

A family-law attorney in Birmingham, Michigan, Richard S. Victor has spent much of his professional life fighting for the rights of one of America's most quietly disenfranchised groups. He sketches a typical scenario:

A woman marries a divorced man who has custody of his children. They live together as a stepfamily—in what is increasingly the new nuclear family in America. Then, years later, the biological father and the stepmother divorce.

"The stepmother, who often has been the major maternal influence in the new household, may be entitled to half the interest in their house," Victor says, "but may not have any legal rights to custody of or visitation with the children."

When the children they live with need emergency medical care or are having trouble in school, stepparents are not necessarily legally entitled to authorize such care or even examine educational records. In some cases, custodial stepparents have been unable even to pick up children at airports because they do not share the same last name as the stepchild.

Those difficulties and the denial of visitation and custody rights to stepparents make stepparents' rights a growth area of family law. Furthermore: 35 percent of children under age 18 in this country now live in "step" relationships.

Twenty percent of those children also are expected to suffer through a second divorce.

Stepparents are often "strangers in the eyes of the law," says Thomas F. Coleman, an attorney who has led the fight in California for recognition of non-traditional families, including unmarried couples and gay and lesbian partners. Coleman calls stepparents "the pivotal family minority."

According to the New York-based Stepfamily Foundation, about 1,300 new stepfamilies are formed daily in the United States. About 70 million people are now in step relationships (the foundation's count includes people who live together). One in every three children live in some form of step relationship, the foundation says. Within the next ten years there will be more stepfamilies than original or nuclear families.

Even so, stepparents have little legal recognition. At the state level, where family law is established, only California, Kansas, Oregon, Tennessee, Virginia and Wisconsin have approved laws giving stepparents visitation rights to children. Appellate courts in eight other states—Pennsylvania, Connecticut, New Jersey, Oklahoma, Kentucky, Florida, Indiana and Ohio—have awarded stepparents varying degrees of visitation rights.

Victor prefers legislative action. "Court decisions are subject to interpretation and to change," he says. "With legislation, a clear message is being sent."

Lawyers and other experts recommend these steps for stepparents:

● **Prenuptial agreements.** Potential stepparents should insist on a contract that specifies their rights and responsibilities toward the children in custody of their partner. Included in these agreements, lawyers say, can be questions about income and support for the children and, if the relationship eventually fails, visitation rights for the stepparent.

"It is a good idea to have these rights and obligations spelled out," says Cecile C. Weich, a family-law attorney in New York City. "This way everybody knows what they are getting into."

● **Medical authorization.** About two-thirds of hospitals will refuse to allow a stepparent to authorize emergency medical care. But the problem can be avoided if parents fill out a limited power of attorney giving the stepparent this authority.

To help those parents who are unable to afford an attorney, Victor has a free form available that can be used in virtually all the states. Request the form and send a self-addressed, stamped envelope to Richard S. Victor, 555 S. Woodward Ave., Suite 600, Birmingham, MI 48009.

—Philip S. Gutis

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STEPFAMILIES AT A GLANCE

- More than 70 million Americans are currently involved in step relationships, whether remarried, dating, living with a partner or as an absent biological parent.
- Thirty-five percent of American children now live in step relationships (child and parent with a partner who is not the child's biological parent); many children live in double step relationships (both parents are involved in a step relationship).
- This year more people will be part of a second marriage than a first.
- Eighty-four percent, or four in every five divorced men, and 75 percent, or three in four divorced women, remarry within four years; 60 percent have children.

Latest Statistics from the Stepfamily Foundation.

