



NATIONAL COMMISSION ON THE OBSERVANCE OF
INTERNATIONAL WOMEN'S YEAR

Office of Public Information
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• In some States, a widow loses all right to any share of the family estate if her husband leaves her out of his will.

• Elsewhere, the woman whose husband unmercifully beats her probably will find she can't count on police or courts for help.

• In Louisiana, a husband controls his wife's earnings.

• In practically all States, women have no way to enforce support laws when husbands refuse to take financial responsibility for their families. Contrary to myth, American divorce settlements are meager.

Such serious legal shortcomings are identified in a series of 51 booklets exploring the legal status of homemakers in each State and in the District of Columbia. The International Women's Year Commission, sponsor of the state-by-state studies, today announced the completion of the series. (Postpaid copies may be ordered for \$1.25 each from the Superintendent of Documents, U.S. Government Printing Office, Washington, D. C. 20402.)

-More-

The laws discussed apply equally to women employed outside the home and in most cases to men; however, the laws' harshest impact is on the homemaker not working for pay, and the studies were written from her point of view. Authors were attorneys practicing or teaching in each State.

The IWY Commission, sponsor of the series, will also conduct the Federally-funded National Women's Conference November 18-21 in Houston, Texas.

The studies were requested by the IWY Homemaker committee, chaired by former Congresswoman Martha Griffiths. Mrs. Griffiths has said that homemaker rights under State laws are concrete evidence of the value society places on the homemaker role. "If our daughters...cannot expect that their work in the home will be recognized as of equal value and deserving equal dignity with that of the spouse who works outside the home, the institution of the family and our society will suffer."

The homemaker studies have been released separately during the 16 months between June 1976 until October 1977, and they are based on the laws in effect on the date of issue.

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Likewise, a Georgia husband can completely disinherit his wife; however a court may, on her petition, grant her one year's support, to be paid by his estate.

Children in Alabama rank above their mother in inheriting real estate and personal property from their father if there is no will. A husband, on the other hand, has much greater priority in inheriting from his wife. The majority of States will require division of the estate among children, parents, grandchildren, brothers and sisters, nephews and nieces, -- in addition to the spouse -- if there is no will.

In Louisiana, a wife cannot receive her husband's half of community property even if he wishes to will it to her. If the husband has children or living parents, these surviving relatives are "forced heirs," and they must receive a share of the husband's estate regardless of provisions in a will.

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Vermont courts may prevent a woman from breaking her husband's will. The court has no right to prevent such action when the surviving spouse is male.

Under South Carolina law, a married man who owns only personal property (bonds, stocks, cash) can make a valid will leaving his wife nothing. He can leave up to one fourth of his property and an unlimited amount of life insurance to his mistress or illegitimate children.

Where there is no will, the wife in South Carolina may forfeit her "dower rights" and her part of her husband's estate if she is guilty of "misconduct." There is no similar provision depriving a man of his wife's property if he "misbehaves."

On the positive side, a surviving spouse in Arizona, California, Idaho, Nevada, and Washington inherits all the community property when there is no will; in Arizona, the surviving spouse inherits separate property as well.

PROPERTY RIGHTS

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can choose, abandon, and sell homesteads at will without the wife's consent, since State law presumes that all personal property including household furnishings belongs to him.

To protect her personal property from sale by her husband without her consent, or from seizures by his creditors, a married woman in Arkansas must file a schedule of her separate property with the county recorder. If she does not, she must prove that she bought the property with her separate money. No such burden is ever placed on the husband.

In Louisiana, the husband has the power to sell and mortgage community property, including the home, without consent or knowledge of the wife. In West Virginia, the courts have decided that when a wife earns money working in her husband's business, those earnings belong to the husband. If a Maine couple jointly run a business, the profits belong to the husband.

SUPPORT

The nationwide homemaker survey reveals that the right to support is a myth. A husband's legal duty to support his wife is not enforceable. Few States will interfere in an ongoing marriage to ensure support for a wife and children. Generally, courts will become involved in "support" cases

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Ultimately, courts will become involved in "support" cases

only when the marriage has ended by separation or divorce.

In three States, judges cannot award alimony: Pennsylvania, Texas, and Indiana. A divorced wife is completely dependent on the good will and decency of her former husband.

In most States, courts generally do not award alimony; in fact, only 14 per cent of divorced wives in America are ever awarded alimony. In 90 per cent of the divorce cases that come before the Iowa courts, no alimony is awarded.

Alimony is very difficult to collect even when awarded; fewer than half of the awards are collected regularly.

In many States, (for example, the District of Columbia, Virginia, and Louisiana) a wife may not receive alimony if she is at fault. However, a husband is not penalized for being at fault.

In 1973, 83 per cent of all Iowa child support payments were between \$10 and \$20 per week; in 20 per cent of the cases involving children, no child support of any kind was awarded. Such meager or non-existent awards are typical, according to the State studies.

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A study in Jefferson County, Alabama, showed court-ordered child support falls far below welfare assistance available to dependent children. The average amount of support ordered for a woman and two children was \$80 monthly; whereas, a woman with children on AFDC would receive cash and services worth \$300 per month, plus free medical care. The welfare payments are, of course, more dependable and regular than court-ordered support.

In a number of States, including Florida, Georgia, New York, Pennsylvania, Rhode Island, South Carolina, Virginia and Utah, the court cannot divide property titled in the husband's name even if the wife's money contributed to the purchase. In many States where the judge can divide the property, there is no requirement that a spouse's contribution as homemaker be taken into account in dividing the property.

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Alaska law does not provide for temporary alimony pending divorce, so that a wife with no independent resources cannot seek a divorce unless she can go on welfare.

Women face other inequities in divorce proceedings:

In Kansas, Texas, and Washington State, a woman who co-signs for a debt with her husband is liable to the creditor, even if a divorce decree orders the husband to pay the debt.

RAPE AND ABUSE

Women are protected from rape by their husbands in only six States: Iowa, Wisconsin, Michigan, Minnesota, Ohio, and Pennsylvania. However, laws in five of these States specify that parties must be living apart.

Iowa is the only State to allow a wife to charge her husband with rape regardless of his domicile. She may bring charges if he forces sexual intercourse through injury or threat with a weapon.

The State studies show a pattern of inaction by officials who do not regard abuse of a wife as seriously as they regard violence against any other person. Such rulings reflect the old idea that a wife is her husband's property, and he has a right to sexual relations with her, even if he must use force.

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In Utah, for example, laws against assault are systematically not enforced when violated in a family context. Courts and police officials do not want to interfere in what they call "family disputes," "family quarrels," "personal matters," or "domestic squabbles."

Wife beating in Delaware is referred to the family court where these cases are considered only third degree assault, (legally, the least serious type of assault) no matter how extensive the injuries.

The indifference of officials to assault against women by their husbands is evident in Alaska where an accused wife beater is likely to be released quickly on \$25 bond. The sentence for a convicted wife beater is usually a fine of \$25-50, which may be suspended. In Alaska, the average total time spent by police in Alaska on wife-beating complaints is 17 minutes.

In New Hampshire, the penalties for wife beating or simple assault range from a verbal warning to a small fine.

In Nevada, police do not arrest a wife abuser unless the battering is severe enough to charge the husband with a felony, (assault with a deadly weapon). In Virginia, Montana, the District of Columbia, and many other States, a married woman may not sue her husband for physically abusing her.

In Pennsylvania, a recent court decision held that a wife who has been beaten by her husband cannot sue him for medical expenses required to treat her injuries.

In South Carolina, it is well known that the amount and time for divorce, and such things that the physical cruelty endangers her life and also that she did not provide the spouse, South Carolina courts instruct the wife that she has the obligation to be tolerant, within reason, of her husband's shortcomings.

In Texas, a conviction depends on proof of "substantial physical injury" to the wife. In New York, isolated cases of wife abuse are not grounds for divorce, evidence of a pattern of violence or a "concerted course of conduct" by the husband against the wife must be shown. In Oregon, police departments view domestic violence statistically and hesitate to appear on the scene unless a divorce proceeding has begun and a restraining order has been secured.

PROBLEMS RELATED TO ABILITY

In Alaska, a man who finds his wife in the act of adultery and immediately kills her is not guilty of murder (conspicuous by death or life imprisonment) but of manslaughter only (punishable by one to ten years imprisonment). There is no such defense for a woman who murders her husband under similar circumstances.

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This double standard in the law is also evident in Vermont, where the husband who is granted a divorce because of the wife's adultery may be awarded property that is owned separately in the wife's name. But an adulterous husband can't be deprived of his separate property.

In South Carolina a woman is absolutely denied alimony if she is found guilty of adultery.

-More-

(see attached box
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WILLIAMSON
 COOK

SOME STATE LAWS WITH ASPECTS THAT ARE FAIR TO HOMEMAKERS

Arizona, California, Idaho, New Mexico and Washington --

In these "community property" States women have always been considered to own half the property acquired during marriage, but until recent revisions in the law in these States, the husband was the "manager" and generally could dispose of or mortgage community property without his wife's consent.

Montana- Lawmakers passed comprehensive legislation in 1975 to implement the equal rights provision in the new State Constitution. The new legislation explicitly recognizes the economic worth of the homemaker and it reads:

"Duties of husband and wife as to support:

Insofar as each is able, the husband and wife shall support each other out of their property and labor. As used in this section, the word "support" includes the nonmonetary support provided by a spouse as homemaker."

The new legislation also provides a more effective means of collecting child support, and allows a woman to choose her legal residence.

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Nebraska-Courts dividing property at divorce must consider each party's contributions to the care and education of the children, and the interruption of other careers.

Texas - A share of a husband's retirement benefits, including any to be received in the future, may be awarded to a wife in a divorce settlement.

Alaska, New Mexico and Washington-

Some jurisdictions have informally adopted a child support schedule pegged to the net salary of the parent who works for pay; for example, a person making \$900 a month in King County, Washington, would pay \$315 per month for two children, \$378 for three. The schedules provide for modifying the amount because of other considerations. The New Mexico and Washington schedules are more liberal than the Alaska schedule.

New York-This State, while among the worst in many respects, has a new strict disclosure law requiring that both parties in a divorce case disclose their full assets.

Pennsylvania - This State, also among the worst for homemakers, recently enacted a Protection from Abuse Statute, which allows an abused wife to seek a temporary court order requiring her husband to leave the family home.

Wisconsin - The legislature has just passed, as a result of a long and intensive effort by a women's coalition, a greatly improved divorce bill. The statement of intent includes the following sentences:

"It is the intent of the legislature that a spouse who has been handicapped socially or economically by his or her contributions to a marriage shall be compensated for such contributions at the termination of the marriage, insofar as this is possible, and may receive additional education where necessary to permit the spouse to become self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage. It is further the intent of the legislature that the standard of living of any minor children of the parties be maintained at the level the children would have enjoyed had the marriage not ended, so

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