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The logo for The Centre for Social Justice, featuring the text "THE CENTRE FOR SOCIAL JUSTICE" in white, uppercase letters on a dark red background.

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**PRESS RELEASE FROM THE CENTRE FOR SOCIAL JUSTICE  
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## **NEW REPORT CALLS FOR LEGAL CHANGES TO STRENGTHEN MARRIAGE AND COMBAT FAMILY BREAKDOWN**

A radical overhaul of family law aimed at strengthening marriage and reducing family breakdown is signalled today by a new report from the think-tank set up by the former Conservative leader Iain Duncan Smith.

Among the proposals under consideration are making pre-nuptial agreements legally binding, official backing for marriage preparation classes, reviewing divorce procedures and changes aimed at creating greater consistency in financial settlements on divorce. It says that the legally questionable status of pre-nuptial agreements at present may deter couples from marrying, especially the wealthy.

The creation of family relationship centres, along the lines of the Australian system, to smooth the path for separating or divorcing couples and their children is also floated in the report from the Centre for Social Justice. New rights for grandparents to remain in contact with children after a parental divorce and better access to children for absent fathers are also foreshadowed.

But the report is sceptical of measures to give cohabiting couples legal rights similar to those of married couples, suggesting such a step would fuel family breakdown.

The report, *The Family Law Review* of the Centre for Social Justice, is an interim study, and the proposals trailed will be finalised in a second report to be published in the spring of next year.

Mr Duncan Smith said that the report was timely given public concern over the Baby P case and others such as Karen Matthews, who has seven children by five different fathers. He said that such cases were "shining the spotlight" on the chaotic nature of family life in the poorest parts of Britain, which has virtually the highest level of family breakdown in Europe.

Mr Duncan Smith said: "Today 25 per cent of children in this country live in single parent families and this trend is set to accelerate. These children are three to six times more likely to experience abuse. A recent US study found that children living

with a non-biological adult are 50 times more likely to die from afflicted injuries than those living with their biological parents."

Despite its interim nature, the report gives a strong indication of the CSJ's thinking and says that only changes that will reinforce marriage should be adopted. It restates the mounting body of evidence showing that marriage produces better outcomes for both adults and children.

The report says: "This review is working from an underlying assumption that marriage should be supported both in government policy and in the law and that, related to this, fatherlessness (or motherlessness), far more likely when relationships are informal, should be avoided..."

"Policy can and should be focused on stemming the tide of relationship breakdown. Promoting stability and commitment will thus guide all the work we do and the policies we recommend..."

"Marriage also acts as a stabiliser and a signal. Married couples are far less likely to break up than couples who live together without getting married. This is true even when allowance is made for the influence of such factors as income, age and education. The correlation between stability and marriage is strong and widely acknowledged amongst experts."

The report links rising levels of family breakdown to the increase in cohabitation. This has risen from just over 10 per cent of men and women 20 years ago to 25 per cent now. This change explains much of the rise in births outside marriage – up from 25 per cent in 1988 to 44 per cent today.

It cites research showing that cohabiting couples with children are much less likely to go on and marry than childless cohabiting couples and that they are far more likely to break up. Only 35 per cent of children born into a cohabiting union will live with both parents throughout their childhood, compared with 70 per cent born to married couples.

The average length of a marriage is 11.5 years compared with just two years for a live-in relationship.

The report casts doubt on a call from the Law Commission for cohabiting couples to be given a legal right to a financial settlement on separation.

"While doing much to address perceived injustices, these proposals are obviously not compatible with a long-term national policy aimed at improving family stability by encouraging marriage and discouraging markedly more unstable cohabitation."

The report signals policy recommendations to come in the final report of the review group, which is chaired by Dr Samantha Callan, honorary research fellow at Edinburgh University. Areas to be covered include:

\* The role of the law as a potentially stabilising factor in relationships and particularly marriage.

\* The merits of proposals to make 'pre-nuptial' written agreements about the distribution of money and property legally binding, for those who wish to use them.

\* The extent to which Government should seek to support people's efforts to 'pre-qualify' themselves for entrance into marriage, and in particular, visit the effectiveness of relationship and marriage preparation classes and the possible role that churches and voluntary organizations could contribute to their provision.

\* Financial distribution after divorce in terms of its potentially destabilizing effects and whether a 'low cost of divorcing', if it pertains in reality, has caused undesirable changes and removed significant incentives to work at a marriage.

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