

In a Changing America, New Legal Definitions of the Family

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As a growing number of unmarried couples claim legal rights, governments, courts and private employers are struggling to decide how to define a family.

Late last month, the San Francisco Board of Supervisors approved a law that would allow unmarried partners, both heterosexual and homosexual, to register their relationships with the city, in much the same way that a couple applies for a marriage license.

This law makes San Francisco the first city to grant legal recognition to unmarried partners.

Less certain is whether the city will follow the board's recommendation that unmarried city employees be allowed to extend their health benefits to their partners, an issue that has taken on great importance because of the AIDS epidemic.

Such a policy is already in effect in Berkeley.

In March the Los Angeles City Council passed a law that gives unmarried city employees sick leave to care for a partner and bereavement leave benefits if they have filed a "domestic partnership" affidavit. But the recognition of unmarried couples does not extend to people who do not work for the city.

In New York, the state's highest court is now deciding whether the surviving partner of a 10-year gay relationship can be considered a family member and keep the lease to an apartment under rent-control guidelines.

In 1988, 27 percent, or 24.6 million, of the country's 91.1 million households fit the traditional definition of a family — two parents living with children. In 1970, the proportion was 40 percent. "The structure of the family has changed quite a bit since the stereotype of 'Leave It to Beaver' days," said Michael Woo, a Los Angeles city council member who introduced the measure.

The issue not only affects unmarried couples but also handicapped, elderly and other single people living in group homes.

Some groups oppose tinkering with the definition of the family, arguing that the effort is not a reaction to a changed environment but an attempt to promote a new social agenda.

"When government begins to legally recognize other kinds of relationships, it educates the citizenry," said Gary L. Bauer, the former Reagan administration domestic affairs adviser who is now president of the Family Research Council, a conservative research group in Washington. "It says — particularly to the young — that this is a way of living that our society feels to be just as acceptable as married couples."

Redefining the family is not only a gay rights issue. The New York Court of Appeals recently ruled in a case involving four former mental patients who were living with a family in Brookhaven on Long Island.

The town fined the family for having too many unrelated people living in a house zoned for single-family use, but the court ruled that for zoning purposes the group

was the "functional equivalent" of a family.

Still, in most places, gay rights organizations are leading the push for changes in government regulations defining a family. "That is almost a matter of necessity since there is no identified constituency of unmarried heterosexual couples," said Shelly F. Cohen of the Mayor's Lesbian-Gay Task Force in Seattle, where a law similar to the one in Los Angeles was recently proposed.

Although cities are free to extend family benefits to their unmarried employees, they are prohibited by federal law from requiring that private companies do the same. But some experts believe that broader changes are likely.

"There is a trend toward defining family by functions rather than by structure," said Thomas F. Coleman, a member of the California State Task Force on the Changing Family, which was established in 1987 by the Legislature to make recommendations on social, economic and demographic trends.

The panel said those functions include: maintaining physical health and safety of members, providing conditions for emotional growth, helping to shape a "belief system," and encouraging shared responsibility.

The private sector has not been immune from pressures to extend the definition of family. The San Francisco Chamber of Commerce has put together a task force to survey its members on policies about unrelated people living together.