1977) observed that, for women in the PSID sample not receiving welfare in 1967, divorced females had a substantially higher chance of being on welfare in 1973 than did continuously married women. Mott and Moore (1979) using data from the National Longitudinal Surveys compared 449 women whose first marriages were dissolved during the panel period (from 1968 through 1973) with a reference group who maintained stable first marriages. At the interview immediately following the divorce, 23 percent were receiving some welfare compared to three percent with stable marriages.

Since welfare payments are calculated to provide only minimum subsistence income, benefits do not raise families out of poverty (Brandwein, Brown and Fox, 1974). Ninety-four percent of the 800,000 female-headed families who had public assistance as their only source of income

in 1976 were living below the poverty level (Johnson, 1980). In almost half the states, welfare payments are below the state's own determination of need (Wattenburg and Reinhardt, 1979).

In some cases, the wife's own family appears to be an important source of assistance. In Goode's (1956) study, 57 percent of divorcees reported their families as the main source of financial aid during crises. Marsden (1969) observed that many mothers depend upon relatives for regular income or special gifts although Bernard (1971) found that barely one-third of low-income mothers reported substantial assistance from kin although most had some help from kin or friends. These findings suggest that financial aid from the family is more common and more substantial when middle-income families divorce.

Fewer Earners

One obvious and important difference between one- and two-parent families is in the number of income earners. Nearly all two-parent families with children have at least one adult working full-time and about half have two adult earners (Statistical Abstract, 1982-83). In contrast, many single-parent families have no earners at all. In 1980, more than 23 out of 100 families headed by women had no earners, compared with 11 out of 100 husband-wife families (Johnson and Waldman, 1981).

For the divorced mother of very young children, taking a job often conflicts with child care and home-making. Stein (1970) pointed out that the presence of children and the lack of reliable child care often kept female heads of families from full-time, year-round work. As a result, the median income of women-headed families with dependent children is one-third that of husband-wife households. Where the female family head has a child under age six, her average family income is only two-fifths of that for a household headed by a woman with no youngsters (Levitan and Belous, 1981).

Labor Force Participation

Historically the employment and income situation of females maintaining families has been bleak (Stein, 1970). Most of the women are ill-equipped to earn an adequate living for themselves or their families. Single parents are often homemakers who are just entering or returning to the job market and must take on employment in addition to child care (Smith, 1980). Many cannot successfully compete in the labor market because of lack of sufficient education or training; irregular and unstable work histories; age, sex or racial discrimination in hiring; ill health; and the lack of adequate and reliable child care (Stein, 1970).

Even so, divorced mothers, regardless of their youngest child's age, were considerably more likely

than mothers in any other marital status category to be in the labor force. Despite their high labor force participation rate, incomes of families maintained by women remained low. Part of the reason for the low average incomes (and high unemployment rates) of women heading families is their concentration in low-skill, low-paying occupations. In 1979, more than 72 percent of all employed women heading families were clustered in clerical, service, and operative occupations (Working Women: A Databook; 1981). Women employed in higher paying professional, technical and managerial jobs tended to be employed in traditional "women's occupations," such as nursing and teaching school, while men in professional-technical jobs were more likely to be in occupations such as medicine, law, and engineering (Mellor and Stamas, 1982; Milkovich, 1981).

Summary

In the past 15 years there have been significant changes in family law; in state legislatures, in Congress, and in the courts. New divorce laws have replaced the old fault-based grounds for divorce. Several states simply added "irretrievable marital breakdown" or "irreconcilable differences" to traditional divorce grounds, some states have "marital breakdown" as the sole ground, while other states allow divorce after a period of "living separate and apart," either instead

of, or in addition to, no-fault grounds (Freed and Walker, 1985). These laws assume that the acrimony and bitterness surrounding divorce proceedings were created in part by the adversarial process itself. Therefore, by eliminating fault, conditions would be created for more rational and equitable financial settlements (Hogobloom, 1970; Kay, 1971).

The majority of states now give the courts equitable power to distribute property upon divorce, either in the form of real property or spousal support (Freed and Walker, 1985). This concept permits the contributions made by both spouses during the marriage to be weighed against the net assets that are available at the time of the divorce, regardless of title (Freed and Walker, 1985). In a number of "equitable distribution" states, "separate property" is not subject to distribution. "Marital property," which is distributed, excludes either spouse's property by gift or inheritance or property brought to the marriage (Dullea, 1985; Freed and Walker, 1985). The trend is to minimize marital misconduct as a factor and base property awards on the idea of marriage as a "economic partnership" with each spouse having made an equal contribution.

The concept of alimony has also changed. Divorce reformers argued that it was outmoded to grant lifelong support, especially since so many women were in the labor force (Weitzman and Dixon, 1983). To guide the

courts, many states' laws provide criteria for the court to consider in its award of alimony, among them the length of the marriage, the ages of the parties, their contributions as a spouse, parent, wage earner, and homemaker and their prospects for future employment. But in general, the thrust of today's alimony standards is to encourage formerly dependent spouses to assume the responsibility for their own support (Weitzman and Dixon, 1983).

The criteria for child custody reflects a new equality between the sexes. Current guidelines use the "best interests of the child" standard. The "tender years" doctrine has lost ground and is rejected or relegated to the role of "tiebreaker" in most states (Freed and Walker, 1985). Accordingly there has been an increase in the number of awards of joint custody, and also in the number of custody awards to fathers. Increasingly, provisions are being made that the wishes of the child are to be considered in the court's determination (Freed and Walker, 1985). Child support laws are also sex-neutral. Both parents are equally responsible for the financial welfare of their children after divorce.

Today, a family headed by a woman is four-and-a-half times more likely to be poor than the family of a married couple or a family headed by a man (McCormack, 1985). Even when they combine work with welfare and

other transfer payments, 36 percent of all families maintained by women had incomes below the poverty level in 1980, with children in more than four-fifths of them (Hayghe, 1982; Levitan and Belous, 1981). Have these recent changes in marital dissolution laws had any effect on this situation?

Many wives enter into a dissolution with little or no earning ability. Even wives with full-time jobs rarely earn as much as their husbands earn. A woman who has not been employed or employed only on a part-time basis may lack the marketable skills to improve her financial position (Giele, 1983). The continued reliance on women as the principal caretakers of children after divorce often limits their working effort to part-time and temporary employment (Perlman, 1976).

Current levels of spousal support do not offer adequate economic protection to divorced women (Weitzman, 1981). They are incompatible with the needs of women whose earning capacities have been impaired in marriages of long duration (Smith and Beninger, 1982). Seal (1979) and Weitzman and Dixon (1980) found that since no-fault laws went into effect in California, alimony has been awarded less frequently and when awarded, the amounts, along with their duration, have declined significantly. There is no evidence that divorce courts realistically evaluate the economic worth of lost opportunity and nonmonetary contributions to a

marriage (Bahr, 1983; Smith and Beninger, 1982).

Before the passage of no-fault laws, wives typically received considerably more of the marital property than husbands (Weitzman, 1981). The current legal trend is for property to be divided equally unless there is some compelling reason not to do so (Bahr, 1983). When equity is lacking in areas of employment opportunity and childrearing responsibilities, even an equal division of accumulated assets may be inadequate as a means of achieving economic equality between husbands and wives (McGraw, Sterin and Davis, 1982; Seal, 1980).

Clearly, recent changes in divorce laws have increased the economic inequality between males and females. Divorced females, but not divorced males, are disproportionately represented among the poor and several studies have documented that female but not male living standards drop significantly after divorce (Espenshade, 1979; Weitzman, 1981). In some states where equitable distribution laws have gone into effect, bar associations and women's groups generally agree that the goals of the laws are not being met and that revisions are needed (Dullea, 1985). The problem with drafting revisions is that most divorce cases are settled by negotiations in lawyers' offices and details of settlements are difficult to obtain. Husbands, wives, attorneys and the courts need to have more information concerning the economic consequences of divorce in order to make

more enlightened decisions.

III. DESIGN OF STUDY AND METHODOLOGY

This exploratory study sought to determine the types and total dollar value of assets owned by divorcing couples, to identify the methods used in valuing assets at divorce, to identify the types of assets allocated to wives and the types of assets allocated to husbands, to identify the factors affecting the types of assets allocated to wives and the types allocated to husbands, to determine the percentage of the total dollar value of assets allocated to wives and the percentage of assets allocated to husbands at divorce and to assess the effects of asset division on the post-divorce economic well-being of husbands and wives. This chapter describes: 1) development of the instrument, 2) selection of the sample, 3) collection of the data, and 4) data analysis procedure.

Development of the Instrument

A three part interview schedule was developed by the researcher. The first section aided the interviewer in collecting data regarding the types and dollar values of assets owned by divorcing couples and in determining how assets were valued and divided at dissolution. The second section of the interview schedule included questions regarding the respondent's employment history and the employment history of the former spouse. The final

section of the interview focused on child custody and support orders, current household incomes, education levels, and their present employment status. In addition to the interview schedule, data pertaining to the parties' ages, duration of marriage, number and ages of children, and sex of the petitioner were collected from the divorce petitions filed in the offices of the Circuit Court Clerks in Multnomah, Clackamas, and Washington counties..

As the interview schedule was developed, the content was reviewed by faculty members of the Oregon State University Family Resource Management Department. It was also submitted to the Oregon State University Survey Research Center for input on format, question wording, and ease of analysis. Prior to testing of the interview schedule, approval was sought and received from the Committee for the Protection of Human Subjects at Oregon State University. A sample of fifteen divorced men and women from Benton county was used to pretest the instrument. Based upon the pretest and recommendations from the Family Resource Management Department, the Survey Research Center and the researcher's graduate committee members, changes were made to arrive at the final form of the interview schedule (Appendix A).

Selection of the Sample

Individuals, married for ten or more years, whose

final decrees of divorce were granted in the Oregon counties of Multnomah, Clackamas, and Washington between July 1983 and June 1984, were designated as the target population. These three metropolitan counties make up the majority of the Portland Standard Metropolitan Statistical Area (SMSA) which contains half of the state's population. In these three counties 2090 divorces were granted in 1982 to couples married ten or more years (Oregon Vital Statistics, 1983).

The sample was drawn from final decrees of divorce for marriages lasting ten years or more granted between July 1983 and June 1984 in the Circuit Court Clerks offices in each of the three counties. Prior to collecting data from the files, the county's record number for each file was obtained from the Vital Statistics Section of the Oregon State Health Division in Portland. The counties' filing systems of the divorce decrees permitted a systematic "1 in k" sampling procedure. Based on the number of divorces granted, a one in four interval formula was used to provide a pool of 566 potential respondents. The number of potential respondents selected from each county was allocated proportionally to population. Fifty-three percent of the sample was selected from Multnomah County, 23 percent from Clackamas County, and 24 percent from Washington County. This process made the sample self-weighted. One hundred forty-two men and women were contacted in Multnomah

County, 56 men and women were contacted in Clackamas County and 79 men and women were contacted in Washington County.

It was believed that both male and female perceptions of asset division were needed to eliminate sample bias in this study. No effort was made to interview both partners of each divorce because one of the parties may be more willing to participate than the other. Due to the large number of the sample (254) having no verifiable telephone number in the 1985 telephone directory, all males and females having verifiable addresses and telephone numbers were contacted by a letter telling them about the study and asking for their participation. A 66 percent non-response rate was expected based on the experiences of researchers in Ohio (McCraw, Sterin and Davis, 1982) and the pretest.

Collection of the Data

Potential respondents were sent personal letters informing them of the study and asking for their participation (Appendix B). Phone calls to make interview appointments followed the letters, with a male caller contacting men and a female caller contacting women. The same-gender of the initial telephone contact was deemed important to elicit positive responses unaffected by inhibitions relating to gender (Warren and Rasmussen, 1977).

Appointments were made for interviews in the respondents' homes or offices or in restaurants depending upon respondent preferences. Follow-up letters were sent and calls made, as necessary, for difficult-to-reach respondents. After four unsuccessful attempts to reach a potential respondent by telephone, at different days and at different times of the day, the name was dropped from the list of potential interviewees. New addresses were sought for those letters returned to the researcher as undeliverable by the postal service. When new addresses were located, letters requesting participation were remailed. Of the 566 potential respondents, 378 were not contacted because they had no verifiable telephone number, letters were undeliverable, or they could not be reached by telephone. Of the 188 contacted by telephone, 116 were interviewed and 72 refused to be interviewed resulting in a completion rate of 62 percent.

Information from the court records about marital duration, ages of the parties, and numbers and ages of children of the 378 men and women who were not interviewed was compared with the 72 individuals who refused to participate and the 116 who were interviewed.

Data Analysis Procedure

Data collected in the interviews was computer coded to facilitate analysis. A discussion of the procedures used to determine the rejection or nonrejection

of the null hypotheses follows. All significance levels were $p \leq .05$. Each hypothesis is discussed separately. The first step in data analysis was obtaining descriptive statistics on the characteristics of the sample, the settlement process, the decisions regarding property valuation and division, the decisions pertaining to child custody, child support and spousal support, and the respondents' perceptions of well-being following the divorce.

Hypothesis One

For hypothesis one, "t" tests and Chi square were the statistical tools used. Hypothesis one stated that there would be no relationship between the types of assets owned by divorcing couples and the ages of the parties, duration of marriage, employment histories of the parties, their monthly incomes at the time of divorce, the number and ages of their minor children, and their education levels. The four types of assets considered were family home, other real property, tangible personal property (e.g., cars, other vehicles, furniture and household durables) and intangible personal property (e.g., bank accounts, stocks and bonds, pension and retirement benefits, life insurance, businesses or professional practices, and any other asset). A "t" test was used to compare the two groups, those who did own the asset and those who did not, with the parties' ages,

years married, number and ages of minor children and the parties' employment histories. Chi squares compared the two groups by the parties' incomes at the time of the divorce and their education levels.

Hypothesis Two

ANOVA and Pearson's Correlation were used to test the hypothesis that there would be no difference between the net dollar value of assets owned by divorcing couples and the parties' ages, duration of marriage, employment histories of the parties, their monthly incomes at the time of divorce, the number and ages of their minor children, and their education levels. A net dollar value of assets was computed for each of the 116 couples by summing all of the asset values retained by the wife and all of the asset values retained by the husband. The debts assumed by each party were then subtracted from each value total. A correlation coefficient was calculated for each continuous independent variable. Analysis of variance was used to analyze the parties' incomes and education levels as these variables were measured categorically. A Newman-Keuls test followed each significant ANOVA to determine where the differences existed.

Hypothesis Three

Hypothesis three stated that there would be no re-

lationship between how assets were valued for division and whether husband or wife retained the asset. For the purpose of this study, two methods of valuation were identified: objective (if some data such as an independent appraisal, property tax records, Blue Book, classified advertisements, retirement account statements or bank statements were used) and subjective (if no data were used to arrive at a fair market value). A 2x3 Chi square was tabulated for each asset by its method of valuation and whether husband had kept the asset, whether wife had kept the asset or whether the value of the asset had been divided between them.

Hypothesis Four

Weitzman (1981) found "clear evidence of consistent sex typing of various items of property" in her study. Wives were more likely to be awarded the family home and household furnishings, while husbands were more likely to retain businesses and income-producing assets. To determine if the same pattern existed in Oregon, hypothesis four stated that there would be no difference in the types of assets allocated to wives and allocated to husbands. Each of the four types of assets (family home, other real property, tangible personal property and intangible personal property) were analyzed in relation to who retained the equity in that asset; husband or wife, or if the equity had been divided between

them. ANOVA's were calculated to measure asset retention by the parties' ages, duration of marriage, the number of children in each parent's custody, the amount of child support, the amount and duration of spousal support, their employment histories, and the net dollar value of assets owned. A Newman-Keuls followed each significant ANOVA to determine where the differences existed. Chi squares were tabulated to measure asset retention by the parties' monthly incomes at the time of divorce, who wanted the divorce most at the beginning and end of the divorce process, their education levels, and whether or not the couple had made the decisions as to asset allocation.

Hypothesis Five

Equitable distribution is a method of allocating property upon divorce based on the concept that marriage is a partnership or shared enterprise. Oregon law states that all of the real or personal property of either of the parties, or both, is to be divided as is "just and proper in all circumstances" (ORS 107.105(e) (f)). This standard veers away from an absolute 50/50 split, although that is often the goal unless there is a showing of special circumstances. Hypothesis five stated that there would be no relationship between equitable distribution and the ages of the parties, duration of marriage, their employment histories, or their earn-

ing capacities. These variables are the "factors... which provide useful guidance in property divisions" to Oregon courts and are found in statutory and case law (Glatt v. Glatt, 1979; Grove v. Grove, 1977). Other variables included in this analysis were: whether the couple had made the decisions as to asset allocation, who wanted the divorce most at the beginning and at the end of the divorce process, the net dollar value of assets owned, and which types of assets were owned.

For the purpose of this study, a division of assets was considered equitable when either husband or wife received no more than sixty percent or no less than forty percent of the fair market value of all assets. To calculate a percentage of assets, the total dollar value of all assets owned by each couple was summed and their debts subtracted to arrive at a net dollar figure. Then the value of all assets retained by each wife was summed and the debts she assumed subtracted from her total. These calculations were performed for each of the 116 families in the sample. A percentage was then calculated for each wife. It was assumed that the husband received the remaining percentage. A correlation coefficient was used to determine the strength of the relationship between the percentage of assets retained by wife and the parties' ages, duration of marriage, their employment histories, the number of children with each parent, the amount of child support, the duration and amount of

spousal support and the net dollar value of assets. Analysis of variance was used to measure percentage of assets retained by the wife and the parties' incomes at the time of the divorce, who most wanted the divorce at the beginning and at the end of the divorce process, their education levels, who made the decisions about asset allocation and the four types of assets owned. A Newman-Keuls followed each significant ANOVA to determine where the differences existed.

Hypothesis Six

For the purpose of this study, post-divorce economic well-being was determined by the respondent's answer to Question 44 (Do you think your economic situation now, as compared to before the divorce is: better, somewhat better, about the same, somewhat worse or worse?). It was believed that, in answering, the respondent would take into consideration his/her age, employment history, education level, household income prior to the divorce, the number of children in his/her care, the amount of child and/or spousal support the respondent was paying or receiving, the number of years married, if the respondent wanted the divorce most in the beginning or at the end of the divorce process, whether the couple had made the decisions as to asset allocation, the net amount of assets received by respondent, present employment status and present house-

hold income from all sources. Multiple regression was used to estimate the relationship between the respondent's answer and the independent variables. A stepwise method was used to determine which independent variables would be included in the regression equation.

Summary of Statistical Analyses

	Data	Statistical Treatment
Characteristics of Sample	Personal Data	Descriptive Statistics
Hypothesis 1	Types of Assets Owned	"t" test Chi square
Hypothesis 2	Total Dollar Value of Assets	Pearson's R Analysis of Vari- ance Newman-Keuls
Hypothesis 3	Method of Valuation	Chi square
Hypothesis 4	Asset Allocation	Analysis of Vari- ance Chi square Newman-Keuls
Hypothesis 5	Percentage of Assets Allocated to Wife	Pearson's R Analysis of Vari- ance Newman-Keuls
Hypothesis 6	Post-Divorce Economic Well- Being	Stepwise Multiple Regression

IV. FINDINGS

This exploratory study sought to determine what assets were owned by divorcing couples, how those assets were valued for the purpose of division at dissolution, which assets were allocated to wives and which were allocated to husbands, the factors that affected the percentage and type of assets allocated to wives and allocated to husbands and the affect of asset division on the economic well-being of wives and husbands after divorce. In this chapter, findings are discussed under topics of: 1) description of the respondents, 2) the settlement process, 3) division of property, 4) spousal support, 5) decisions pertaining to children, 6) economic well-being after divorce, and 7) hypothesis testing.

Description of the Respondents

Representativeness of Respondents

The sample was drawn from final decrees of divorce for marriages lasting ten or more years granted between July 1983 and June 1984 in the Circuit Court Clerks' offices in the Oregon counties of Multnomah, Clackamas, and Washington. Based on a one-in-four systematic sampling procedure, data were collected from court records of 566 potential respondents. The number of potential respondents selected from each county was allocated proportionally to population. Fifty-three percent of the

sample was selected from Multnomah County, 23 percent from Clackamas County, and 24 percent from Washington County. Two hundred fifty-four individuals from this pool had no verifiable telephone numbers in the 1985 telephone directory and were not contacted. Three hundred twelve individuals were sent letters explaining the study and asking for their participation. One hundred twenty-four individuals were unable to be interviewed because their letters were returned, their telephone numbers had been changed since the directory printing, or they were called four times and not reached. Seventy-two individuals refused to participate in the study. Interviews were conducted with 116 divorced individuals, 20 percent of the original sample. Of these, 67 interviews were with women and 49 interviews were with men.

Information from court records about duration of the marriage, ages of the parties, numbers and ages of children, and petitioner's sex was used as a basis of comparison to determine if the 116 interviewed were different from the 72 who refused to participate and from the 378 individuals not interviewed. Those who were not interviewed were 254 individuals who did not have a verifiable address plus 124 whose letters were returned, their telephone numbers had been changed, or who were unable to be contacted by phone after four attempts.

Duration of the Marriage

There was a statistically significant difference in the duration of the marriage between the three sample groups. Those who refused to be interviewed had marriages of longer duration (18.9 years) than those who were interviewed (17.2 years) and those who were not interviewed (16.5 years) ($F = 3,848, p = .0219$) (Table 4.1). Also of note are the ranges of marital duration. The sample was stratified to exclude any marriages in which divorce had occurred before ten years so the minimum for each group was ten years. The maximum marital duration for those who were interviewed and those who refused to participate was 48 years. The maximum marital duration for those who were not interviewed was 49 years.

Table 4.1. Analysis of variance for duration of marriage for those who were interviewed, those who were not interviewed, and those who refused to participate.

Source	Sum of Squares	DF	Mean Squares	F Ratio	F Prob.
Between Groups	375.6222	2	187.8111	3.848	.0219
Within Groups	27234.3493	558	48.8071		
Total	27609.9715	560			

$F^* = 3.848$ with 2, 558 d.f., do not reject at the .05 level of significance

Age of Divorcing Couples

The average age of wives who were not interviewed was significantly younger (38.2 years) than the average age of wives of both the wives interviewed (40.3 years) and the wives who refused to participate (41.1 years) ($F = 4.919$, $p = .0076$) (Table 4.2). The range of wives' ages in the non-interviewed group was 25 to 70 years, 28 to 73 years in the interviewed group, and 27 to 85 years in the group who refused to participate.

Table 4.2. Analysis of variance of wives' ages for those who were interviewed, those who were not interviewed, and those who refused to participate.

Source	Sum of Squares	DF	Mean Squares	F Ratio	F Prob.
Between Groups	754.0523	2	377.0262	4.919	.0076
Within Groups	42537.8760	555	76.6448		
Total	43291.9283	557			

$F^*=4.919$, with 2,555 d.f., do not reject at the .05 level of significance

Similarly, husbands in the group not interviewed were significantly younger (40.6 years) than those who were interviewed (42.7 years) and those who refused to participate (43.8 years) ($F = 5.391$, $p = .0048$) (Table 4.3). The range of husbands' ages in the non-interviewed group was 27 to 68 years, 29 to 87 years in the interviewed group and 28 to 84 for the group who refused

to participate.

Because the group who refused to participate had longer marriages and were older, the refusal may be because this group feels divorce is disapproved of or is unacceptable. Goode (1956) found that women who had been married longer reported greater disapproval of the divorce by kin and friends, whatever the reason(s) for the divorce.

Table 4.3. Analysis of variance of husband's age for those who were interviewed, those who were not interviewed, and those who refused to participate.

Source	Sum of Squares	DF	Mean Squares	F Ratio	F Prob.
Between Groups	873.8703	2	436.9352	5.391	.0048
Within Groups	44903.3792	554	81.0530		
Total	45777.2496	556			

$F^*=5.391$ with 2,554 d.f., do not reject at the .05 level of significance

Number of Minor Children

Seventy-two percent (408) of all cases involved children under 18 years of age. Reported family size ranged from one to seven children. Those who refused to participate had the fewest minor children. Families in the group not interviewed were more likely to be larger than those in either the interviewed group or

the group who refused to participate. Eight families in the non-interviewed group had four minor children and four families in this group had five or more children. There was, however, no statistically significant difference between the three groups with respect to the number of minor children. A total of 85 cases of the interviewed group (116) involved minor children, with a mean of 1.431 children per family, and the average age of the children was 11 years.

Sex of Petitioner

The wife has traditionally acted as plaintiff (petitioner) in a divorce action. Nationally, only 26 percent of all final decrees of divorce or annulment were granted to husbands in 1961 (Carter and Glick, 1970). The tendency for the wife to initiate divorce proceedings may have been due to norms of chivalry or to the greater likelihood that the courts would grant the divorce if the wife filed (Weitzman and Dixon, 1983). Under traditional divorce law, women had a financial incentive as well: to be eligible for alimony or a larger share of the couple's property, it was necessary that the wife be the "innocent" spouse. Custody awards were similarly linked to fault. With the advent of no-fault divorce legislation, researchers in California (Dixon and Weitzman, 1982), Florida (Gunter, 1977), and Georgia (Gunter and Johnson, 1978) found that

husbands were significantly more likely to take the initiative in divorce proceedings.

In this sample, more wives were petitioners in their divorce actions than husbands. However, when comparing the three groups, the percentage of husbands filing was significantly greater among the group who refused to participate (43.3 percent) and the interviewed group (42.7 percent) than in the non-interviewed group (29.7 percent) ($X^2 = 8.61$, d.f. = 2; $p = .0135$) (Table 4.4). Fifty-three couples chose to file as co-petitioners, 29 from the non-interviewed group, nine from the group who refused to participate and 13 from the interviewed group.

Table 4.4. Analysis of petitioner's sex for those who were interviewed, those who were not interviewed, and those who refused to participate.

	Interviewed (n = 103)		Not Interviewed (n = 340)		Refused (n = 60)	
	%	(n)	%	(n)	%	(n)
Husbands	42.7	44	29.7	101	43.3	26
Wives	57.3	59	70.3	239	56.7	34
Total (n=503)	20.5	103	67.6	340	11.9	60
Missing (n=63)						

X^2 value = 8.61, d.f. = 3; $p = .0135$

Although there were some differences between the three groups with respect to age, marital duration, and petitioner's sex, this was probably due to the large sample size. The respondents interviewed (116) were

typical of divorced men and women who had been married at least ten years.

Characteristics of the Couples

Face-to-face interviews with 67 recently divorced women and 49 recently divorced men were conducted in the Portland area in 1985. The information from these interviews was the base of this research study. Ninety-six percent were Caucasian, 1.7 percent Black, and 1.7 percent Asian. The average age of wives was 40.3 years and 42.7 years for husbands. Average length of marriage was 17.2 years, with a range of 10 to 48 years. Forty-four husbands were petitioners in their divorce actions, as were 59 wives; 13 couples were co-petitioners. Eighty-five of the 116 families had minor children. The number of children ranged from one to four, with an average of 1.431 children per family. Thirty-one couples were childfree. Twenty-five families had one child, 40 families had two children, 19 families had three children, and one family had four children. Children ranged from one to 20 years of age, with an average age of 11 years. Under Oregon law, child support can continue to age 21 if the child is a full-time student under the definition of ORS 107.108, so those cases were included.

Education

A summary of the education levels completed by wives and husbands, as reported by the respondent, appears in Table 4.5. There were few differences in education between husbands and wives. The minimum level of education for husbands was grade school. Twenty-eight husbands had completed twelve years of schooling, 38 had completed some college, 11 were college graduates, and 21 had a graduate degree. Median education level for husbands was some post high school education.

The minimum level of education for wives was grade school and median level of education was some post high school education, the same as for husbands. Twenty-five wives had completed high school, 43 had some college education, and 16 were college graduates. Thirteen wives had a graduate degree. Husband and wife had equal levels of education in 38 cases, 31 wives had more years of schooling than their former spouse, and 40 of the husbands had more education than their former wives.

Table 4.5. Education levels of husbands and wives.

	Husbands		Wives	
	%	(n)	%	(n)
Grade School	.9	1	1.7	2
Some High School	5.2	6	5.3	6
High School Graduate	24.1	28	21.9	25
Trade School/Beyond High School	4.3	5	7.0	8
Some College	32.8	38	37.7	43
College Graduate	9.5	11	14.0	16
Some Graduate Work	5.2	6	.9	1
Graduate Degree	18.1	21	11.4	13
TOTAL	100.0	116	100.0	114

Employment

Respondents were asked about their own and their former spouse's employment during the marriage and at the time of the divorce. Most husbands and wives had some employment history. All but one of the husbands had worked full or part-time during the marriage. One hundred ten of the wives had been employed at some time during the marriage, and six had not been employed at paid work outside the home. When asked about employment at the time of the divorce, the responses indicated 101 husbands were working at paid employment and 13 were unemployed. Eighty of the wives were employed at the time of the divorce and 35 were not. Most of the respondents had some employment experience. A summary of

the employment of husbands and wives is provided in Table 4.6.

Table 4.6. Employment of husbands and wives during and after marriage.

	Husbands		Wives	
	%	(n)	%	(n)
Employed During	99.1	115	94.8	110
Not Employed During	.9	1	5.2	6
TOTAL	100.0	116	100.0	116
Employed After	88.6	101	68.9	80
Not Employed After	11.4	13	31.1	36
TOTAL	100.0	114	100.0	116

Assets

The major items of property or assets acquired during the marriage were:

- Family home - 87.0 percent of cases (101)
- Other real estate - 31.8 percent of cases (37)
- Car(s) - 98 percent of cases (114)
- Other vehicles - 32.7 percent of cases (30)
- Furniture - 100 percent of cases (116)
- Bank accounts - 90.5 percent of cases (105)
- Stocks, bonds or investments - 31.8 percent of cases (37)
- Business or professional practice - 29 percent of cases (34)
- Life insurance - 41 percent of cases (48)
- Pension - 68 percent of cases (76)
- Any other asset - 25.8 percent of cases (30)

The net amount of assets divided by these divorcing couples ranged from a negative value of -\$15,000 to \$1,619,860, with a mean of \$110,768.71 (median of

\$51,900). This median is not inconsistent with the California research in which Weitzman (1981) found that couples married eighteen years or more had a median of \$62,600 in assets.

Participants were asked about debts acquired during marriage. For homes, other real estate and vehicles, only equity values were recorded (fair market value minus debt). The total debts, excluding mortgages and car loans, outstanding at the time of the divorce ranged from zero to \$66,043.

These debts were more often than not divided between the couple. Husbands assumed a larger amount of these debts than wives (\$6,296.48 compared with \$1,870). One couple had filed bankruptcy between physical separation and the final decree and their car, home, and business were sold to discharge their debts. Five other couples had had the family home or other real property repossessed.

Income

Income data reported included: 1) husband's monthly income at the time of the divorce, 2) wife's monthly income at the time of the divorce, and 3) annual household income prior to the divorce. As shown by Table 4.7, more husbands than wives were in the four highest income categories.

Table 4.7. Monthly income of husbands and wives at the time of the divorce.

	Husbands		Wives	
	%	(n)	%	(n)
No Income	.9	1	19.6	22
\$300 to \$599	5.6	6	17.0	19
\$600 to \$899	3.7	4	14.3	16
\$900 to \$1,099	7.5	8	9.8	11
\$1,100 to \$1,399	8.4	9	17.0	19
\$1,400 to \$1,699	15.0	16	8.9	10
\$1,700 to \$1,999	13.1	14	7.1	8
\$2,000 to \$2,299	11.2	12	3.0	4
\$2,300 or more	30.8	33	2.7	3
Don't know	3.7	4	0	0
TOTAL	100.0	107	100.0	112

Analysis of annual household income prior to the divorce indicates that 34 couples were in the \$20,000 to \$30,000 income category, 40 couples were in the \$30,000 to \$40,000 category, and 22 couples were in the \$50,000 or more category.

Table 4.8. Annual household income prior to the divorce.

	Percent	Number
Less than \$5,000	2.6	3
\$5,000 to \$9,999	2.6	3
\$10,000 to \$14,999	4.3	5
\$15,000 to \$19,999	7.0	8
\$20,000 to \$24,999	15.7	18
\$25,000 to \$29,999	13.9	16
\$30,000 to \$39,999	20.9	24
\$40,000 to \$49,999	13.9	16
\$50,000 or more	19.1	22
TOTAL	100.0	115

The Settlement Process

Just as the interviews provided a profile of those persons obtaining divorces, so also do they delineate important aspects of the process itself. Of the 116 couples in the sample, 44 husbands were petitioners, 59 wives were petitioners, and 13 couples were co-petitioners.

When respondents were asked who wanted the divorce most at the beginning of the divorce process, 68 wives were believed to have desired the divorce most or somewhat more than their partner. Thirty-seven husbands were believed to have wanted the divorce most or somewhat more than their former spouses. Nine decisions to divorce were believed to be mutual (Table 4.9).

Participants were then asked who wanted the divorce most at the end of the divorce process. Forty-seven wives and 29 husbands were believed to have desired the divorce most at the end, and 37 were perceived as being mutual in desiring the divorce (Table 4.9).

Table 4.9. Respondents perception of who desired the divorce most at the beginning and end of the divorce process.

	Wanted Divorce Beginning		Wanted Divorce End	
	%	#	%	#
Husbands Most	32.5	37	25.2	29
Wives Most	59.6	68	40.9	47
Mutual	7.8	9	33.9	39
TOTAL	99.9	114	100.0	115

These figures on who desired the divorce most at the beginning are similar to those for sex of the petitioner (59 wives, 44 husbands, and 13 co-petitioners).

Although physical separation usually occurs after the decision to divorce and before the filing of suit, it may occur anywhere in this time frame. Indeed, it may not occur even after the decree, under extreme circumstances (as was the case with two couples in this group). The evidence is also clear that divorces are not precipitate. Goode (1956) found that the final action is the result of a decision and action process that lasts on the average about two years. Similarly,

the average time of separation for the couples in this group was 21 months, which meant that nearly two years had elapsed between physical separation and the final decree.

Also of note is the range of time which elapsed between the decision to divorce and the final decree. The minimum time period for obtaining a divorce in Oregon is 90 days. This statutory waiting period can be waived by a circuit court judge upon a showing of hardship by either spouse. This would account for the minimum separation time of one month. Some couples waited a number of years before formalizing their separate living arrangements, the maximum period of separation being over 15 years.

There are five major decisions where divorcing couples may need to reach agreement: child custody, visitation, child support, spousal support and division of property (Kressel, et al, 1978). Respondents reported that 56 couples made these decisions themselves. Twenty-four respondents reported that decisions were negotiated by attorneys. Respondents reported that 20 couples brought their case to court, where the presiding judge had the major responsibility for award decisions. Only three respondents reported using a mediator or mediation process.

Even if the couples were making the decisions, it was not without benefit of legal counsel. Both partners

had their own attorney in 70 instances and in 17 cases only one spouse was represented by an attorney. Nine couples used the same attorney, and 17 couples filed their divorce papers themselves.

If the respondent indicated that the couple had made the decisions about dividing property themselves, they were asked a follow-up question, "When you were making the decisions on how to divide things, do you think your input related to those decisions, and the input of your former spouse was equal, nearly equal, neither equal nor unequal, more unequal than equal, or unequal?" Of the 56 couples making their own decisions, 38 respondents indicated that their inputs were equal or nearly equal. Nine respondents said that their inputs were either unequal to more unequal than equal. Three participants indicated inputs were neither equal nor unequal. One woman said, "I knew as much as he did, but he could talk faster than I could!"

Division of Property

It was expected that gender and duration of marriage would affect the amounts and types of assets owned and divided between wives and husbands. One hundred one cases involved home ownership. In 53 cases (52.4 percent of the cases involving homes) the wife continued to live in the family home. In 27 cases (26.7 percent of the cases involving homes) the husband continued to live

in the family home. A few couples (6) retained joint ownership in the home or sold the home immediately and divided the proceeds (5.9 percent of the cases involving homes). However, the full equity in the home was not always retained by the spouse who continued to live there. In 24 cases the wife stayed in the house and the husband received a cash settlement to be paid over time or when the house was sold. In 17 cases the husband continued to live in the house and the wife kept her share of the equity. Twenty-nine wives and ten husbands retained the full value of the family home. Table 4.10 presents the data regarding the ultimate disposition of the family home.

Table 4.10. Disposition of family home.

	%	(n)
To wife - full value	28.7	29
To wife - part value	23.8	24
To husband - full value	9.9	10
To husband - part value	16.8	17
Sell and divide or joint	5.9	6
No value determined	14.9	15
TOTAL	100.0	101

There were 37 couples who owned other real estate. Of these couples, 18 husbands and seven wives retained the other real property. Eleven of the couples divided the value. In one instance the other real estate was

repossessed between physical separation and the final decree.

All but two of the couples owned at least one car prior to the divorce. In 27 families, only one car was owned. In 16 of these families, the wife kept this asset. In 11 cases, the husband kept the family car.

One couple decided the wife should keep their only car since there was no public transportation from her new residence to her place of work. Her husband, who had custody of the couple's three children, took the children to and from day care and traveled to work on the bus. In families with two cars, equal division of the cars was more likely. If three cars were owned, the husband usually kept two and the wife kept one. In three instances, the couple owned between six and eight cars and the husband kept all but one or two of them.

Of the 38 couples who owned other vehicles such as a boat, camper, trailer, or motorcycle, wives retained the other vehicle in only five instances. In all other cases (33) the husband kept the other vehicle(s). Household furnishings were kept by the wife in ten of the cases in which a value was placed on them. They were fairly evenly divided in 23 of the cases where it was specifically valued.

Bank accounts were divided between husband and wife in 54 cases (51.4 percent) of the 105 couples who owned this asset.

Thirty-seven couples owned stocks, bonds, or other investments. Of these, 12 husbands and ten wives retained ownership of these assets. Thirteen couples divided those assets. One couple could not agree on how their stock should be divided (the husband was a stockbroker). When their case finally went to court, the judge arbitrarily picked four stocks (all blue chip in the perception of the wife who told this story) and awarded them to the wife.

Businesses or professional practices went predominately to husbands (23 out of 34 cases), but seven wives retained this asset. One couple divided the family business, with the wife taking enough equipment and inventory to start again in another state. In three cases, both spouses kept their own professional practices.

Ownership of pensions and retirement funds varied greatly with gender, as well as with marital duration and family income. Husbands were much more likely than wives to have acquired pensions during marriage. Married women were much less likely to acquire pensions, irrespective of the length of their marriage or age. When both husband and wife had pensions, the husband's pension was of much greater value. In terms of frequency of ownership, pensions were the asset most often mentioned after furniture, cars, family home, and bank account. Husbands and wives were equally likely to keep

their own pensions in a divorce settlement. Forty-two of the husbands who had pensions kept the full amount of their retirement benefits, as did six wives who had pensions. Three wives received a share of their husband's pension. In 28 cases where both husband and wife each owned a pension, each spouse kept his/her own.

Forty-eight couples owned life insurance with a cash value, such as a whole life policy. Life insurance policies were always kept by the titled owner.

The average amount of debt, excluding mortgages and car loans, retained by husbands was \$6,296.48 (median \$2,400). The average amount of these debts retained by the wife was \$1,870 (median \$796.50).

Participants were asked to estimate the shares they received of all the personal and real property and their level of satisfaction with the division of property. About one-third of the female respondents and one-third of the male respondents said they received less than half the property in the settlements. Eighteen wives and 12 husbands reported receiving more than half the property. Seventeen wives and 15 husbands reported that their common holdings were divided on a fifty-fifty basis. Table 4.11 presents this data regarding their estimate of the division.

Table 4.11. Estimate of division.

	Husbands		Wives	
	%	(n)	%	(n)
All	8.2	4	9.1	
More than half	24.5	12	27.3	18
About half	30.6	15	25.8	17
Less than half	34.7	17	34.8	23
None	2.0	1	3.0	2
TOTAL	100.0	49	100.0	66

Whatever the division, 18 wives and 17 husbands tended to be somewhat or very satisfied with it. However, 16 wives and 11 husbands were somewhat or very dissatisfied with their settlement. Twelve individuals (seven wives and five husbands) stated that they were neither satisfied nor dissatisfied with the property division. Table 4.12 summarizes their responses.

Table 4.12. Level of satisfaction with settlement.

	Husbands		Wives	
	%	(n)	%	(n)
Very satisfied	31.1	14	44.8	30
Somewhat satisfied	33.3	15	20.9	14
Neither satisfied nor dissatisfied	11.1	5	10.4	7
Somewhat dissatisfied	11.1	5	6.0	4
Very dissatisfied	13.3	6	17.9	12
TOTAL	100.0	45	100.0	67

Spousal Support

The findings from this study would appear to support the conclusions of Weitzman (1979, 1981) and McGraw, Sterin and Davis (1982) that relatively few wives were granted spousal support and when support is granted, recipients will receive it for a short period of time. Women with custody of minor children and women with fairly long marriage durations are the most likely to receive spousal support (McGraw, Sterin and Davis, 1982). At the time these divorces were finalized, ORS 107.105(1)(d) empowered the court, in a dissolution case, to provide support "for such a period of time as it may be just and equitable for the other party to contribute." In the leading case on spousal support in Oregon, Grove v. Grove (1977), the Court of Appeals stated that "The most significant factor (in ordering spousal support) is whether the wife is employable at an income not overly disproportionate from the standard of living she enjoyed during the marriage. The wife's employability includes consideration of her education, training, experience, age, health, capacity, whether she has custody of small children, etc." In reaffirming Grove, the Supreme Court added, "We will not ignore the fact that, at least until recent years, young women entering marriage were led to believe--if not expressly by their husbands-to-be, certainly implicitly by the entire

culture in which they had come to maturity--that they need not develop any special skills or abilities beyond those necessary to homemaking and child care, because their husbands, if they married, would provide their financial support and security. We cannot hold that women who relied on that assurance, regardless of whether they sacrificed any specific career plans of their own when they married, must as a matter of principle be limited to the standard of living they can provide for themselves if 'employed at a job commensurate with (their) skills and abilities.' The marriage itself may well have prevented the development of those skills and abilities" (Grove v. Grove, 1977).

A comparison of Tables 4.8 with Table 4.14 supports the conclusion that many of the wives in this sample are living at much lower standards than they enjoyed during marriage. Yet only 32 wives had orders for spousal support. This relatively low proportion of support orders suggests that there is an expectation of self-sufficiency for most divorced women and a gap between the law's stated intent to provide support for women with impaired earning capacities and reality.

Two other items, duration and amount, complete this summary of the pattern of support orders. Eighteen support orders were for a specified period ranging from four to 144 months, with a mean of 38.9 months--just over three years. Fourteen wives received "permanent"

support (for the lifetime of either spouse or until the wife's remarriage). The amount of spousal support ranged from \$50 to \$1350 a month, with a mean of \$432.65 (median \$400). It should be noted that five of these awards called for the amount of support to be "stepped down" over the period for which it was granted. In no instance was spousal support tied to a cost of living increase or increases in the obligor's salary. Twelve wives received a property judgement (other than family home equity) which may be paid in periodic installments similar to spousal support, and six of these 12 women received spousal support as well. At the time the interview was conducted, (25) respondents from the group where spousal support was ordered reported paying or receiving the full amount every month.

(Note: Oregon's spousal support laws are sex-neutral, either party may be obligated for support, but out of the 566 couples in the entire sample, only one husband was given spousal support, and that only until the family restaurant was sold. Neither husband nor wife could be interviewed.)

Decisions Pertaining to Children

Three major decisions pertaining to children are found in divorce decrees: custody, visitation, and the amount of child support. The key finding relative to custody was that mothers continued to have custody of

some minor children in the majority of cases (66 of the 85 cases involving children). Split or joint custody was the arrangement in 25 of the cases involving children. Sharing parental responsibility took many legal forms. Sometimes, joint custody meant joint legal and physical custody; in some cases, one parent was designated as the primary physical custodian; some couples separated the children so both parents had children in their custody. There has been a small, but meaningful, change in terms of fathers who have custody. In this sample, 20 fathers had custody of some minor children. (These totals add to more than 85 because of the number of cases involving split custody.)

Child support was required almost entirely of fathers: in only six cases was a mother required to pay support, and, in two cases, both parents were required to pay support. When the mother is the custodial parent, she is more likely to be awarded child support from the noncustodial parent (62 cases of the 85 cases involving children) than when the father is custodial parent. More frequently, when the father has custody, neither parent is obligated for child support payments. In seven cases involving split custody, the father was also making child support payments to the mother. The amount of child support ranged from \$25 to \$667 a month, for an average of \$209.49 a month (median \$188.50). Only two of these orders involved an increase in the amount of

support over time. One mother would receive a raise in child support after the father had been in practice for three years. Another increase was tied proportionally to the father's increases in salary.

The incidence of arrears for child support, nationally, is reported to be very high--especially as time after the decree increases (Eckhardt, 1968). In 1981, only 47 percent of the custodial parents with child support orders received the full amount due (Child Support and Alimony, 1983). In this sample group, 72 cases involved orders for child support. Fifty-two parents reported paying or receiving the full amount every month. Fourteen (parents) reported paying or receiving child support "sometimes" or "rarely" and six parents reported never paying or receiving child support. Several explanations may be possible for this high compliance rate: relatively little time may have elapsed between the final decree and the interview, interviewed obligors may be giving "socially acceptable" answers, and, the duration of marriage is longer and parents' ages older for this group than a random sample of all divorces, which could result in higher incomes and a longer period of emotional attachment to dependent children (Luck, 1985). Interestingly, when fathers are ordered to pay child support, 73.8 percent of the parents reported paying or receiving the full amount regularly every month. Of the six mothers obligated to pay child

support, two were in full compliance, two paid support "sometimes" and two had never paid support.

In Oregon, divorce decrees commonly include provisions governing child support payments and the non-custodial parent's visitation with the child(ren). Some couples preferred elaborate stipulations as to visitation--so many days per week or per month, specific holidays or vacations, sometimes specifications of birth-days and excluded times. The most common visitation provisions are "reasonable and seasonable," relying on the parents to cooperate to make visitation work effectively. In the rare instance where visitation was limited, court records contained evidence of alcohol, drug or sexual abuse by the visiting parent.

Although child support and visitation should be two separate issues, parents with custody of children sometimes refuse visitation rights to the parent paying support when support payments fail behind. By the same token, withholding support could be employed when the paying parent felt visitation rights were being refused. A recent report by the Governor's Commission on Child Support Enforcement recommended that, as a policy, visitation rights should be enforced with the same vigor as enforcement of child support. "Failure to comply with an order in either of these areas should not be an acceptable reason for failure to comply with the order in the other area" (Governor's Commission on Child Sup-

port Enforcement, 1985).

Economic Well-Being After Divorce

Participants were asked to compare their present economic situation with their pre-divorce economic situation. Here, opinion was sharply divided between wives and husbands. Fourteen husbands and 14 wives believed their present economic situations were better. Thirteen wives and 11 husbands said their economic situations were about the same. However, 22 wives believed their present economic situations were worse, compared to ten husbands. Several respondents, while admitting that their actual income from all sources was less than during the marriage, said control over their present income was the overriding factor. "I don't have to be responsible for his gambling debts any longer," or "She can't run up my charge accounts now." One husband replied laconically, "There's one less mouth to feed." Table 4.13 summarizes their responses.

Table 4.13. Attitude toward present economic situation.

	Husbands		Wives	
	%	(n)	%	(n)
Better	28.6	14	20.9	14
Somewhat better	10.2	5	10.4	7
About the same	22.4	11	19.4	13
Somewhat worse	16.3	8	16.4	11
Worse	20.4	10	32.8	22
Don't know	2.0	1	.0	0
TOTAL	100.0	49	100.0	67

Earlier, the annual household incomes prior to divorce were presented, as well as the monthly incomes of wives and husbands at the time of the divorce. The following table compares household income for wives and husbands following the divorce. Two sets of income transfers have been taken into account in these figures. Child and/or spousal support payments have been added to respondent's income when the respondent indicated that it was being paid. Likewise, child and/or spousal support payments have been deducted from income of respondent when the respondent indicated it was being paid. If respondent had remarried, income from the new spouse was also included, as was any income received from a domestic associate.

Table 4.14. Present household income of respondents.

	Husbands		Wives	
	%	(n)	%	(n)
Less than \$5,000	2.0	1	10.4	7
\$5,000 to \$9,999	4.1	2	10.4	7
\$10,000 to \$14,999	4.1	2	22.4	15
\$15,000 to \$19,999	14.3	7	11.9	8
\$20,000 to \$24,999	14.3	7	14.9	10
\$25,000 to \$29,999	12.2	6	10.4	7
\$30,000 to \$39,999	22.4	11	11.9	8
\$40,000 to \$49,999	6.1	3	3.0	2
\$50,000 or more	20.4	10	4.5	3
TOTAL	100.0	49	100.0	67

When respondents were asked about the largest source of their income at the time of the interview, earned income was the largest source of 42 wives and 43 husbands. Of note is the fact that no husbands reported the largest source of their present income to be salary from a new spouse (or domestic associate) or from alimony/child support, although 16 wives reported these as the largest source. Table 4.15 summarizes their present income sources.

Table 4.15. Largest source of present income.

	Husbands		Wives	
	%	(n)	%	(n)
Earned salary	89.6	43	64.6	42
Remarriage	.0	0	12.3	8
Welfare/unemployment	2.1	1	4.6	3
Retirement/Social Security	2.1	1	4.6	3
Alimony/child support	.0	0	12.3	8
Investments/business	6.3	3	1.5	1
TOTAL	100.0	48	100.0	65

There was one question to which nearly all participants had the same answer. When asked to compare their present emotional situation with that during the marriage, overwhelmingly the answer was "Better, Better, Better!" When asked "Why," one wife responded, "How much time do you have?"

Table 4.16. Attitude toward emotional situation.

	Husbands		Wives	
	%	(n)	%	(n)
Better	83.7	41	71.2	47
Somewhat better	4.1	2	18.2	12
About the same	4.1	2	3.0	2
Somewhat worse	4.1	2	3.0	2
Worse	4.1	2	4.5	3
TOTAL	100.0	49	100.0	66

Hypothesis Testing

All hypotheses have been stated in the null form for the purpose of statistical analysis.

Ownership of Assets

It was hypothesized (H_0) that there would be no relationship between the types of assets owned by divorcing couples and the parties' ages, employment histories, monthly incomes, education levels, duration of marriage, and number and ages of dependent children. For the purpose of this study, each asset was placed into one of these four categories: family home, other real property, tangible personal property (e.g., cars, other vehicles, furniture, and household durables), and intangible personal property (e.g., bank accounts, stocks and bonds, pension and retirement benefits, life insurance, and business or professional practices).

After utilizing the Student's t-test it was found that no significant differences existed between owning a family home and husband's age, wife's age, years married, children's ages, number of minor children, husband's length of employment, and wife's length of employment. In X^2 analyses cross tabulating the relationship between owning a family home and husband's income, wife's income, husband's level of education, and wife's level of education, no significant relationships were

found.

A t-test analysis was utilized to find if there was a significant relationship between ownership of other real property and wife's age, husband's age, years married, number of minor children, children's ages, husband's length of employment, and wife's length of employment. A significant relationship was found by this analysis between the number of minor children and ownership of other real property (t-value = -2.12, p= .036) (Table 4.17). People who owned real estate other than a family home had fewer children than those who did not own other real property.

Table 4.17. Number of minor children for those who owned other real property and those who did not own other real property.

	Mean	S.D.
Owened other real property	1.1081	.994
Did not own other real property	1.5584	1.094
Two-tailed t-test, t-value = -2.12, p= .036		

In X^2 analyses cross tabulating ownership of other real property with husband's income, wife's income, husband's education level, and wife's education level, no significant relationships were found.

A t-test analysis of respondents who owned tangible personal property and those who did not own tangible

personal property, by wife's age, husband's age, years married, number and ages of minor children, husband's employment history, and wife's employment history, found no significant differences. The reason for this may lie in the definition of tangible personal property. Inclusion in this category was determined by whether the respondent owned any of the following: household furniture and durables, cars, and other vehicles. All of the respondents owned furniture, and 114 owned cars, so no valid comparisons could be made as there were no couples who did not own at least one of the items of tangible personal property.

Further analysis consisted of X^2 cross tabulations comparing the relationship between ownership of tangible personal property and husband's income, wife's income, husband's education level, and wife's education level. Again, no significant relationships were found, because there were no couples who did not own some tangible personal property.

In comparing those respondents who owned intangible personal property with those who did not by wife's age, husband's age, years married, number and ages of minor children, and husband's employment history, no significant differences were found. There was a significant difference between the two groups by wife's employment history (t-value = 2.46, $p = .016$) (Table 4.18). The longer period of time the wife was in the paid labor

force, the more likely the couple was to have owned one of the items defined as intangible personal property: bank accounts, stocks and bonds, pension and retirement benefits, life insurance, and businesses or professional practices. One explanation for this finding may be that the longer the wife is employed, the more her income increases, and there would be more disposable income for investing in these assets. However, when wife's income and ownership of intangible personal property were analyzed, no significant relationship could be found ($X^2 = 10.37, p = .240$). Another explanation of this relationship is the number of wives who have accumulated pension benefits through employment. Caution should be exercised in interpretation of these results, however, because of the small number of couples who did not own at least one item of intangible personal property.

Table 4.18. Ownership of intangible personal property by wife's employment history.

	Mean	S.D.
Owned intangible (n= 106)	9.556	5.764
Did not own intangible (n= 3)	1.333	1.528
Two-tailed t-test, t-value = 2.46, p= .016		

Further examination of intangible personal property ownership by husband's income, wife's income, and

husband's education level found that no significant relationships existed. However, ownership of intangible personal property and wife's education level was found to be highly significant ($X^2 = 40.84$, $p = .000$) (Table 4.19).

Table 4.19. Ownership of intangible personal property by wife's education level.

	Owned Intangible		Did Not Own	
	%	(n)	%	(n)
Grade school	1.8	2	.0	0
Some high school	2.7	3	75.0	3
High school graduate	22.7	25	.0	0
Trade school/beyond high school	7.3	8	.0	0
Some college	38.2	42	25.0	1
College graduate	14.5	16	.0	0
Some graduate work	.9	1	.0	0
Graduate degree	11.8	3	.0	0
TOTAL	100.0	110	100.0	4

$X^2 = 40.845$, $p = .000$

This relationship may be spurious, however, because of the small number of cases in group two, those who did not own intangible personal property. H_0 could be rejected based on the data collected for this study.

Dollar Value of Assets

In this study, it was hypothesized (H_0) that there

would be no difference between the dollar value of assets owned by divorcing couples and the parties' ages, their employment histories, their monthly incomes at the time of divorce, education levels, marital duration, and the number and ages of their minor children. A new variable, assets minus debts (ASMD), was created by summing the equities in eleven assets: family home, other real property, cars, other vehicles, furniture, bank accounts, stocks and bonds, business or professional practice, insurance, pensions, and any other asset which did not fall into one of the other categories of property. To this total was added the value of any property judgment (other than family home equity). From this sum of assets, the amount of debts assumed by both husband and wife was subtracted to arrive at a net dollar value of assets for each family interviewed. Assets minus debts could only be computed for 76 individuals because, in many instances, either the wife's debt or the husband's debt, or both, were missing.

A correlation matrix based on Pearson's Product Moment correlation coefficient was established to ascertain the significance of relationships between selected characteristics of the couples and the net dollar value of assets. Significant relationships were found to exist between the net dollar value of assets and wife's age ($p = .007$), husband's age ($p = .015$), years married ($p = .005$), number of minor children ($p = .009$), and the

amount of child support ordered per child per month ($p = .001$) (Table 4.20). No significant relationship was found between net dollar value of assets and the employment histories of husband or wife, ages of minor children, number of children in either parent's custody, and the duration and amount of spousal support ordered.

As might be expected, the amount and value of assets increased with marital duration and the parties' ages. The net dollar value of assets also increased with the number of minor children. The family home was the most variable asset for most couples. Housing behavior is likely to be governed by the age, spacing, sex and number of children (Morris and Winter, 1978).

It was also expected that the amount and value of assets would increase with family income. Yet, no significant relationships were found between the net dollar value of assets and wife's income, husband's income, wife's education level, or husband's education level. What is even more puzzling about these findings is that there is partial support for a difference in net dollar value of assets and income, in that ASMD is positively correlated with the amount of child support ordered per child per month. Higher amounts of child support were accompanied by an increase in net dollar value of assets. In Oregon, an order for payment of child support is based upon the premise that both parents are obligated to support their children within their capac-

ity to do so. There is no precise formula for determining the amount of child support which a parent will be ordered to pay in any particular case. Smith v. Smith is case law in relation to determining the proportion of support that each parent will be required to provide, and that proportion is based on the incomes of both parents and the needs of the child. Based on the data collected for this study, H_02 was rejected.

Table 4.20. Correlations between selected characteristics of divorcing couples and the net dollar value of assets.

	ASMD	WAGE	HAGE	YRMR	WYE	HYE	NMCHD	CHAV	NWCDY	NHCDY	PCPM	SPPM	DSP
WAGE	.007*												
HAGE	.015*	.001											
YRMR	.005*	.001	.001										
WYE	.773	.006	.093	.009									
HYE	.112	.001	.001	.001	.070								
NMCHD	.009*	.001	.001	.001	.002	.010							
CGAVG	.125	.001	.001	.001	.110	.001	.036						
NWCDY	.558	.595	.631	.583	.628	.605	.001	.084					
NHCDY	.264	.704	.370	.577	.188	.435	.137	.172	.001				
PCPM	.001*	.186	.489	.178	.897	.688	.214	.925	.071	.036			
SPPM	.064	.394	.526	.004	.587	.007	.609	.643	.316	.081	.001		
DSP	.277	.001	.002	.023	.803	.089	.043	.637	.036	.543	.648	.870	

Valuation of Assets

One of the surprising findings from the pilot study conducted in Benton County in 1983 was the infrequent mention of property values in court records. Only the handful of cases that went to court included dollar values. Then there were three values listed: the petitioner's, the respondent's, and the judge's. Debts were reported in many cases, but outstanding mortgages only occasionally. This was also true of this sample, although there appeared to be somewhat more data in the court records. When the couple made the decisions as to asset allocation, or when the settlement was negotiated by attorneys, financial reporting was almost nil. The face-to-face interviews permitted a determination of just how the values of property which divorcing couples were dividing was established. For the purpose of this study, two methods of valuation were defined: objective (if some data such as an independent appraisal, property tax records, Blue Book, classified advertisements, retirement account statements, or bank statements were used); or subjective (if no data were used to arrive at a fair market value). Although Oregon law does not mandate an equal division of property, only one which is "just and proper in all the circumstances," courts strive to give each spouse an equal share in the assets when the marriage has lasted for ten years or

more (Gildea, 1981, Graham, 1983). It began to appear, after the pilot test, that subjectively valued assets were being used to balance the scale between husband and wife, regardless of the actual value of the asset. Furthermore, it appeared that the bulk of subjectively valued assets was being kept by wives.

So it was hypothesized (H_03) that there would be no difference between how assets are valued for division and who retained the asset. Eleven X^2 statistical analyses were utilized. No significant relationships were found. H_03 could not be rejected. There were no differences between how assets were valued for division and who retained the asset. Table 4.21 summarizes the methods of valuation used by divorcing couples by asset categories.

Table 4.21. Method of asset valuation used by divorcing couples.

Asset	# of Couples Owning	Objective ¹ Valuation ¹		Subjective ² Valuation ²		No Spe- cific Value Re- ported	
		%	#	%	#	%	#
Family home	101	58.4	59	11.9	12	29.7	30
Other real property	37	51.3	19	24.3	9	24.3	9
Cars	114	31.5	36	29.8	34	38.6	44
Other vehicles	38	23.6	9	23.6	9	52.6	20
Furniture	116	7.7	9	20.7	24	71.6	83
Bank account	105	56.1	59	7.6	8	36.2	38
Stocks/ bonds	37	59.4	22	5.4	2	35.1	13
Business/ practices	34	44.1	15	26.5	9	29.4	10
Insurance	48	43.7	21	10.4	5	45.8	22
Pension	76	30.2	23	7.9	6	61.9	47
Any other asset	30	53.3	16	23.3	7	23.3	7

¹Assets were considered objectively valued if some data (i.e., independent appraisal, property tax records, Blue Book, classified advertisements, retirement account statement, bank statements) were used to determine fair market value.

²Assets were considered subjectively valued if no data were used to determine fair market value.

There was an indication, from participants' answers, that there is a great deal of "separateness" in marital property concepts. For example, "Well, it was his mother's furniture, so he took it," or "We both had pensions, so I kept mine and she kept hers." Oregon is an equitable distribution state which considers all the "real and personal property, or both, or either or both of the parties" for division at dissolution, regardless of when or how acquired (ORS 107.105(f)). No distinction is made between "marital property" and "separate property." Perhaps what is being seen is the emergence of individual concerns in the context of marital dissolution. The "we" dream is over, and the "yours or mine" reality is beginning (Prager, 1977).

Allocation of Assets

Over a ten year period in California, Weitzman (1981) found that "wives remain more likely to be awarded the family home and household furnishings, while husbands are usually granted other real estate, the business, and the family car." Researchers in Ohio (McGraw, Sterin and Davis, 1982) discovered that "businesses and real estate usually go to the husband and furniture usually was awarded to wives." It was hypothesized (H_0) that there would be no difference in the types of assets allocated to wives and allocated to husbands by the parties' ages, their employment histories, their monthly

incomes, their education levels, number of children in each parent's custody, amount of child support ordered, amount and duration of spousal support ordered, who wanted the divorce most in the beginning and at the end of the divorce process, whether or not the couple had made the decisions about asset allocation, and the net dollar value of the couple's assets. The four types of property analyzed were: family home, other real property, tangible personal property, and intangible personal property.

Analyses of variance found no difference in which spouse kept the family home by wife's age, husband's age, years married, wife's employment history, husband's employment history, amount of child support ordered per child per month, amount and duration of spousal support, or the net dollar value of assets. However, custody decisions did have a significant effect. Both wives ($F=4.155$, $p=.0211$) (Table 4.22) and husbands ($F=5.210$, $p=.0110$) (Table 4.23) who kept the family home had custody of more children than wives or husbands who did not keep the family home or in situations where the family home was kept in joint ownership or sold and the proceeds divided. These findings were consistent with those of Ohio researchers who found custodial fathers and custodial mothers received a larger share of the marital home, 80 percent and 70 percent, respectively (McGraw, Sterin and Davis, 1982).

Table 4.22. Wives keeping family home by custody of children.

Source	Sum of Squares	DF	Mean Squares	F Ratio	F Prob.
Between Groups	6.4676	2	3.2338	4.155	.0211
Within Groups	41.2467	53	.7782		
Total	47.7143	55			

F*=4.155, with 2.53 d.f., do not reject at the .05 level of significance

Table 4.23. Husbands keeping family home by custody of children.

Source	Sum of Squares	DF	Mean Squares	F Ratio	F Prob.
Between Groups	6.5270	2	3.2635	5.210	.0110
Within Groups	20.0444	32	.6264		
Total	26.5714	34			

F*=5.210, with 2.32 d.f., do not reject at the .05 level of significance.

In X^2 analyses cross tabulating sex of spouse keeping the family home and wife's income, husband's income, who wanted the divorce most at the beginning and end of the divorce process, wife's education, husband's education, and whether the couple had made the decisions as to asset allocation, no significant differences were found.

Comparison of who retained real property other than the family home by husband's age, wife's employment his-

tory, number of children with each parent, amount of child support ordered per child per month, amount and duration of spousal support, and net dollar value of assets found no significant differences. It was found that wife's age, years married, and husband's employment history did make a significant difference. Wives who kept other real property were younger ($F = 3.298$, $p = .0498$) (Table 4.24) than wives whose husbands kept the other real estate or wives who divided the value of other real property with their former spouses.

Table 4.24. Retention of other real property by wife's age.

Source	Sum Squares	DF	Mean Squares	F Ratio	F Prob.
Between Groups	634.5984	2	317.2992	3.298	.0498
Within Groups	3078.5444	32	96.2045		
Total	3713.1429	34			

$F^*=3.298$, with 2.32 d.f., do not reject at the .05 level of significance

It was also found that husbands who divided the value of other real property with their former spouses were married longer (21.4 years) than husbands who retained the full value of other real estate (16.2 years) or husbands whose wives received the other real property ($F = 3.314$, $p = .0488$) (Table 4.25).

Table 4.25. Retention of other real property by marital duration.

Source	Sum of Squares	DF	Mean Squares	F Ratio	F Prob.
Between Groups	255.7053	2	127.8526	3.314	.0488
Within Groups	1273.2670	33	38.5838		
Total	1528.9723	35			

$F^*=3.134$, with 2.33 d.f., do not reject at the .05 level of significance

Although wife's employment history had no significant effect on retention of other real property, husband's employment history did. Husbands who divided the value of other real property with their wives were employed longer (20.9 years) than husbands who retained other real property (14.7 years) or husbands whose wives kept other real property (14.0 years) ($F = 3.186$, $p = .0543$) (Table 4.26).

Table 4.26. Retention of other real property by husband's employment history.

Source	Sum of Squares	DF	Mean Squares	F Ratio	F Prob.
Between Groups	314.4520	2	157.2260	3.186	.0543
Within Groups	1628.5202	33	49.3491		
Total	1942.9722	35			

$F^*=3.186$, with 2.33 d.f., do not reject at the .05 level of significance

To determine if there were differences in the retention of tangible personal property, analyses of variance were utilized. No significant differences were found by wife's age, husband's age, years married, wife's employment history, husband's employment history, number of children with husband, amount of child support ordered per child per month, amount and duration of spousal support, or net dollar value of assets. A significant difference did exist between retention of tangible personal property and the number of children with the wife. Wives whose husbands retained most or all of the couple's tangible personal property (furniture and household durables, cars, and other vehicles) had custody of fewer children (.250) than wives who divided these assets with their former spouse (1.626) or wives who retained most or all of the couple's tangible personal property (2.00) ($F = 5.064$, $p = .0087$) (Table 4.27). It seems reasonable that the parent having custody should retain the marital home and furniture, allowing the children to remain in their customary environment.

Table 4.27. Retention of tangible personal property by children's custody.

Source	Sum of Squares	DF	Mean Squares	F Ratio	F Prob.
Between Groups	8.1047	2	4.0523	5.064	.0087
Within Groups	58.4216	73	.8003		
Total	66.5263	75			

$F^*=5.064$, with 2.73 d.f., do not reject at the .05 level of significance

When retention of tangible personal property was compared with husband's income, who wanted the divorce most at the beginning of the divorce process, wife's education level, husband's education level, and whether the couple had made the decisions as to asset allocation; no significant differences were found. A significant relationship was found between retention of tangible personal property and wife's income ($X^2 = 26.856$, $p = .020$), showing that wives in the three lowest income categories (\$300 to \$599 a month, \$600 to \$899 a month, and \$900 to \$1,099 a month) were more likely to retain most or all of the couple's tangible personal property than wives in higher income categories. However, five income cells were empty as couples had more of a tendency to divide these assets at all other income levels. Who wanted the divorce most at the end of the divorce process was also found to make a significant difference. Wives were more likely ($X^2 = 9.98$, $p = .025$) (Table 4.28)

to keep most or all of the couple's tangible personal property when they wanted the divorce more than the husband at the end of the divorce process. What may be influential here is the nonmutuality of the decision to divorce. Kressel (1978) noted that noninitiators experience such diminished feelings of self-worth that the ability to bargain constructively is inhibited.

Table 4.28. Retention of tangible personal property by who wanted divorce most at the end.

	Wife Most		Husband Most		Mutual	
	%	(n)	%	(n)	%	(n)
Husband Kept	2.04	1	1.26	0	1.70	4
Wife Kept	3.27	6	7.02	2	2.71	0
Divided	41.69	40	27.72	27	34.59	35

(n = 115)

X^2 value = 9.98, d.f. = 4; p = .025

No significant differences were found in the retention of intangible personal property (bank accounts, stocks and bonds, pension and retirement benefits, life insurance, and businesses or professional practices) by wife's age, husband's age, years married, wife's employment history, husband's employment history, number of children with either parent, amount of child support ordered per child per month, amount and duration of spousal support, net dollar value of assets, wife's in-

come, husband's income, who wanted the divorce most at the beginning and end of the divorce process, wife's education level, husband's education level, and whether or not the couple had made the decisions as to asset allocation. Hypothesis four was rejected based on the data collected for this study.

Equitable Distribution

Equitable distribution is allocating property upon divorce based upon the concept that marriage is a partnership or shared enterprise (Rothman v. Rothman, 1974). At the heart of this concept is the realization that both spouses contribute to the economic circumstances of a marriage, whether directly by employment or indirectly by providing homemaker services (Golden, 1983). Most states, including Oregon, have not embraced a fixed rule of division (e.g., 50-50) but vest wide discretion in the judge to achieve individualized justice. Oregon statutes provide little guidance for the court; case law speaks only to "ensuring that the parties separate on as equal a basis as possible under the circumstances" (Glatt v. Glatt, 1979). For the purpose of this study then, a division of assets was considered equitable when either party received no more than sixty percent or no less than forty percent of the fair market value of all assets. Further, it was hypothesized (H_05) that there would be no relationship between equitable distribution

and the parties' ages, their employment histories, their monthly incomes at the time of divorce, their employment histories, their education levels, marital duration, the number of children with each parent, amount of child support ordered, the amount and duration of spousal support, who wanted the divorce most at the beginning and end of the divorce process, whether or not the couple made the decisions regarding asset allocation, net dollar value of assets, and whether any of the four types of assets were owned.

To determine equitability of asset allocation, a new variable, percentage of assets to wife (PAW) was created by summing the wife's retained equity in eleven assets and adding the amount of any property judgement she received other than family home equity. Debts assumed by the wife were then subtracted to create a net asset value for each wife. A percentage of the wife's net assets was calculated in relation to the net dollar value of all the couple's assets. Percentage of assets to wife could only be computed for 76 individuals because, in many instances, either the amount of husband's debts, wife's debts, or both were missing. The average percentage of the couple's net assets retained by the wife was 64.5 percent with a range of -\$200 to \$1320 (median 48.7 percent). A frequency distribution of percentage of assets to wife is given in Table 4.29. The category labeled "-0 to 0" means the debts the wife

assumed were more than the values of the assets she received. In the category labeled "100+," the debt load assumed by the husband is more than the value of the assets he received.

Table 4.29. Distribution of percentage of assets to wife.

	Percent	Number
-0 to 0	5.3	4
0 to 40 percent	25.0	19
40 to 60 percent	40.8	31
61+ percent	21.1	16
100+ percent	7.9	6
TOTAL	100.0	76

A correlation matrix based on Pearson's Product Moment correlation coefficient was created to ascertain the significance of relationships between percentage of assets to wife and wife's age, husband's age, years married, wife's employment history, husband's employment history, number of children with each parent, amount of child support ordered per child per month, amount and duration of spousal support and net dollar value of assets. No significant relationships were found with respect to the percentage of assets awarded to wife, although duration of spousal support increased with increases in wife's age ($p = .001$), husband's age ($p = .002$), marital duration ($p = .023$), and

the number of children with wife ($p = .036$).

Further analyses did not find any significant relationships between percentage of assets to wife by wife's income, husband's income, who wanted the divorce most at the beginning and end of the divorce process, wife's education level, husband's education level, whether or not the couple made the decisions as to asset allocation, or by whether other real property, tangible personal property or intangible personal property was owned. What was significant was the percentage of assets to wife when a family home was owned ($F = 4.946$, $p = .0293$) (Table 4.30). When the couple owned a family home, the wife received about half of the couple's net assets (49.5 percent), but when a family home was not owned, the wife received 163.5 percent of the couple's net assets. Since the family home is likely to be the most valuable asset owned by middle-income families, this suggests that when the wife receives the "long half," neither a family home nor any other asset of major value was available for division.

Examination of the dollar value of assets retained by wives and total dollar value of assets retained by husbands, without subtracting debts, showed that husbands received the larger dollar value of assets in 57 cases, wives received the larger dollar value in 55 cases, and four couples divided their assets absolutely evenly. To describe the typical division of property,

the median value is probably a better index because the mean is more strongly influenced by a few high values. Thus, the median division of assets is \$33,635 to wives; \$30,511 to husbands. When debts are subtracted, the median net value of assets to wives is \$28,850; \$24,908 to husbands. On the basis of data collected for this study, H_0^5 was rejected.

Table 4.30. Percentage of assets to wife by ownership of family home.

Source	Sum of Squares	DF	Mean Squares	F Ratio	F Prob.
Between Groups	112235.1489	2	112235.1489	4.946	.0293
Within Groups	1633807.5818	72	22691.7720		
TOTAL	1746042.7307	74			

$F^* = 4.946$ with 2.72 d.f., do not reject at .05 level of significance

Post-divorce Economic Well-Being

Other researchers have found that no-fault divorce laws have turned out to be "an economic disaster for divorced women and minor children" (Weitzman, 1985). In Ohio, McGraw, Sterin and Davis (1982) found that 1) after termination of marriage, most husbands retain a relatively high proportion of their former income--even after all child support and/or spousal support orders are paid, 2) there is an uneven relationship between

husband's and wife's post-divorce income--even if all wives are employed and all income transfers are paid, 3) although both parties are affected financially in the short term, divorce places an unequitable financial burden on employed mothers and their children, and 4) mothers who are not employed after divorce can expect to receive about one-fifth of their former income regardless of the amount of their former family income. The Ohio study concluded that there are much greater expectations placed upon women in terms of financially supporting themselves and their children after divorce.

Based on the results of these studies, the following hypothesis (H_{06}) was formulated: The post-divorce economic well-being of wives and husbands has no relationship to the age of the respondent, years married, respondent's employment history, household income prior to divorce, number of minor children with respondent, amount of child support paid or received by respondent, amount of spousal support paid or received by respondent, if respondent wanted the divorce most at the beginning or end of the divorce process, education level of the respondent, whether or not the couple made the decisions as to asset allocation, the net dollar value of assets received by respondent, sex of respondent, if respondent was presently employed, and respondent's present household income.

The stepwise multiple regression procedure avail-

able on the Honeywell Regress Subsystem (SIPS) was used for this analysis. At each step, the variable added to the model is that one which makes the greatest contribution to the reduction of the residual variability below that achieved by the current model. It will also be the variable whose residual values have the highest partial correlation with the residual values of the dependent variable.

For the purpose of this study, post-divorce economic well-being was determined by the respondent's answer to Question 44: "Do you think your economic situation now, as compared to before the divorce is better, somewhat better, about the same, somewhat worse, or worse?" Those independent variables entered into the model, in order, were: 1) present employment of respondent, 2) respondent's age, 3) marital duration, 4) whether or not the couple made the decisions as to asset allocation, 5) net assets received by respondent, 6) child support paid or received by respondent, 7) respondent's education, 8) amount of spousal support paid or received by respondent, and 9) respondent's sex. The results of the regression analysis are detailed in Table 4.31.

Table 4.31. Multiple stepwise regression of selected variables on post-divorce economic well-being.

Term entered	Beta	Entering F	p-value	r	r ²
Respondent presently employed	1.13276	4.5636	.0369*	.2701	.0729
Respondent's age	-.145214	1.7874	.1866	.3179	.1011
Years married	.176300	6.4553	.0139*	.4404	.1940
Couple- decisions	.559418	3.0019	.0888	.4854	.2357
Respondent's assets	.113108	1.7098	.1966	.5091	.2592
Child support	-.640303	2.3251	.1333	.5387	.2903
Respondent's education	.882152	1.3874	.2395	.6301	.3971
Spousal support	-.671463	.7953	.3771	.6361	.4074
Respondent's sex	.245356	1.4373	.2369	.6524	.4257
(n = 60)					

Total explained variance by the group of independent variables is .42. The nine independent variables explained 42 percent of the respondent's attitude toward their present economic situation as compared to their economic situation during the marriage. Only two variables were found to be significant: respondent's present employment ($p = .036$) and marital duration ($p = .0139$).

Respondent's present employment contributed seven percent to explained variance. Marital duration contributed another nine percent to explained variance, while the two variables combined accounted for 16 percent of the variability. While who made the decision was not statistically significant ($p = .088$) and served to explain only four percent of the variability, this borderline case may merit discussion.

Respondent's present employment accounted for most of the explained variation. However, the results ran counter to expectation. Unemployed people felt better off economically (Table 4.32).

Table 4.32. Respondent's attitude toward post-divorce economic well-being by present employment.

Source	Sum	Mean	S.D.	Variance	(n)
Entire population	369.0000	3.1810	1.6237	2.6365	116
Employed	329.0000	3.2574	1.6165	2.6131	101
Unemployed	40.0000	2.6667	1.6330	2.6667	15

A better understanding of this phenomena is shown in Table 4.33. Here post-divorce economic well-being is broken down by present employment and sex of respondent. Only two husbands were unemployed and the difference in the economic well-being scores is very small, certainly not statistically significant. For wives, the unemployed feel much better off than the

employed. A student's t-test comparing employed and unemployed females with respect to post-divorce economic well-being showed t-value = 1.7844, which is not quite significant at .05. But even though not statistically significant, there is an interaction between sex and employment status with respect to post-divorce economic well-being. There is no difference between employed and unemployed males, but for females the unemployed seem happier. The small sample size for unemployed may contribute to the lack of statistical significance.

Table 4.33. Respondent's attitude toward post-divorce economic well-being by present employment and sex.

Source	Sum	Mean	S.D.	Variance	(n)
All males	148.0000	3.0204	1.7379	3.0204	49
All males, employed	142.0000	3.0213	1.7753	3.1517	47
All males, unemployed	6.0000	3.0000	0	0	2
All females	221.0000	3.2985	1.5376	2.3641	67
All females, employed	187.0000	3.4630	1.4500	2.1024	54
All females, unemployed	34.0000	2.6154	1.7578	3.0897	13

Comparison of present household income of respondent (Table 4.14) with total household income prior to divorce (Table 4.8) shows that wives have less income

than husbands after divorce, and account for almost all the movement toward lower household incomes.

Because these relationships do not appear consistent, there was an examination of participant's answers to Question 44a: "Why would you say it is (better), (somewhat better), (about the same), (somewhat worse), (worse)?" Their answers indicate that the financial situation is made up of more than the total amount of money available. Feeling better about their post-divorce economic situation is an interaction between both the objective economic facts and the meaning of those facts. For example, "Now I can pay my own bills. He was a gambler who didn't know how to bring a paycheck home." "I don't have the income potential from his job, but I never knew where it was going. We were always in debt." "He was a consumer, and didn't work half the time." While the amount of income is important, so is who controls it (e.g., "Economically, I'm a lot worse off; but I'm in control so I feel better"). Almost all the women who remarried felt their economic situation was better: "My new husband makes a good deal of money, and I work with him in saving and setting up IRA's and Keoughs." Sometimes satisfaction was related to life cycle changes: "The kids are grown. I no longer have to support them." And a few wives equated economics with relief, "I'm out of it. What do you want, dollars or peace of mind?" In summary, when

wives were not employed, the woman's objective economic situation is worse than her apparent satisfaction with it.

Correspondingly, having a job and satisfaction with their post-divorce economic situation were not always associated: "We used to have two incomes, now I have the same expenses and only one income," or "Things are going to get worse when the lien (on the family home) comes due. I haven't had a raise in two years."

A second variable, years married, was found to be statistically significant ($p = .0139$). The longer the participant had been married, the greater dissatisfaction with their post-divorce economic well-being.

After dissolution, the majority of wives and husbands depended on their own earned wages as the largest source of income. Yet, despite their commitment to the labor force, the salary levels for most working wives fell far below the salaries earned by most working husbands. Low paying jobs in clerical, service, or retail work were the main options open to most older women who had not been employed during the marriage. Even women who had been employed most or all of the marriage were concentrated in the lower-paying professions of nursing and teaching. Only a very small percentage of these divorced women were in higher-paying professional or administrative positions. From the comments of many

of the men who participated in the study, the concern was with the loss of assets acquired during marriage and meeting the financial obligations of marital debts and/or child support (e.g., "Because I got all the debts to pay," "Her income was greater than mine and we were used to two incomes. The loss of her income was just devastating on my bills," or "Because I have custody of the kids and no other income coming in," and "I'm not real good with money management. She always did it, but I lost that resource"). The longer they were married, and the older they were, the more concern there was with having enough time to recoup financially before retirement.

While not statistically significant ($p = .088$), satisfaction with post-divorce economic well-being decreased for couples who structured their own property settlements. Nearly all the participants had legal representation, but about half the divorcing couples made the decisions as to asset valuation and allocation themselves. When further analysis was performed on post-divorce economic well-being and whether the couple made the decisions or others structured the property settlement, the two groups appeared very similar (Table 4.34). When sex of respondent was added, in a two-way analysis of variance, there was a strong trend which suggested an interaction: female respondents felt worse when others made the decisions, whereas male respondents felt

better when others made the decisions (Table 4.35).

Table 4.34. Respondent's attitude toward post-divorce economic well-being by whether couple made decisions as to asset allocation.

Source	Sum	Mean	S.D.	Variance	(n)
Entire population	356.0000	3.1228	1.5408	2.3742	114
Couple decides	179.0000	3.1964	1.4823	2.1971	56
Others decide (n = 114)	177.0000	3.0517	1.6051	2.5762	58

Table 4.35. Analysis of variance of respondent's attitude toward post-divorce economic well-being by whether couple made decisions as to asset allocation and sex.

Source	Sum of Squares	DF	Mean Squares	F Ratio	F Prob.
Main effects	4.703	2	2.352	1.016	.366
Who made decision	.432	1	.432	.187	.667
Sex	4.107	1	4.107	1.773	.186
2-way interactions	8.845	1	8.845	3.819	.053
Who made decision and sex	8.845	1	8.845	3.819	.053
Explained	13.548	3	4.516	1.950	.126
Residual	254.732	110	2.316		
TOTAL (n = 114)	268.281	113	2.374		

When the percentage of net assets to wife (PAW) was compared with who made the decision this finding was understandable. When the couple made the decisions, wives, on the average, retained 84.3 percent of the couple's net assets. When others made the decision, wives retained an average of 44.9 percent of the couple's net assets (Table 4.36).

Table 4.36. Percentage of assets to wife by whether couple made decision as to asset allocation.

Source	(n)	Mean	S.D.	S.E.
Couple decides	37	85.3032	217.2542	35.7164
Others decide	39	44.9180	22.1355	3.5445
TOTAL	76	64.5792		

Summary of Statistical Analysis

Outlined below are the results of the statistical analyses utilized. The summary is organized in relation to this study's hypotheses.

Characteristics of the Sample

Marital duration	F prob. = .021*
Wife's age	F prob. = .007*
Husband's age	F prob. = .004*
Number of children	X ² p = .52
Sex of petitioner	X ² p = .01*

Hypothesis 1: Types of Assets Owned

Ownership of family home:

Wife's age	t-test p = .22
Husband's age	t-test p = .57
Years married	t-test p = .15
Children's ages	t-test p = .18
Number of children	t-test p = .06
Husband's employment	t-test p = .06
Wife's employment	t ₂ -test p = .06
Husband's income	X ² p = .25

Ownership of family home:

Wife's income	X ₂ ² p = .14
Husband's education	X ₂ ² p = .66
Wife's education	X ² p = .24

Ownership of other real property:

Wife's age	t-test p = .12
Husband's age	t-test p = .13
Years married	t-test p = .62
Number of children	t-test p = .036*
Children's ages	t-test p = .776
Husband's employment	t-test p = .70
Wife's employment	t ₂ -test p = .19
Husband's income	X ₂ ² p = .80
Wife's income	X ₂ ² p = .12
Husband's education	X ₂ ² p = .73
Wife's education	X ² p = .15

Ownership of tangible personal property:

Wife's age	t-test p = .00
Husband's age	t-test p = .00
Years married	t-test p = .00
Number of children	t-test p = .00
Children's ages	t-test p = .00
Husband's employment	t-test p = .00
Wife's employment	t-test p = .00
Husband's income	no statistics
Wife's income	no statistics
Husband's education	no statistics
Wife's education	no statistics

Ownership of intangible personal property:

Wife's age	t-test p = .80
Husband's age	t-test p = .60
Years married	t-test p = .29

Number of children	t-test p = .42
Children's ages	t-test p = .35
Husband's employment	t-test p = .48
Wife's employment	t ₂ test p = .01*
Wife's income	X ₂ p = .24
Husband's income	X ₂ p = .09
Husband's education	X ₂ p = .35
Wife's education	X ² p = .00*

Hypothesis 2: Net Dollar Value of Assets

Pearson correlation coefficients:

Wife's age	p = .007*
Husband's age	p = .015*
Years married	p = .005*
Wife's employment	p = .733

Pearson correlation coefficients:

Husband's employment	p = .122
Number of children	p = .009*
Children's ages	p = .125
Children with wife	p = .558

Net dollar value of assets:

Children with husband	p = .264
Amount child support	p = .001*
Amount spousal support	p = .064
Duration spousal support	p = .277
Wife's income	F prob. = .53
Husband's income	F prob. = .80
Wife's education	F prob. = .74
Husband's education	F prob. = .95

Hypothesis 3: Method of Valuation

Family home	X ₂ p = .41
Other real property	X ₂ p = .63
Cars	X ₂ p = .94
Other vehicles	X ₂ p = .13
Furniture	X ₂ p = 1.0
Bank accounts	X ₂ p = .90
Stocks/bonds/investments	X ² p = .56
Business/professional practice	X ₂ p = .73
Insurance	X ₂ p = .41
Pension	X ² p = .61

Any other asset X^2 p = 1.0

Hypothesis 4: Asset Allocation

Who kept family home:

Wife's age	F prob. = .224
Husband's age	F prob. = .599
Years married	F prob. = .446
Wife's employment	F prob. = .264
Husband's employment	F prob. = .366
Children with wife	F prob. = .021*
Children with husband	F prob. = .011*
Amount child support	F prob. = .546
Amount spousal support	F prob. = .600
Duration spousal support	F prob. = .576
Assets minus debts	F ₂ prob. = .637
Wife's income	X ₂ p = .93
Husband's income	X ₂ p = .96
Wanted divorce-beginning	X ₂ p = .15
Wanted divorce-end	X ₂ p = .34

Who kept family home:

Wife's education	X ₂ p = .84
Husband's education	X ₂ p = .62
Who made decisions	X ₂ p = .46

Who kept other real property:

Wife's age	F prob. = .049*
Husband's age	F prob. = .090
Years married	F prob. = .048*
Wife's employment	F prob. = .995
Husband's employment	F prob. = .054*
Children with wife	F prob. = .944
Children with husband	F prob. = .793
Amount child support	F prob. = .949
Amount spousal support	F prob. = .587
Duration spousal support	F prob. = .074
Assets minus debts	F ₂ prob. = .263
Wife's income	X ₂ p = .37
Husband's income	X ₂ p = .49
Wanted divorce-beginning	X ₂ p = .78
Wanted divorce-end	X ₂ p = .70
Wife's education	X ₂ p = .61
Husband's education	X ₂ p = .20
Who made decisions	X ₂ p = .64

Who kept tangible personal property:

Wife's age	F prob. = .679
Husband's age	F prob. = .510
Years married	F prob. = .761
Wife's employment	F prob. = .162
Husband's employment	F prob. = .988
Children with wife	F prob. = .008*
Children with husband	F prob. = .275
Amount child support	F prob. = .786
Amount spousal support	F prob. = .107
Duration spousal support	F prob. = .207
Assets minus debts	F ₂ prob. = .458
Wife's income	X ₂ p = .02*
Husband's income	X ₂ p = .11
Wanted divorce-beginning	X ₂ p = .69
Wanted divorce-end	X ₂ p = .025*
Wife's education	X ₂ p = .87
Husband's education	X ₂ p = .54
Who made decisions	X ² p = .93

Who kept intangible personal property:

Wife's age	F prob. = .239
Husband's age	F prob. = .868
Years married	F prob. = .399
Wife's employment	F prob. = .439
Husband's employment	F prob. = .597
Children with wife	F prob. = .839
Children with husband	F prob. = .592
Amount child support	F prob. = .893

Who kept intangible personal property:

Amount spousal support	F prob. = .299
Duration spousal support	F prob. = .403
Assets minus debts	F ₂ prob. = .418
Wife's income	X ₂ p = .43
Husband's income	X ₂ p = .68
Wanted divorce-beginning	X ₂ p = .65
Wanted divorce-end	X ₂ p = .19
Wife's education	X ₂ p = .70
Husband's education	X ₂ p = .24
Who made decisions	X ² p = .46

Hypothesis 5: Percentage of Assets to Wife

Pearson correlation coefficients

Wife's age	p = .90
Husband's age	p = .49

Years married	p = .42
Wife's employment	p = .12
Husband's employment	p = .49
Children with wife	p = .27
Children with husband	p = .56
Amount child support	p = .61
Amount spousal support	p = .61
Duration spousal support	p = .22
Assets minus debts	p = .85
Wife's income	F prob. = .841
Husband's income	F prob. = .398
Wanted divorce-beginning	F prob. = .554
Wanted divorce-end	F prob. = .320
Wife's education	F prob. = .954
Husband's education	F prob. = .633
Who made decisions	F prob. = .251
Family home owned	F prob. = .029*
Tangible personal property owned	no statistics
Intangible personal property owned	no statistics

Hypothesis 6: Post-Divorce Economic Well-Being

Stepwise Multiple Regression

Respondent presently employed	p = .036*
Respondent's age	p = .101
Years married	p = .013*
Who made decisions	p = .088
Respondent's net assets	p = .196
Amount child support	p = .133
Respondent's education	p = .239
Amount spousal support	p = .377
Respondent's sex	p = .236

V. IMPLICATIONS AND RECOMMENDATIONS

The purpose of this study was to provide data on the economic aspects of divorce in Oregon after ten or more years of marriage, with particular emphasis on the valuation and allocation of assets. The findings from this exploratory study suggest the following conclusions:

Most couples divorcing after ten or more years owned one major asset, the family home. The parent having custody of the minor children was most likely to continue living in the family home. Because mothers were more likely to have the minor children living with them, a higher percentage of residence awards were to wives. However, the spouse remaining in the family home was usually required to make installment payments to the other spouse for his or her share of the equity. Given the low incomes of most of these divorced women, their ability to pay the other spouse seems doubtful, and an eventual sale of the family home inevitable. Respondents owning homes in joint ownership with former spouses reported problems in both sales and maintenance. The resident owner reported having responsibility for insurance, taxes, and upkeep and reported that the non-resident owner could control the selling price and/or make the selling process difficult.

Fewer children in the family increased the likelihood of the family owning real estate other than a fam-

ily home. It may be that families with fewer children have more money available for investment in real estate, or families with fewer children have more interest in the tax advantages associated with owning real estate.

Tangible personal property, although owned by a majority of couples, was usually assets with low monetary values such as furniture and cars. The dollar value of the tangible personal property received by husbands was greater in families with fewer children. This may reflect that when there are more children in the family, tangible personal property was more likely to be household furnishings and appliances and less likely to be second cars or other vehicles.

As the educational level and number of years of paid employment of wives increased, the ownership of intangible personal property increased. This may reflect that the wife's income provides the margin enabling the family to invest. Or it may reflect that women with more education and more years in the paid labor force have pensions--one item included in the category "intangible personal property." Ownership of pensions, and their values, varied greatly by gender. Husbands were more likely than wives to have acquired pensions during the marriage.

When both husband and wife had pensions, the husband's was of higher value. Even though most of the divorcing couples had some savings in bank accounts, their

account values were very low.

One of the major decisions couples must make at divorce is how to value and divide existing assets.

Oregon is an all-asset equitable distribution state requiring that real and personal property be divided as may be "just and proper in all the circumstances."

About half of these divorcing couples reported valuing and allocating their common possessions in "kitchen-table" negotiations.

When couples were homeowners, assets were divided almost equally between husbands and wives. When a family home was not owned, wives retained a greater percentage of the couple's net assets. However, since the family home was likely to be the most valuable asset, when there was no homeownership, total assets had low values. Therefore, the cases in which wives received a large percentage of the assets were likely to be the cases with the lowest asset values.

When the net dollar value of assets (assets minus debts) retained by wives and by husbands were examined, the median value of wife's net assets was \$28,850, and husband's, \$24,908, indicating that assets were being divided fairly evenly.

In the majority of cases, values of property were determined by the husband and wife regardless of whether the couple themselves divided the assets or the property settlement was negotiated by attorneys. The

higher value an asset had, the more likely it was to have been objectively valued (some data used to arrive at the value). Family homes, other real property, bank accounts, stocks and bonds and "any other assets" were valued objectively about half of the time. Business/professional practices and insurance policies were valued objectively somewhat less than half of the time. Cars and other vehicles were valued objectively less than a third of the time. Furniture was rarely valued objectively. About two-thirds of the couples owned pensions or retirement accounts. These were frequently of great value and valued objectively by less than one-third of the couples. Often, in the case of pensions, the respondent would say, "I had mine and she/he had hers/his," without looking at the differences in length of employment, earnings, and future benefits. In most instances, couples needed assistance in determining asset values and in understanding the differences between present and future values. This was true not only for pensions but also for family homes with equity judgements.

One of the most interesting and unexpected findings from the interviews involved participant answers to the question, "When you reach retirement age, how likely are you to have your own Social Security benefits?" Many respondents believed the question to be related to the

continuation of the Social Security system and answered, "Not very likely." Sixty-three percent of the husbands had pensions or other retirement plans in addition to Social Security benefits, but only 29 percent of the wives had alternate retirement accounts. Social Security benefits have become the primary or sole source of income for millions of retirees. But Social Security alone is not intended to maintain preretirement living standards. Private pensions and personal savings are supposed to contribute substantially to retirement income. Even though a retired individual's needs are less, they will still need between 55 and 78 percent of gross preretirement income. In addition, women have special needs associated with longevity. The need for preretirement educational programs to help women and men plan for the future is evident.

Although most couples shared liabilities, husbands were assuming a larger percentage of the family debt than were wives (\$6,296 and \$1,870, respectively). However, husbands also had higher incomes even after the subtraction of spousal support and/or child support obligations, so husbands had more ability to repay. Women's incomes after divorce, even after the addition of spousal support and/or child support payments, were consistently lower than men's incomes.

While the amounts of the property awards is a concern that cannot be ignored, an equally important concern is

the lack of income-earning ability of the wives. In many instances there was not enough family property to be divided or enough spousal support which could be awarded to compensate for the low income status of the divorced woman.

A greater awareness of financial management during marriage could help alleviate serious problems at dissolution. As one respondent said, "One of the biggest problems in our marriage was economics." Many respondents who had been in two-earner marriages, particularly when they had been using credit extensively, mentioned how hard it was to manage on only one income. In addition, many respondents were uncertain about such basic details of family finances as annual net income, family debts, and monthly cash flow. It was the norm for one spouse to handle all the family finances. Then, when divorce occurred, the other spouse expressed a strong need for financial counseling to assist them in straightening out complex debt problems and to learn how to manage their money. Efforts should be made to expand financial management education in high schools, colleges, and adult education programs.

Few wives received spousal support, and most support orders were for a short, fixed duration. The median amount of spousal support was \$400 a month for three years. These minimal support awards created severe hardships for many of the women, especially those who

had been full-time homemakers during most of the marriage. Without occupational or professional training and labor market experience, they were compelled to take entry level, low-paying positions to meet short-term necessities. They also faced divorce with the loss of benefits, such as health care coverage and pensions. Women today, married or not, will work at paid employment throughout most of their adult years. One clear implication is the need for career/life planning for young women to help them maximize their earning capacities.

In the majority of cases, dependent children were in the custodial care of the mother. There was a small, but meaningful, trend toward fathers having custody of minor children and toward joint or split custody. Coparenting took many forms; sometimes joint custody meant both physical and legal custody, in some cases one parent was designated as the primary physical custodian, and some couples separated the children and both parents had children in their custody. Child custody was a special source of frustration for many fathers; who indicated that the most difficult aspect of divorce was separation from their children.

Child support was usually awarded if there were children under the age of 18, and almost always it was paid by fathers. A small percentage of mothers without custody were obligated to pay child support. The median

amount of child support was \$188.50 per month. At the time these divorces were finalized, the annual cost of raising a 10 or 11 year old child (the average age of minor children in this study) in the West at a moderate cost level was \$5,302, or \$441.83 per month (Family Economics Review, 1985). Half of this monthly estimate is \$220.92. Therefore the median amount of child support was less than half the cost of raising the child. The amount of child support is rarely modified upward. Since the cost of raising children increases with inflation and the child's age, support orders are eroded. Over time custodial parents assume a disproportionate share of the costs of raising their children. When child support orders are evaluated in terms of each parent's ability to pay, mothers typically assume the larger share of the costs of raising their children. In most calculations of the cost of raising children, the major child care expenses borne by the custodial parent are rarely taken into account. Often for the mother employed full-time, the cost of child care alone equals or exceeds the child support order. To quote one working mother, "The cost of child care is a killer." Yet requests for child and/or spousal support awards were seldom accompanied by clear or convincing proof of family expenses.

There was an uneven relationship between husband's and wife's post-divorce income, even after all income

transfers were subtracted or added. Fifty-five percent of the wives had "adjusted" annual incomes below \$20,000 compared to 24 percent of the husbands. Seventy-five percent of the husbands had incomes above \$20,000; 49 percent of them had post-divorce incomes of \$30,000 or more. While both parties were affected financially in the short term, it is clear that the relative impact was greater for the wife and children.

Because we more readily understand tangible assets than potential future income, it is easy to conclude that a 50-50 division of a couple's home, furniture, cars, and bank accounts fulfills equity between the spouses. However, it is clear from the adjusted post-divorce income figures that this "equality" structures different economic futures for wives and husbands after divorce. Most policy makers do not take into consideration all of the economic consequences of divorce and therefore have not recognized needed changes. The four specific policy changes that follow would help remove some of the inequities of the current laws and procedures.

1) Legislation is needed requiring judges to consider nonmonetary contributions to a marriage in the same manner as are the monetary contributions. The long-married homemaker, has assumed most of the "family" duties allowing the other spouse to develop earning potential. Rules are needed that redistribute post-divorce income

with the goal of providing the homemaker-spouse an adequate level of living. This would protect those spouses who have devoted most of their lives to home and children, and in so doing did not develop their own earning capacities.

2) Financial assistance is needed by custodial parents. Child support awards should provide for adequate housing and the other financial needs of the child. Support awards should include ways to adjust the support order as prices increase, as parents' incomes change, and the financial needs associated with raising children change. The in-kind contributions of homemaking and child care should be considered support by the custodial parent. Continued and enhanced efforts are needed to enforce the payment of child support.

3) Greater attention needs to be paid to the employment possibilities and compensation of divorced women. In the awarding of "rehabilitative alimony" there is rarely a realistic evaluation of the difficulties women have finding reasonable, fairly compensated employment, especially after an absence from the labor market. A greater expectation of self-sufficiency is expected from women after divorce, and the need for them to provide for themselves and their dependent children at a time when equality is lacking in employment opportunity, job preparation, and salaries. What is needed are spousal support awards that allow for career counseling and retrain-

ing following divorce.

4) Young women should be encouraged to explore a wide range of career options to avoid the trap of concentration in low paying, dead-end jobs. They should be well informed about the need for developing financial independence, not only in order to avoid the financial pitfalls often encountered in divorce, but to help move closer to the concept of marriage as a true partnership.

Recommendations for Further Study

Much, if not all, that we know about the economic consequences of divorce has been gathered from cross-sectional studies on urban populations. More information is needed on rural farm families. Case law (Hague-wood and Haguewood, 1981) suggests that farm families may have special considerations because the major asset is an ongoing business from which both parties receive financial security.

Little can be concluded with certainty about the long-term effects of divorce. With the exception of Wallerstein and Kelly's (1980) research on the effects of divorce on children, and the Panel Survey of Income Dynamics ten-year research project on five thousand American families, good longitudinal studies are almost nonexistent. Longitudinal studies on divorce would contribute necessary information.

It has been suggested that it costs more to raise a child in a one-parent family than an intact, two-parent family, partly because of the cost of child care and partly because of losses of economics of scale in smaller living units. Expenditure surveys of single-parent families are needed.

Any replication of this study would profit from recategorization of asset categories. "Tangible personal property" and "intangible personal property" were too inclusive to yield the most useful data. A better classification might be "consumer use assets" and "investment assets." In terms of post-divorce economic well-being, there is a difference between a consumer use asset such as a \$10,000 automobile which will depreciate and an investment asset such as \$10,000 worth of stock which may increase in value as well as produce income.

At the present time, the courts use, in large measure, valuation and allocation of assets to insure that each of the parties separate on an equitable a basis as is possible. Additional measures of future economic well-being are the ability to earn income, access to credit, and/or recent education/training. The importance of these factors needs to be investigated.

Federal laws that went into effect in October 1984 and October 1985, require all states to enforce child support payments both for parents with children on welfare and for families not on public assistance. Data

are needed on noncompliance before and after these laws became effective.

Most divorce studies utilize samples drawn from local populations. While such information is useful, the differences in state laws make generalizations to the population as a whole less useful. Replication of existing studies in states with other marital property laws is needed.

In future studies related to property settlements, inclusion of an "equity measure" from social exchange theory could be developed. A body of literature exists which tells us when individuals perceive themselves in a relationship with, and compare their outcomes with, others. Anecdotal data confirms that this relationship exists after divorce. In the future, it could be profitable to attempt to relate this to equity theory.

General systems theory could be useful in future studies on divorce. A family system changes, but does not end, when divorce occurs. Therefore, investigation of the changes in this system as well as on new and overlapping changes which are created by separated families should prove fruitful.

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APPENDICES

APPENDIX A
Introductory Letter

College of
Home Economics



Corvallis, Oregon 97331

(503) 754-3551

June /day/, 1983

/Name/
/Address/
/City, State Zip/

Dear /Lastname/:

Professionals interested in helping families when a divorce occurs know one of the most painful concerns is the division of possessions. Yet more information is needed to be really helpful to both families and the legal profession when they have to deal with these issues.

A randomly selected sample of individuals divorced in Benton County in 1982 are being asked to assist in a study on how their possessions were divided upon marital dissolution. This letter will be followed by a telephone call requesting an appointment to talk with you at your convenience. The interview can be done in your home or in our offices on campus, whichever is most convenient for you. The interview generally takes about forty-five minutes, possibly one hour.

Your interview will be strictly confidential. Information gathered in all of the interviews will be pooled and used to formulate general research findings. Yet your interview is a vital part of this research and there is no way we can substitute for the answers you can provide.

If you have any questions about the study, please do not hesitate to call. My phone number is 926-3788. If I am not in when you call, please leave a message at 754-4992 and your call will be returned.

Thank you for your courtesy and help.

Sincerely,

Graduate Student
Under the Supervision of

Associate Professor
Family Resource Management

APPENDIX B
Court Data Collection Form

APPENDIX C
Research Instrument

QUESTIONNAIRE

1. Was the divorce settlement decided by agreement between you and your former spouse, resolved by a judge, negotiated between attorneys, resolved through mediation, or another method?

- AGREEMENT BETWEEN SPOUSES.....1
- RESOLVED BY A JUDGE.....2
- NEGOTIATED BETWEEN ATTORNEYS.....3
- RESOLVED THROUGH MEDIATION.....4
- OTHER.....5

2. Were both you and your former spouse represented by an attorney?

- I WAS THE ONLY ONE REPRESENTED BY AN ATTORNEY.....1
- MY FORMER SPOUSE WAS THE ONLY ONE REPRESENTED BY AN ATTORNEY.....2
- WE BOTH USED THE SAME ATTORNEY.....3
- NEITHER ONE OF US USED AN ATTORNEY.....4
- OTHER.....5

3. Did you and/or your former spouse use a counselor or mediator to help with any of the financial decisions at the time of the divorce?

- YES, WE BOTH WENT TO THE SAME COUNSELOR/MEDIATOR.....1
- YES, WE BOTH WENT TO SEPARATE COUNSELORS/MEDIATORS.....2
- YES, I DID AND MY FORMER SPOUSE DID NOT.....3
- YES, MY FORMER SPOUSE DID AND I DID NOT.....4
- NO.....5

3a. When you were making the decisions on how to divide things, do you think your input related to those decisions and the input of your former spouse was equal, nearly equal, neither equal nor unequal, more unequal than equal or unequal?

- IT WAS EQUAL.....1
- IT WAS NEARLY EQUAL.....2
- IT WAS NEITHER EQUAL NOR UNEQUAL.....3
- IT WAS MORE UNEQUAL THAN EQUAL.....4
- IT WAS UNEQUAL.....5

4. At the time of the divorce, were you and your former spouse buying, or did you own, any of the following? (INTERVIEWER: HAND CARD A)

(INTERVIEWER; TURN TO THE FOLLOWING PAGES AND CIRCLE THOSE CATEGORIES THAT CORRESPOND TO THE ANSWERS FOR QUESTION 2)

	DK	NO	YES	COMMENTS
a. FAMILY HOME.....9.....2.....1				_____
b. OTHER REAL ESTATE.....9.....2.....1				_____
c. CAR(S).....9.....2.....1				_____
d. OTHER VEHICLES.....9.....2.....1				_____
e. FURNITURE/FURNISHINGS.....9.....2.....1				_____
f. BANK ACCOUNT(S).....9.....2.....1				_____
g. STOCKS/BONDS/INVESTMENTS.....9.....2.....1				_____
h. BUSINESS(ES)/PROF PRACTICE...9.....2.....1				_____
i. LIFE INSURANCE.....9.....2.....1				_____
j. PENSION(S).....9.....2.....1				_____
k. ANY OTHER ASSET.....9.....2.....1				_____

5. Was the FAMILY HOME awarded to you, your former spouse, or divided between both of you?

- YOU..... 1
- YOUR FORMER SPOUSE.....2
- DIVIDED.....3
- DK.....9

5a. HOW DIVIDED?.....
Present sale.....

5b. What was the approximate dollar value of your share?.....

5c. And your former spouse's share?.....
Future sale/judgement.....Who
How much

6. What total dollar value was assigned to the house?.....

7. How was the value for the house determined?.....

8. If the family home was not sold immediately, who is responsible for the mortgage, taxes, and repairs?

- I AM.....1
- MY FORMER SPOUSE IS.....2
- WE BOTH ARE.....3

9. Was the OTHER REAL ESTATE awarded to you, your former spouse, or divided between both of you?

- YOU.....1
- YOUR FORMER SPOUSE.....2
- DIVIDED.....3
- DK.....9

9a HOW DIVIDED?.....

9b. What was the approximate dollar value of your share?.....

9c. And your former spouse's share?.....

10. What total dollar value was assigned to the other real estate?.....

11. How was the value for the other real estate determined?...

12. At the time of the divorce, how many CARS, if any, did you and your spouse own or were buying?.....

12a. Was car 1 (or only car) awarded to you or to your former spouse?
YOU.....1
YOUR FORMER SPOUSE.....2
DK.....9

12b. What dollar value was assigned to .. this car?.....

12c. Was car 2 awarded to you or to your former spouse?
YOU.....1
YOUR FORMER SPOUSE.....2
DK.....9

12d. What dollar value was assigned to this car?.....

12e. Were any other cars awarded to you or to you former spouse?
YOU.....1
YOUR FORMER SPOUSE.....2
DK.....9

12f. What dollar value was assigned to these other cars?.....

13. How were the values for these cars determined?..

14. Were ANY OTHER VEHICLES such as boats, campers, motorcycles, etc. awarded to you or your former spouse or divided between both of you?

YOU.....1
YOUR FORMER SPOUSE.....2
DIVIDED.....3
DK.....9

14a. What was the approximate dollar value of the other vehicles awarded to you?.....

14b. And the approximate dollar value of the other vehicles awarded your former spouse?.....

15. What total dollar value was assigned to these other vehicles?.....

16. How were the values for these other vehicles determined?.....

17. Was the FURNITURE/FURNISHINGS awarded to you, your former spouse or was it divided between the both of you? This would include any china, crystal or silver.

- YOU.....1
- YOUR FORMER SPOUSE.....2
- DIVIDED.....3
- DK.....9

17a. What was the approximate dollar value of your share?.....

17b. And your former spouse's share?.....

18. What total dollar value was assigned to the furnishings?.....

19. How were the values for the furniture determined?.....

20. Was the BANK ACCOUNT(S) awarded to you, your former spouse or did you each receive a portion?

- YOU.....1
- YOUR FORMER SPOUSE.....2
- PORTION TO EACH.....3
- DK.....9

20a. What was the approximate dollar value of your share?.....

20b. And your former spouse's share?.....

21. What total dollar value was assigned to the bank account(s)?.....

22. How were the values for the bank accounts determined?.....

23. Were the STOCKS/BONDS/INVESTMENTS awarded to you, your former spouse, or were they divided between both of you?

- YOU.....1
- YOUR FORMER SPOUSE.....2
- DIVIDED.....3
- DK.....9

23a. What was the approximate dollar value of your share?.....

23b. And your former spouse's share?.....

25. What total dollar value was assigned to the stocks/bonds/and/or investments?.....

26. How were the values for the stocks/bonds/investments determined?.....

27. Was the BUSINESS(ES)/PROFESSIONAL PRACTICE awarded to you, your former spouse, or was it divided between both of you?

YOU.....1
 YOUR FORMER SPOUSE.....2
 DIVIDED.....3
 DK.....9

27a. What was the approximate dollar value of your share?.....

27b. And your former spouse's share?.....

28. What total dollar value was assigned to the business(es)/professional practice.....

29. How was the value for the business/prof practice determined?.....

30. At the time of the divorce, did you or your former spouse have any LIFE INSURANCE with a cash value?

	YES	NO	DK
YOU.....	1.....	2.....	9
YOUR FORMER SPOUSE.....	1.....	2.....	9

30a. What total dollar value was assigned to the life insurance?.....

31. How was the value for the life insurance determined?.....

32. At the time of the divorce, did you or your former spouse have a PENSION with a cash value?

	YES	NO	DK
YOU.....	1.....	2.....	9
YOUR FORMER SPOUSE.....	1.....	2.....	9

32a. What total dollar value was assigned to the pension?.....

33. How was the value for the pension determined?.....

34. Was the OTHER ASSET(S) awarded to you, to your former spouse or was it divided between both of you?

YOU.....1
 YOUR FORMER SPOUSE.....2
 DIVIDED.....3
 DK.....4

34a. What was the approximate dollar value of your share?.....

34b. And your former spouse's share?.....

35. How was the value for the other asset(s) determined?.....

36. If there was any difference in the values of the property awarded, was there a judgement assigned?

- YES.....1
- NO.....2
- DK.....9

36a. To whom was this judgement awarded?

- YOU.....1
- YOUR FORMER SPOUSE.....2
- DK.....9

37. What is the dollar value of the judgement?.....

38. How was the value of the judgement determined?.....

39. On a scale from one to 5, of all the personal and real property owned, or being purchased, by you and your former spouse at the time of the divorce; how much would you estimate you received as your share: all, more than half, about half, less than half, or none? (INTERVIEWER HAND CARD B)

- ALL.....1
- MORE THAN HALF.....2
- ABOUT HALF.....3
- LESS THAN HALF.....4
- NONE.....5
- DK.....9

40. In addition to their home mortgage, most families have some debts, such as car payments, store charge accounts, bank credit cards, loans and so forth. Who was made responsible for these debts in your case; all to you, all to your former spouse or were they divided?

- ALL TO ME.....1
- ALL TO FORMER SPOUSE.....2
- DIVIDED.....3
- DK.....9

41. What was the total dollar value assigned to these debts?.....

41a. What was the approximate dollar value of your share?.....

41b. And your former spouse's share?.....

42. Were any assets sold and the proceeds used to pay these debts?

- YES.....1
- NO.....2
- DK.....9

43. On a scale from one to 5, how satisfied are you with the division of property? Would you say you are very satisfied, somewhat satisfied, neither satisfied nor dissatisfied, somewhat dissatisfied, or very dissatisfied? (INTERVIEWER: SHOW CARD C)

VERY SATISFIED.....1
 SOMEWHAT SATISFIED.....2
 NEITHER SATISFIED NOR DISSATISFIED.....3
 SOMEWHAT DISSATISFIED.....4
 VERY DISSATISFIED.....5
 DK.....9

44. On a scale from 1 to 5, do you think your economic situation now, as compared to before the divorce, is better, somewhat better, about the same, somewhat worse, or worse? (INTERVIEWER: HAND CARD D)

BETTER.....1
 SOMEWHAT BETTER.....2
 ABOUT THE SAME.....3
 SOMEWHAT WORSE.....4
 WORSE.....5
 DK.....9

44a. Why would you say it is (better) (somewhat better) (about the same) (somewhat worse) (worse)?

45. Were any children born or adopted by you and your former spouse during the time of this marriage?

YES.....1
NO.....2

45a. Who are the children now living with? Mo Fa 3rd Party

45b. Who is supposed to pay support? Mo Fa Neither

45c. How much is supposed to be paid per child each month?.....

45d. Since the divorce has child support been paid regularly, sometimes, rarely or never?

REGULARLY.....1
SOMETIMES.....2
RARELY.....3
NEVER.....4

45e. Has the custodial parent used outside help such as an attorney or the Department of Human Resources to collect child support?

YES.....1
NO.....2

46. Are the child/ren's custody arrangements in place now spelled out in the final decree or are they informal?

SPELLED OUT IN DECREE.....1
INFORMAL.....2
OTHER (SPECIFY).....3

47. Was spousal support or alimony awarded to you or to your former spouse?
 YES, TO ME.....1
 YES, TO FORMER SPOUSE.....2
 NO.....3
- 47a. What amount of spousal support is supposed to be paid each month?..... _____
- 47b. How long is spousal support supposed to be paid? (INTERVIEWER: MARK YEARS OR MONTHS. IF SUPPORT DECREASES OVER TIME, WRITE IN LENGTH OF TIME BY EACH AMOUNT)..... _____
- 47c. Since the divorce, has alimony or spousal support been paid regularly, sometimes, rarely or never?
 REGULARLY.....1
 SOMETIMES.....2
 RARELY.....3
 NEVER.....4
- 47d. Has outside help such as an attorney or the district attorney's office been used to collect spousal support or alimony?
 YES.....1
 NO.....2
48. On a scale from 1 to 5, who would you say wanted the divorce most at the beginning? (INTERVIEWER: HAND CARD E)
 WIFE MOST.....1
 WIFE SOMEWHAT.....2
 MUTUAL.....3
 HUSBAND SOMEWHAT.....4
 HUSBAND MOST.....5
49. On the same 5-point scale, who would you say wanted the divorce most at the end? (INTERVIEWER: HAND CARD E)
 WIFE MOST.....1
 WIFE SOMEWHAT.....2
 MUTUAL.....3
 HUSBAND SOMEWHAT.....4
 HUSBAND MOST.....5
50. How many months before the final court decree were you and your former spouse physically separated?..... _____

51. On a scale from 1 to 5, do you think your personal emotional situation now, as compared to before the divorce, is better, somewhat better, about the same, somewhat worse, or worse? (INTERVIEWER: HAND CARD D)

BETTER.....1
 SOMEWHAT BETTER.....2
 ABOUT THE SAME.....3
 SOMEWHAT WORSE.....4
 WORSE.....5

51a. Why would you say it is (better) (somewhat better) (about the same) (somewhat worse) (worse)?

52. Was your physical health, or your former spouse's physical health an issue in financial decisions at the time of the divorce?"

YES, MY HEALTH.....1
 YES, MY FORMER SPOUSE'S HEALTH.....2
 NO, PHYSICAL HEALTH NOT AN ISSUE.....3

53. What is the highest level of education you have completed? (INTERVIEWER: HAND CARD F)

- NO FORMAL EDUCATION.....1
- GRADE SCHOOL.....2
- SOME HIGH SCHOOL.....3
- HIGH SCHOOL GRADUATE.....4
- TRADE SCHOOL/BEYOND HIGH SCHOOL.....5
- SOME COLLEGE.....6
- COLLEGE GRADUATE.....7
- SOME GRADUATE WORK.....8
- A GRADUATE DEGREE.....9

54. What is the highest level of education your former spouse has completed? (INT: HAND CARD F)

- NO FORMAL EDUCATION.....1
- GRADE SCHOOL.....2
- SOME HIGH SCHOOL.....3
- HIGH SCHOOL GRADUATE.....4
- TRADE SCHOOL/BEYOND HIGH SCHOOL.....5
- SOME COLLEGE.....6
- COLLEGE GRADUATE.....7
- SOME GRADUATE WORK.....8
- A GRADUATE DEGREE.....9

55. During the marriage did you ever have a paid job outside the home?

- YES.....1
- NO.....2

55a. Was this part time or full time employment? FULL PART

55b. How many years/months of the marriage did you work at paid employment outside the home?.....

56. At the time of the divorce were you working at paid employment outside the home?

- YES.....1
- NO.....2

56a. What type of job was this?

JOB.....
INDUSTRY.....

56b. Which of the following categories best describes your total monthly wages (before taxes) at the time of the divorce? (INT: HAND CARD G) Call your answer by letter, please.

- a. \$300 TO \$599.....1
- b. \$600 TO \$899.....2
- c. \$900 TO \$1,099.....3
- d. \$1,100 TO \$1,399.....4
- e. \$1,400 TO \$1,699.....5
- f. \$1,700 TO \$1,999.....6
- g. \$2,000 TO \$2,299.....7
- h. \$2,300 OR MORE.....8
- i. DK.....9

57. During the marriage did your former spouse have a paid job outside the home?
 YES.....1
 NO.....2

57a. Was this full time or part time employment? FULL PART

58. How many years/months of the marriage did your former spouse work at paid employment outside the home?.....

59. At the time of the divorce was your former spouse working at paid employment outside the home?

YES..... 1
 NO.....2

59a. What type of job was this?

JOB.....
 INDUSTRY.....

59b. Which of the following categories best describes your former spouse's total monthly wages (before taxes) at the time of the divorce? (INT: HAND CARD E) Call your answer by letter, please.

a. \$300 TO \$599.....1
 b. \$600 TO \$899.....2
 c. \$900 TO \$1,099.....3
 d. \$1,100 TO \$1,399.....4
 e. \$1,400 TO \$1,699.....5
 f. \$1,700 TO \$1,999.....6
 g. \$2,000 TO \$2,299.....7
 h. \$2,300 OR MORE.....8
 i. DK.....9

60. What was your annual total household income (before taxes) the last year you and your former spouse were together? (INT: HAND CARD H)

a. LESS THAN \$5000.....1
 b. \$5000 TO \$9,999.....2
 c. \$10,000 TO \$14,999.....3
 d. \$15,000 TO \$19,999.....4
 e. \$20,000 TO \$24,999.....5
 f. \$25,000 TO \$29,999.....6
 g. \$30,000 TO \$39,999.....7
 h. \$40,000 TO \$49,999.....8
 i. \$50,000 OR MORE.....9

61. From which of these categories was the largest source of your income? Call your answer by letter, please (INT: HAND CARD I)

a. YOUR EARNED SALARY.....1
 b. YOUR SPOUSE'S EARNED SALARY.....2
 c. WELFARE/AFDC/UNEMPLOYMENT.....3
 d. RETIREMENT BENEFITS/SOCIAL SECURITY.....4
 e. INVESTMENTS/BUSINESS.....5
 f. OTHER (SPECIFY).....6

62. Are you presently working at paid employment outside the home?
 YES.....1
 NO.....2
- 62a. What type of job is this?
 JOB.....
 INDUSTRY.....
63. What is your annual total household income before taxes now? Call your answer by letter, please. (INTERVIEWER: HAND CARD G)
- a. LESS THAN \$5,000.....1
 - b. \$5,000 TO \$9,999.....2
 - c. \$10,000 TO \$14,999.....3
 - d. \$15,000 TO \$19,999.....4
 - e. \$20,000 TO \$24,999.....5
 - f. \$25,000 TO \$29,999.....6
 - g. \$30,000 TO \$39,999.....7
 - h. \$40,000 TO \$49,999.....8
 - i. \$50,000 OR MORE.....9
64. Do you, or does anyone in your household, receive income from any of the following sources? Call your answer by letter, please. (INTERVIEWER: HAND CARD I)
- a. YOUR EARNED SALARY.....1
 - b. IF REMARRIED, YOUR SPOUSE'S EARNED SALARY...2
 - c. WELFARE/AFDC/UNEMPLOYMENT.....3
 - d. RETIREMENT BENEFITS/SOCIAL SECURITY.....4
 - e. ALIMONY/CHILD SUPPORT.....5
 - f. INVESTMENTS/BUSINESS.....6
 - g. OTHER (SPECIFY).....9
65. From which of these categories is the largest source of your income? Call your answer by letter please. (INTERVIEWER, HAND CARD G)
- a. YOUR EARNED SALARY.....1
 - b. IF REMARRIED, YOUR SPOUSE'S EARNED SALARY...2
 - c. WELFARE/AFDC/UNEMPLOYMENT.....3
 - d. RETIREMENT BENEFITS/SOCIAL SECURITY.....4
 - e. ALIMONY/CHILD SUPPORT.....5
 - f. INVESTMENTS/BUSINESS.....6
 - g. OTHER (SPECIFY).....9
66. When you reach retirement age, how likely are you to have your own pension benefits?
- VERY LIKELY.....1
 - NOT VERY LIKELY.....2
 - DK.....9
67. When you reach retirement age how likely are you to have your own social security benefits?
- VERY LIKELY.....1
 - NOT VERY LIKELY.....2
 - DK.....9

68. When you reach retirement age, how likely are you to have social security benefits based on your former spouse's work history?

VERY LIKELY.....1
NOT VERY LIKELY.....2
DK.....9

69. What would you say was the most difficult thing for you about the divorce?

70. Is there anything else you would like to say about the divorce or this interview?

71. (INTERVIEWER: IS THE RESPONDENT MALE OR FEMALE?)

MALE.....1
FEMALE.....2