

day period, <sup>the</sup> ~~one or both~~ <sup>or one of them,</sup> parties moves that the marriage be dissolved, the court shall find that the marriage has irretrievably broken down and shall enter its order dissolving the marriage.

COMMENT to section 9. This section expressly forbids the court to refuse to dissolve a marriage if one or both parties desire that it shall end following the 90 day waiting period. It is an effective answer to those critics who object that judges will simply rely upon their own prejudices in deciding whether to allow divorces under the breakdown standard. It is also a candid recognition that courts cannot, by denying divorces, force persons to live together. It is identical to the proposal made by the California Commission on the Family.

Section 10. All orders of the [ ] court dissolving a marriage shall be effective when entered.

COMMENT to section 10. This section will abolish the interlocutory period in those states which still retain such a period.

Section 11. If the court finds that the marriage has irretrievably broken down, it may upon request of both parties, order their legal separation rather than the dissolution of their marriage. The granting of such an order shall not prevent either spouse from subsequently filing a new petition of inquiry as provided in section 4.