

DIVORCE AND ANNULMENT
IN SAN MATEO COUNTY, CALIFORNIA
1950 – 1957

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This dissertation investigates dissolution in San Mateo County, California, from 1950-1957 using trial records associated with cases of divorce and annulment.

Quantitative data included details regarding court submissions as well as court-ordered and private resolutions of issues involving the distribution of marital property, child custody, and post-marital financial support.

Divorce seekers in this sample conformed to the collusive model of the divorce trial: wives were plaintiffs in 87% of cases and the grounds for divorce were extreme cruelty in 95% of cases. Approximately 30% of the defendants answered the complaint with a denial of the alleged ground for divorce. Defendants in 75% of the cases in which a denial was filed also waived notice of the time and place of trial and written findings of fact and conclusions of law, which suggests that the dissolution trial was, in effect, uncontested.

The prevalence of settlement agreements in the sample truncated court involvement in dissolution. Approximately 72% of divorcing couples entered into either formal or informal settlement agreements that resolved property distribution, child custody, and post-marital financial support issues. Mothers of minor children overwhelmingly received custody of minor children whether by court order or pursuant to a settlement agreement. However, wives received a greater share of the marital property when the court distributed the property when compared to cases where the divorcing spouses entered into a settlement contract. Moreover, mothers received larger child support payments under settlement contracts as opposed to court orders. Combining these findings suggests that mothers obtained custody of children and higher child support payments in exchange for a reduced share of marital property pursuant to the terms of private settlement agreements.

The dissertation concludes that the combination of collusion in the courtroom and private settlement agreements allowed dissolution seekers to keep many marital details private. The courtroom proceeding in cases of dissolution represented the public affirmation of a private agreement. Marriage was a contract, but, for many, divorce had become a contract as well.

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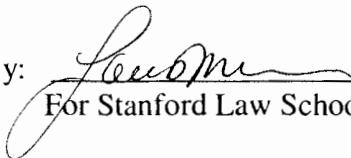
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