



Family Therapy Letter

Monthly reports for professionals helping families.

Vol. 1, No. 3
August 1989

Family Law

Definition of Family Expands, Cheering Family Specialists

Family specialists expressed approval this month when the New York Court of Appeals expanded the legal definition of family to include non-traditional relationships, ruling that a gay couple who had lived together for a decade could be considered a family under New York's rent control regulations.

Tom Coleman, co-director of the Family Diversity Project in Los Angeles, wrote a friend-of-the-court brief on behalf of the Family Services of America and its 290 member agencies, to be filed in the case of Miguel Braschi, the Manhattan homosexual in danger of eviction from an apartment he shared with Leslie Blanchard until Blanchard's death in 1986.

Coleman said the brief urged the court to adopt a "functional approach" to identifying a family instead of the more structural form it was accustomed to.

Judge Vito J. Titone did just that, Coleman said, by ruling that factors to be considered in determining what relationships constitute a family include the "exclusivity and longevity of a relationship; the "level of emotional and financial commitment" the parties have made; the "manner in which the parties have held themselves up to society"; and, "the reliance placed upon one another for daily family services."

This conception is more in line with the definition encouraged by the Family Services of America, Coleman said, which holds that people who live together as a family and identify themselves as a family should be treated as a family.

Dr. Stanley Gale of the Brown University Department of Psychiatry and Human Behavior said, however, that the community of treatment professionals has always accepted a "family" as that which described itself as such.

"The family therapist has always considered the family to be any group that lives together" and identifies as a family, said Gale. "The legal definition has no effect on the

family other than dealing with money or property."

But Coleman said the implications of the court's decision go much further than just the legal and economical ramifications; they extend far into the emotional reaches of those who live in nontraditional families for whatever reasons.

"We seek approval," Coleman said. "What the therapist sees (from the lack of legal recognition of nontraditional lifestyles as family) are those who have maybe lived together for years but are now going through a separation and find that the courts treat them as strangers because the relationship wasn't legalized. That's the kind of discrimination that shows up in the therapist's office."

"This is especially important to gays because they don't have the option of legitimizing their relationship through marriage."

Coleman says the recent decision will reduce social discrimination as well. "The moral suasion of the law changes attitudes" and that spills over into the social context, he said.

There has always been a gap between "our outdated policies and how people are actually living," said Coleman. "A lot of the policies are still based on the mythical Ozzie and Harriet model, when in reality, maybe 15 to 20 percent of the families consist of that model."

There are many different family forms now, he said, from parent-child relationships between parties not biologically related to spousal relationships between homosexuals. "There are 1,300 stepfamilies formed in the United States every day, a significant family form. There are foster families, a small percentage but performing a vital function."

"Interracial marriages have skyrocketed. Between the 1970's and 1980 the numbers doubled. There are interfaith marriages, single parent households, unmarried couples living together for many reasons, including financial. Thirty percent of today's households are one person homes and that figure is rising. What counts, Coleman said, is the reality of the way you are living, not whether you are married."