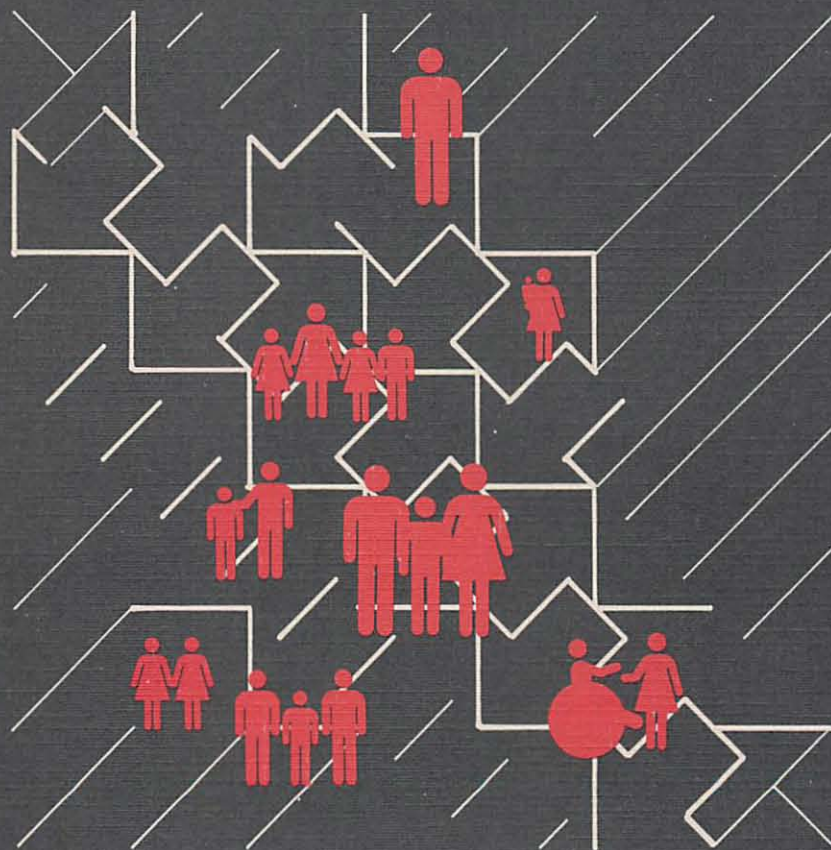


Task Force on Family Diversity

City of Los Angeles



Final Report

*“Strengthening Families:
A Model for Community Action”*

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LOS ANGELES CITY TASK FORCE ON FAMILY DIVERSITY

May 19, 1988

The Honorable Michael Woo
Member, Los Angeles City Council;

The Honorable Tom Bradley
Mayor, City of Los Angeles;

The Honorable John Ferraro
President, Los Angeles City Council,
and Members of the City Council;

The People of the City of Los Angeles:

It is with pleasure that the thirty-seven members of the Los Angeles City Task Force on Family Diversity hereby submit our Final Report and recommendations.

When we began this project some two years ago, it quickly became obvious that a study of the strengths and weaknesses of contemporary family life in Los Angeles would be an enormous undertaking. We therefore organized ourselves into specific research teams, each focusing on selected family demographics, populations, topics, and problems. As part of our mandate, our research included an examination of families that have not traditionally had the benefit of public study and documentation.

Through our public hearings, we gathered information from a variety of witnesses — advocates, academics, service providers, and legal experts, as well as individuals who related personal experiences that helped illuminate problems in a very vivid way.

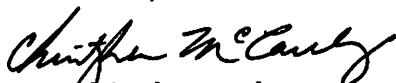
Although not encompassing every conceivable family issue, our Final Report includes analyses of a number of critical problems that vex contemporary families — available and affordable housing, transportation, affordable insurance, child care, family violence and abuse, quality education, and issues related to employment opportunity and economic well-being.

Throughout this project we have attempted to recognize ways in which public policy may not be consistent with the reality of how we live. Where we have uncovered legal, institutional, or practical burdens imposed upon family life as a matter of public policy, we have suggested remedies. Where we have found programs or policies supporting family life, we have specifically commended them.

During the course of its study, the Task Force discovered that “family” is a very broad and expansive concept, which is capable of encompassing a wide variety of committed relationships. This conceptual flexibility is consistent with local family demographics. The City of Los Angeles is undeniably rich in family diversity.

We appreciate the opportunity to have served the people of Los Angeles. We have learned enormously from everyone who participated in this project and we sincerely hope that all families will benefit from our findings and recommendations.

Sincerely,


Christopher McCauley
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THE EPISCOPAL DIOCESE OF LOS ANGELES

*ORGANIZATIONAL BENEFACTORS **

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* The support of these individuals and organizations does not necessarily constitute their endorsement of every recommendation of the Task Force.

PLACING THIS REPORT IN CONTEXT

The historical significance of this Report is a reflection of both the importance of the subject matter and the methodology used in the Report's preparation. The study underlying the Report was based on the recognition of the human diversity that is found in Los Angeles and the many ways in which that diversity is manifested in society's most fundamental institution, the family.

Recognizing human diversity is very different from making judgments about it. The Task Force did not engage in the endless academic debate over the relative merits of different lifestyles, personalities, relationships, or types of family structures. Instead, the Task Force focused on the importance of learning to live together and work together constructively to solve problems. In a world that mass communications and close urban living have made so small, alienating judgments do not better the quality of life for anyone.

It would be arrogant for us — as only a part of the whole of society — to assume that every other part should be just like us. The truth is that every part is not the same. Society is a rich and magnificent cornucopia of unique and diverse people and relationships. We often celebrate the most unique, the individual whose creative genius has given us art, has propelled science, has made a difference in history; every day we reap the benefits of our human diversity. The work of the Task Force was, thus, premised on the human resource — in all its diversity — being our city's most valuable asset.

The recognition of the value of diversity is deeply rooted in our nation's history and philosophical origins. Pluralism has created for us a strong society, and respect for human diversity is a continuing prerequisite to our tapping the full potential of our vast reservoir of human talent.

The Task Force found that human diversity is nurtured and protected by the relationships and families that are formed by individuals. Family, then, in all of *its* diversity, can be seen as a protective structure, not in competition with, but supportive of, the individual.

Because of the important role of the family in the socialization process and the support structure it provides for individuals, Councilman Woo stated in the Task Force's mandate:

Government should encourage the formation and development of family relationships and should not foster discrimination against families; nor should it tolerate unfair private discrimination against families.

The councilman specifically asked that the Task Force examine and document the nature and extent of the family diversity in Los Angeles and investigate any evident problems experienced by families; in other words, the Task Force was asked to find out what obstacles prevent families from fulfilling their important functions in society.

The mandate dictated the approach of the Task Force. This study did not emanate from bureaucrats and government officials based on ideology. Rather, it was generated from the bottom up, citizens coming together and hearing from other citizens at the local level.

We hope people in government as well as the People of the City of Los Angeles will find this Report useful. We also encourage other municipalities to use this project as a model for similar studies at the local level, the level closest to the lives of the People.

—Jay M. Kohorn
Report Consultant

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PREFACE

Organization of the Report

The organization of this report reflects its philosophical underpinnings. Rather than a narrow treatise of what "should be," the report is based on the assumption that problems can best be addressed only after a thorough acknowledgment and understanding of what "actually is."

The study of family lends itself particularly well to both approaches. An ideological approach could be used because of the historical connection between the family and the teachings of major religious institutions. A practical approach is an equally viable alternative because a wide variety of families are affected by very real, and sometimes overwhelming, problems. This report adopts the latter approach because it is consistent with the purposes of the Task Force: first, to examine; second, to educate; and finally, to bring intelligence, imagination and commitment together into the arena of actual problem-solving.

The report begins with a list of recommendations made by the Task Force concerning ways in which elected officials, public agencies, and private organizations can help improve the quality of life for Los Angeles families. The recommendations are not necessarily listed in any particular order of priority.

Before concentrating on specific concerns of families in the City of Los Angeles, the report examines family issues and demographics from a national, state, and county perspective. This section of the report reviews recent studies concerning families in the United States, California, and Los Angeles County, thus setting a larger factual context in which local concerns are subsequently examined.

The report then focuses on broader issues involving law and public policy. Building on the overview presented in previous sections, the section dealing with public policy and the definition of family reviews court cases, legislation, and administrative decisions which have defined "family" in a wide variety of factual contexts.

The bulk of the report is devoted to issues specifically concerning families residing in the City of Los Angeles. First, this section examines the general nature of the city's family and household demographics. Next, it focuses on critical problems that are the *common* concern of local families, especially in such areas as housing, insurance, employment, crime, violence, education and schools. Finally, some important concerns of *particular* family populations are examined.

Appended to the report is the mandate of the Task Force, followed by tables which are designed to assist the reader to use Task Force documents in a practical manner. The tables include: (1) the tables of contents of three other documents published by the Task Force; and (2) Table of Recommendations; listing recommendations according to the agency authorized to implement them.

Method of Study

Mandate

When he convened the Task Force on Family Diversity on April 9, 1986, Los Angeles City Councilmember Michael Woo, then Chair of the Intergovernmental Relations Committee of the Los Angeles City Council, set

forth reasons for this project as well as the principles that would guide and direct it:¹

(1) the family as an institution plays an important role in the development of our city, state, and nation;

(2) "family" is a broad and expansive concept, capable of encompassing a wide range of committed relationships;

(3) the formation of family relationships is encompassed in the exercise of every person's inalienable rights to life, liberty and pursuit of happiness;

(4) our city is rich in diversity, both individual and family;

(5) government should encourage the formation and development of family relationships;

(6) government itself should not foster discrimination against families, nor should it tolerate unfair private discrimination against families;

(7) government authority to remedy family problems is vested in various levels and branches of government; and

(8) the City of Los Angeles and its affiliated political entities should adopt reasonable measures to address the legitimate needs of families.

Based on these observations and principles, the Task Force was given a mandate to:

study the nature and extent of family diversity in the City of Los Angeles and investigate any evident problems experienced by variable family groups, such as single-parent families, unmarried couples, immigrant families, gay or lesbian couples, or families with senior or disabled members, and,

issue a final report documenting its findings, noting demographic and legal trends, and making recommendations for legislative, administrative, educational, or other appropriate actions that should be undertaken within the public or private sectors to address the special problems of families in Los Angeles.

Members

The Task Force consists of 37 members who work and/or reside within the City of Los Angeles. The membership is remarkably diverse; members come from a broad range of professional backgrounds, live in a wide variety of family relationships, and reflect a full spectrum of interests and communities. Represented professions and fields of endeavor include education, law, psychology, sociology, politics, religion, labor, civil rights advocacy, personnel administration, social work, business, media, child care services, consumer affairs, public transportation, insurance, and housing.

Public Hearings

The Task Force conducted four public hearings between January 1987 and April 1987. More than 50 witnesses provided testimony and information

on a wide range of topics, assisting the Task Force in documenting issues and suggesting ways to improve the quality of life for Los Angeles families.²

Witnesses included educators, service providers, advocates, and members of families who testified from academic, practical, legal, and experiential perspectives.

Research

At its second meeting, the Task Force created several research teams, each focusing on a specific subject-matter area.³ After approximately 12 months of research, the teams submitted topical reports to the Task Force for its review.⁴ The Task Force then considered the findings and recommendations made by the teams, adopting many of them for inclusion in this report.

In addition, law students from the University of Southern California Law Center; sociology students from the California State University-Northridge, and psychology students from the California School of Professional Psychology examined specific topics and submitted a number of research papers⁵, which were utilized by the research teams described above.

Two city employees — a deputy legislative analyst and a deputy city attorney — also assisted the Task Force in conducting its research.

Finally, the Special Consultant to the Task Force supervised law student researchers, assisted research teams, and conducted independent research which was submitted to the Task Force for its consideration.

Preface: Notes

1. The full text of the Councilman Woo's mandate to the Task Force on Family Diversity is found in "Appendix E."
2. The testimony is contained in a "Transcript of Public Hearings," published by the Task Force under separate cover.
3. These research teams included:
 - Education/Counseling of Youth and Parents;
 - Public Policy and the Definition of Family;
 - Family and Household Demographics;
 - Runaways and Homeless Youth;
 - Gay and Lesbian Couples;
 - Insurance Discrimination;
 - Immigrant Families;
 - Child Care Issues;
 - Employee Benefits;
 - Disability Issues;
 - Family Violence;
 - Housing Issues;
 - Seniors' Issues; and
 - Media Issues.
4. Reports of Research Teams are contained in "Supplement - Part One," a document published by the Task Force under separate cover.
5. Many of the student research papers are contained in "Supplement - Part Two," published by the Task Force under separate cover.

SUMMARY OF RECOMMENDATIONS

The following is a summary of recommendations adopted by the Task Force on Family Diversity.

AMERICAN FAMILIES

1. The Task Force recommends that a White House Conference on Families be convened by the next President of the United States. The procedures employed, both in selecting delegates and in conducting the conference, should be similar to those used during the 1980 White House Conference on Families. The conference should be announced in 1990, with three regional conferences conducted in the summer of 1991. Along with findings and recommendations, a final report should incorporate pertinent family and household demographics which emerge from the 1990 Census. The report should be issued to the President, Congress, and the American people by December 1991, thus providing a sound factual basis for policies and programs affecting American families during this century's remaining decade.

2. The Task Force recommends that a National Conference on Family Diversity be held in Los Angeles in 1990, hosted by the City of Los Angeles. The Mayor and the City Council should invite the National Conference of Mayors and the National League of Cities to co-sponsor the conference. The conference would provide an opportunity for chief executives, administrators, and lawmakers from cities across the nation to share ideas and develop strategies — from a municipal perspective — in a responsible effort to meet the challenges posed by ever-changing family demographics and concerns.

3. The Task Force recommends that the United States Conference of Mayors sponsor a "Family Diversity Forum" at its next annual meeting. The Conference should encourage mayors across the country to convene family diversity task forces to study changing family demographics and to make recommendations to local government on ways to help improve the quality of life for families in their own jurisdictions.

4. The Task Force recommends that the National League of Cities sponsor a "Family Diversity Forum" at its next annual meeting. The League should encourage participating cities to develop mechanisms to review changing family trends and issues.

CALIFORNIA FAMILIES

5. The Task Force recommends that the Legislature's Joint Select Task Force on the Changing Family review this report and its recommendations prior to issuing its own report to the Legislature in November 1988.

6. The Task Force recommends that the Legislative Policy Statements of the City of Los Angeles be amended. Since 90% of single-parent families are headed by women, it would be appropriate for the city's "Policy Statement on Women's Issues" to include a section addressing the needs of single-parent families. The Commission on the Status of Women could assist the city in implementing this recommendation.

7. The Task Force recommends that the Los Angeles City Commission on the Status of Women review the Final Report of the California State Senate Task Force on Family Equity, and the legislative proposals

arising out of that report. Based on this data, the Women's Commission may wish to propose additional legislative policy statements involving judicial education, community property, child support, spousal support, and mediation.

8. The Task Force recommends that the California League of Cities sponsor a "Family Diversity Forum" at its next annual meeting and encourage its members and participants to create appropriate mechanisms in their own jurisdictions to study changing family demographics and issues.

FAMILIES OF LOS ANGELES COUNTY

9. The Task Force recommends that the Los Angeles County Board of Supervisors establish a County Task Force on Family Diversity to study the problems experienced by contemporary families in the county and to recommend ways in which family-related county programs can better serve the needs of Los Angeles families. A two-year task force of this nature could synthesize information available from county agencies and commissions, hold public hearings, solicit advice from professionals in public and private sector agencies serving local families, and issue a comprehensive report to assist the Board of Supervisors and county departments to meet the challenges posed by changing family demographics and family structures.

10. The Task Force recommends that the Los Angeles County Commission on AIDS continually study the impact of AIDS on family relationships for the purpose of recommending ways in which public and private sector agencies could better assist spouses, lifemates, parents, siblings, and other immediate family members of people with AIDS in coping with the myriad of problems caused by the disease.

PUBLIC POLICY AND THE DEFINITION OF FAMILY

11. The Task Force recommends that the City Council develop a comprehensive family policy for the City of Los Angeles. A family policy would set standards to assist the Chief Legislative Analyst, Council members, and other city officials, in assessing proposed legislation.

12. The Task Force recommends that lawmakers, such as the City Council and the state Legislature, and those with responsibility for drafting and analyzing proposed legislation, such as the Chief Legislative Analyst and City Attorney at the local level and the Legislative Counsel at the state level, should be sensitive to the fact that "family" now is a term of art, capable of many variable definitions. When the term family is used in proposed legislation, the Task Force encourages such officials to consider relevant definitional options and to favor inclusive rather than exclusive terminology.

CITY OF LOS ANGELES: FAMILY DEMOGRAPHICS

13. The Task Force recommends that the Department of City Planning examine the origin of the estimate of undocumented/uncounted residents and reexamine the assumptions behind it, for the purpose of arriving at a more reliable estimate.

14. The Task Force recommends that the City Council retain the services of an authoritative research organization to assist the city in

arriving at a reliable estimate of the number of lesbian and gay adults residing in Los Angeles. Confidential research methodologies should respect the privacy, and guarantee the anonymity, of any residents who participate in the study.

CITY OF LOS ANGELES: HOUSING AND HOMELESSNESS

Homeless Adults and Families

15. To prevent displacement of individuals and families, the Task Force recommends that the city require full replacement of low-income housing units scheduled to be removed from the total housing stock before demolition of the units, rather than mere partial replacement after demolition, as is now often the case.

16. To protect the homeless from crime, and to protect businesses and residents from criminals posing as homeless persons, the Task Force recommends that the Los Angeles Police Department develop a greater and highly visible police presence in areas that attract large homeless populations, especially downtown Los Angeles and the Venice area.

17. To decrease discord and waste of resources caused by inter-governmental lawsuits, and to increase cooperation on the homelessness issue, the Task Force recommends that a City-County Task Force on the Homeless be created. A 25 member Task Force could include 15 members appointed by the County Board of Supervisors (3 members per Supervisor), 5 appointed by the Mayor and 5 by the President of the City Council. Members of the Task Force should include corporate and religious leaders, developers, builders, and city planners, social service providers, and advocates for the homeless. The City-County Task Force should monitor the implementation of A.B. 1733, develop plans for a Housing Clearinghouse that would assist in matching homeless families with affordable housing, and recommend ways in which the city and the county can effectively deal with the problems of the homeless, including support of private shelters for homeless individuals and families.

Homeless Youth

18. The Task Force recommends that the Mayor and the City Council support the development of other programs based on the model of the Homeless Youth Project of Children's Hospital.

19. Because various agencies have overlapping responsibilities in dealing with runaways and other homeless youth in the City of Los Angeles, the Task Force recommends that an Inter-Agency Task Force on Homeless Youth be created. Membership on the Task Force should include representatives from public agencies, such as the Los Angeles Police Department, Los Angeles County Sheriff's Department, Los Angeles Juvenile Court, Department of Public Social Services, Los Angeles Unified School District, City Attorney, District Attorney, and private agencies, such as the Los Angeles Youth Network, the Gay and Lesbian Community Services Center, and the Coordinating Council for Homeless Youth. The Inter-Agency Task Force should develop ways to implement recommendations adopted by the Family Diversity Task Force Team on Runaways and Homeless Youth, especially those dealing with emergency shelter and services, eligibility for relief and social services, access to school programs, and coordinated services.

20. The Task Force recommends that the Mayor and the City Council develop a publicly-funded van service between social and medical support services utilized by homeless youth and families.

Adequate and Affordable Housing

21. The Task Force recommends that the city's Housing Coordinator create a Task Force on Adequate and Affordable Housing. The first job of the Task Force should be to begin development of a policy for the city on affordable family housing. In addition, the Task Force should: (a) recommend ways to stimulate the production of more three and four-bedroom units in the city, (b) review the city's ability to discourage rental policies that charge additional fees for additional persons once a basic rent has been established for a unit, and (c) identify areas of gentrification and develop plans to maintain housing for low-income and large families presently living in those areas.

22. The Task Force recommends that the City Council and the Mayor support the establishment of local non-profit housing organizations.

Housing Discrimination

23. The Task Force recommends that Councilman Michael Woo ask the City Attorney for an opinion regarding the legality of the one-person-per-bedroom rule imposed by many landlords. If the rule is illegal, the City Attorney should advise local apartment-owner associations of this. If the practice is not illegal under existing law, the Council should amend the law.

24. The Task Force recommends that the City Attorney enforce existing fair housing laws against shelters for the homeless that won't accept pregnant women. If rejection of pregnant women is not presently illegal, the law should be amended.

25. Since housing discrimination persists, the Task Force recommends that the City Attorney and the city's Housing Coordinator cooperate with the Fair Housing Councils to develop a plan to deter landlords from engaging in unfair housing practices and to educate families of their housing rights.

26. The Task Force recommends that the Department of Building and Safety stop issuing high density variances to builders of apartment buildings without including disability accessibility requirements. If necessary, the City Attorney should take appropriate steps to stop the misuse of high density variances to avoid accessibility laws.

CITY OF LOS ANGELES: INSURANCE

27. The Task Force recommends that the City of Los Angeles adopt a legislative policy statement on insurance to guide its legislative program in Sacramento and Washington, D.C. The policy should: support the repeal of current state and federal exemptions of the insurance industry from antitrust laws; oppose "redlining" practices; support the adoption of a "flex rating" system of prior approval for property and casualty insurance; and support the creation of an insurance consumer advocate's office within the California Department of Justice.

28. The Task Force recommends that the Mayor and the City Council support a 1988 insurance reform ballot initiative containing strong provisions on rate regulation, antitrust protections, consumer advocacy, and conflict of interest. The measures which most closely would meet these goals are those proposed by either the Insurance Consumers Action Network (ICAN) or access to justice (voter's revolt).

29. The Task Force recommends that the state Insurance Commissioner declare various practices against unmarried couples to be "unfair practices," including the refusal to issue a joint renter's or homeowner's policy to an unmarried couple living together in a jointly owned or jointly rented residence, the denial of discounts to unmarried couples while granting such discounts to married couples, and the refusal to allow a life insurance applicant to name a non-spousal lifemate as a beneficiary.

30. The Task Force recommends that the Mayor and the City Council communicate to the state Insurance Commissioner their concern about lifestyle discrimination by insurance companies, asking the Commissioner to outlaw lifestyle discrimination as an unfair business practice.

31. The Task Force recommends that the Insurance Commissioner routinely refer complaints of lifestyle discrimination to other agencies with possible jurisdiction. If the Commissioner receives a complaint of lifestyle discrimination from an insurance consumer and declines to take action, the letter of complaint should be forwarded to the Attorney General for possible relief under the Unruh Act. Such referrals will enable the Attorney General to determine if a discriminatory pattern or practice exists. The Attorney General can then either take direct action or refer the matter to the appropriate district attorney or city attorney.

32. The Task Force recommends that the Los Angeles City Attorney specifically request that the state Insurance Commissioner forward to the City Attorney copies of lifestyle discrimination complaints involving transactions occurring in the City of Los Angeles. This will enable the City Attorney to determine if unfair business practices are occurring in the city so that such patterns and practices can be enjoined.

33. The Task Force recommends that the City Attorney convene an Insurance Task Force on Lifestyle Discrimination. Representatives of the Attorney General's Office, the Insurance Commissioner's Office, the state Department of Fair Employment and Housing, civil rights groups, consumer protection groups, and the insurance industry should be invited to participate on the Task Force. The purpose of the Insurance Task Force would be to make recommendations to improve the manner in which lifestyle discrimination is handled by state and local agencies with apparent jurisdiction over arbitrary or unfair business practices.

CITY OF LOS ANGELES: CHILD CARE

34. The Task Force recommends that the city's new Child Care Policy be amended as follows: first, all employers located in the city should be required to adopt a stated policy on child care; second, vendors bidding for city contracts should be given preference only if they actually offer child care assistance. As amended, the new policy should be vigorously implemented.

35. The Task Force recommends that the city's legislative policy

statements be amended to include support for: the Family and Medical Leave Act pending in Congress, the passage of legislation in Sacramento that would extend parental leave for newborns to working fathers as well as working mothers, and state legislation providing cost of living allowances to child-care workers. The city also should oppose legislation to relax educational requirements for state Department of Education Children's Center employees.

Availability of Child Care

36. The Task Force recommends that the City of Los Angeles become a model employer by providing substantive child care assistance for the bulk of its workforce.

37. To allow more parents to provide care for their own children and lessen their dependency on child care services, the Task Force recommends that the city allow workers more flexibility in their work schedules.

38. As a means of creating more child care spaces in the city, the Task Force recommends that the City Council adopt the Bradley-Picus proposal to give bonuses to developers who set aside space for child care centers in proposed new buildings.

Quality of Child Care

39. The Task Force recommends that the City Council direct the new Child Care Coordinator and the Child Care Advisory Board to evaluate Community Development Department (CDD) funded child care programs to assess the effectiveness of their delivery systems.

40. The Task Force recommends that the City of Los Angeles increase funding for Community Development Department (CDD) supported programs for the purpose of increasing wages and/or improving benefit packages for child care workers.

Affordability of Child Care

41. The Task Force recommends that child care benefits be included in any cafeteria style benefit program adopted by the city.

42. The Task Force recommends that the city's new Child Care Coordinator keep the City Council and the Mayor informed of pending state and federal legislation that will help make child care more affordable for lower and middle-income families.

CITY OF LOS ANGELES: FAMILY VIOLENCE AND ABUSE

Child Abuse

43. The Task Force recommends that the City Council and the Mayor immediately review and approve the establishment of a three-year CAPE Pilot Project (CPP) in the Valley Bureau of the Los Angeles Police Department. During the third year of operation the effectiveness of the Pilot Project should be evaluated with a view toward expanding the CAPE (Child Abuse Prevention and Education) Pilot Project city-wide.

Partner Abuse

44. The Task Force recommends that the City Attorney convene a one-year Task Force on Gay and Lesbian Family Violence, comprised of police personnel, city prosecutors, community agencies, shelter staff, and representatives from the lesbian and gay community, to examine the problem of gay and lesbian partner battery, to assess the needs that exist, and to make specific recommendations to improve the way in which domestic violence programs and services in the city handle same-sex partner abuse.

45. The Task Force recommends that the City Council and the Mayor urge the California Legislature to extend the protections afforded to victims of opposite-sex battery under Penal Code Section 273.5 to include victims of same-sex domestic violence as well.

Recent Immigrant Families

46. The Task Force recommends that the Los Angeles Police Commission adopt a policy requiring the police department to provide victims of domestic violence with materials in multiple languages; that representatives of immigrant communities be solicited for input on content and format of such materials; and that such materials explicitly state that the police will not report to the Immigration and Naturalization Service the names of either the victims or batterers.

47. The Task Force recommends that the city Attorney establish a one-year Task Force on Immigrant Family Violence, consisting of local police officers, city prosecutors, service providers and organizations representing Latino and Asian/Pacific immigrant communities, to study the needs of immigrants for education and services relating to child abuse and partner abuse, and to make specific recommendations to the city regarding culturally-relevant, multilingual education and intervention programs.

Elder Abuse

48. The Task Force recommends that the Department on Aging convene an ongoing interagency Task Force on Elder Abuse, to include representatives from the Department on Aging, the City Attorney's Office, the Los Angeles Police Department, the County Adult Protective Services, the County District Attorney's Office, the County Department of Mental Health, as well as three seniors' rights advocates, to build upon the 1986 County Task Force Report on Elder Abuse, and to develop further recommendations: to develop the role of the Department of Aging in coordinating intergovernmental services dealing with elder abuse; to examine the feasibility of training specialists on elder abuse within the domestic Violence Units of the police department and the City Attorney's Office; to evaluate current record-keeping, tracking, and referral systems of city and county agencies with jurisdiction over elder abuse; and to make other recommendations to improve municipal programs and services for victims of elder abuse.

49. The Task Force recommends that, as a two-year pilot project, the City Attorney implement an Elder Abuse Deferred Prosecution Program.

CITY OF LOS ANGELES: EDUCATION AND SCHOOLS

Curricula: Family Life Education

50. The Task Force recommends that the Board of Education of the

Los Angeles Unified School District examine the manner in which homosexuality is presently treated by the curriculum, with a view toward establishing clearer and more explicit goals and learning objectives about this topic. For example, more emphasis might be placed on the inappropriateness of prejudice and discrimination against people with a minority sexual orientation.

51. The Task Force recommends that additional resources be committed to the family life training program so that its completion can be accelerated. In addition, the expertise of gay and lesbian educators and other professionals should be used in appropriate parts of the training, which has not been the case so far.

52. The Task Force recommends that each junior high school and each high school in the district develop a peer education and counseling program as a component of their family life education classes.

53. The Task Force recommends that throughout the 1988-89 and 1989-90 school years, the school district sponsor seminars and other educational forums on the subject of AIDS, utilizing films, print media, and public speakers, so that within the next two years all administrators, teachers, counselors, students and parents in the district have heard the essential facts about AIDS, including the modes of its transmission and the means of its prevention.

Curricula: Suicide Prevention

54. The Task Force recommends that the Los Angeles Unified School District immediately implement all components of the model curriculum on youth suicide prevention — including teacher training, instruction and counseling of students, and parent awareness meetings — on a district-wide basis.

Curricula: Prejudice, Violence, and Human Rights

55. The Task Force recommends that the Superintendent of the Los Angeles Unified School District and the members of the Los Angeles Board of Education take steps to incorporate the new Model Curriculum on Human Rights and Genocide effectively into the district's history and social studies classes.

56. The Task Force recommends that the State Superintendent of Public Instruction direct both the Intergroup Relations Office and the School Climate Unit of the State Department of Education, in consultation with experts on this subject, to incorporate the issue of homophobia into their programs.

57. The Task Force recommends that the American Jewish Committee and the Los Angeles Unified School District find ways to expand Hands Across the Campus beyond the racial-ethnic-religious model so that students also learn about oppression based on disability prejudice, "homophobia," and sexism.

58. The Task Force recommends that the following actions be taken to deal with the problems of name calling and bullying:

a. The State Superintendent of Public Instruction should adopt a statewide anti-slur policy and disseminate that policy to every school district throughout the state.

b. The State Department of Education should sponsor a statewide practicum for educators, counselors, and teachers on

schoolyard bullying to develop specific suggestions on dealing with this problem in California schools.

c. The Superintendent of the Los Angeles Unified School District should establish a "Code of Student Behavior" which, consistent with First Amendment principles, contains policies against harassment which often takes the form of bullying, as well as racial, ethnic, religious, or sexual slurs. The code should mention specific remedial and/or punitive consequences for such harassment.

d. Each teacher in the Los Angeles Unified School District should conduct a classroom exercise for establishing rules of acceptable classroom behavior. Students themselves could help determine the roots of intolerance and prejudice in name calling, and should be advised of the specific remedial and/or punitive consequences of verbal harassment.

Programs: Teen Pregnancy and Parenting

59. The Task Force recommends that the Board of Education for the Los Angeles Unified School District urge the Legislature and the Superintendent of Public Instruction to provide more funds for on-site child care facilities at high schools, in order to facilitate better parenting education for teen parents and to provide essential health care to their infants.

60. The Task Force recommends that the Los Angeles City Council direct the city's Community Development Department to give high priority in awarding grants to off-site student child care facilities such as that operated by the Salvation Army's Hope Infant Center at Booth Memorial Hospital.

61. The Task Force recommends that the district's Board of Education adopt goals and timetables to establish school-based clinics on each high school campus.

62. The Task Force recommends that the district's School Board initiate a teen father program using the Lawndale Youth and Family Center as a model.

Programs: Gay and Lesbian Youth

63. The Task Force recommends that the State Superintendent of Public Instruction and the Los Angeles Unified School District Board of Education implement the recommendations made five years ago by the Privacy Commission with respect to nondiscrimination on the basis of sexual orientation in the employment of teachers and other school personnel.

64. The Task Force recommends that a seminar on homosexuality be offered for staff members employed at the school-based clinics.

65. The Task Force recommends that the Superintendent of the Los Angeles Unified School District convene a committee of administrators, counselors, teachers, and student body leaders to develop plans to implement the following recommendations:

a. The district should institute Adult Education classes on homosexuality.

b. The district should review literature in school libraries to ensure that each school library contains sensitive relevant books, articles, and brochures on gay and lesbian issues.

c. The district should publish a directory listing social service agencies and other resources related to gay and lesbian issues which are available to teachers, counselors, students and parents.

d. The district should expand Project 10 so that specialized education and counseling services are available to gay and lesbian teens on every high school campus in the district.

Programs: Youth Gangs

66. The Task Force recommends that the Los Angeles Unified School District Board of Education create a three-year Commission on Youth Gangs. The Commission should be adequately funded and staffed. Its members should include representatives from United Way, Community Youth Gang Services, Boy Scouts of America, Project Heavy, the Chamber of Commerce, the Los Angeles Police Department, the City Attorney's Office, as well as teachers, school counselors, and athletic coaches. The Youth Gang Commission should conduct public hearings and develop a long-term strategy for reducing or eliminating the effect of youth gangs on the city's schools. It should also develop a district-wide anti-gang and anti-drug curricula which should be implemented in every school.

67. The Task Force recommends that the Mayor and the City Council create a permanent Commission on Street Gang Violence. There are now over 5,000 major felonies in the City every year that are related to gang violence. The Task Force strongly asserts that failure to address this critical issue immediately, in the strongest and most serious terms, may result in life becoming unsafe for anyone in any part of the city in the near future.

CITY OF LOS ANGELES: FAMILIES WITH ELDERS

68. The Task Force recommends that the city's Commission on the Status of Women review what city officials and agencies can do, directly or indirectly, to improve the quality of life of older women, especially in the areas of pay equity, divorce law reform, respite care, housing, and access to health care. Although the city may have limited jurisdiction to take direct action in these areas, it certainly can urge county, state, and federal officials and agencies to implement necessary reforms, such as:

a. Hiring older women in government positions;

b. Instituting pay equity at all levels of government employment;

c. Reforming divorce laws to equalize the post-divorce economic disparity between the parties; and

d. Promoting the development of affordable housing for older women.

69. The Task Force recommends that the City of Los Angeles sponsor a Foster Grandparent Program. The Intergovernmental Rela-

tions Committee of the City Council could initiate a proposal whereby the city and the county could jointly sponsor a Foster Grandparent Program. However, if joint sponsorship with the county cannot be accomplished in an expeditious manner, the Council and the Mayor should approve a city sponsored Foster Grandparent Program to be implemented no later than the 1989-1990 budget year.

70. The Task Force recommends that the City of Los Angeles create a time-limited Joint Task Force on Intergenerational Child Care. This should be a joint venture of the city's new Child Care Coordinator, the director of the city's Department of Aging, and the Superintendent of the Los Angeles Unified School District. These officials should convene such a task force by October, 1988. The task force should explore ways to promote intergenerational involvement in the delivery of day care services to school-age children in the City of Los Angeles. Within one year after it is convened, the task force should issue a report recommending ways to expand the participation of seniors in current day care programs. The report should also explore the possibility of developing intergenerational day care programs, such as those operating in New York City, which combine on-site child care programs with adult day care programs.

71. The Task Force recommends that the city's Department of Aging assess the need for, and help develop and implement, programs that would provide temporary respite for individuals caring for older adults. Specifically, the Task Force recommends:

(a) The Department of Aging identify existing respite programs currently operating in the city which are of high quality and which address the needs of caregivers.

(b) The department, in conjunction with senior multipurpose centers, should promote existing and develop new support groups for caregivers. These groups provide information on specific conditions and illnesses, and community resources, while serving as a forum for sharing feelings with others similarly situated.

(c) The department should develop and distribute training guides in several languages for volunteer and paid respite care workers.

(d) The department should sponsor or develop public service announcements (PSAs) to publicize respite services in the city. These PSAs should be formulated in several languages and be placed to reach various cultural and ethnic groups in the city.

(e) The department should work with the County of Los Angeles in supporting and implementing the county's Master Plan for Respite Care Services.

72. The Task Force recommends that the City Council:

(a) Establish an ombudsman's office for seniors' grievances regarding housing matters.

(b) Adopt an ordinance prohibiting landlords from increasing rents when a senior previously living alone shares his or her apartment with a roommate, unless the existing rent payment includes utilities other than water.

(c) Create a time-limited Interagency Task Force on Seniors' Housing Issues, comprised of staff members from the Department of Aging, Community Development Department's Home Program, Rent Stabilization Board, City Housing Authority, and one representative from each multipurpose center in the city, for the purpose of recommending improvements in the city's response to seniors' housing needs.

CITY OF LOS ANGELES: FAMILIES WITH DISABLED MEMBERS

73. The Task Force recommends that the city Department of Transportation develop multi-modal plans that provide flexible options to serve the needs of all city residents, disabled and nondisabled.

74. The Task Force recommends that the Transportation Committee of the City Council hold public hearings during 1988 concerning the feasibility of the City of Los Angeles adopting a goal of 100% accessible public transportation by the year 1998. This proposed goal would include guidelines for selecting adequate access equipment and stringent procedures for their operation and maintenance. At the conclusion of the hearings, the Transportation Committee should report its findings and recommendations to the City Council.

75. The Task Force recommends that the City Council direct the appropriate city departments to create more curb cuts and implement other changes necessary to insure that disabled residents and their families have equal access to the center of our city and its government buildings.

76. The Task Force recommends that the Los Angeles Police Commission adopt a policy requiring the city's police department to collect data on the disability status of crime victims. The department should compile annual reports on the victimization of people with disabilities and submit them to the Police Commission and the City Council for review.

77. The Task Force recommends that the Police Commission establish a Police Advisory Commission on Disabilities to advise the Police Commission and the Police Department on: (1) improving services to people with disabilities; (2) any needed revisions in the training of recruits at the Police Academy; and (3) any needed additions to in-service training of police officers on this subject.

78. The Task Force recommends that the Los Angeles City Attorney provide training to local prosecutors on disability and its relationship to criminal investigation and prosecution.

79. The Task Force recommends that the Board of Education of the Los Angeles Unified School District require that a strong teaching component on the nature and culture of disability be included in the K-12 mandatory cultural curriculum and that appropriate training be required of counselors and school administrators.

80. The Task Force recommends that the Mayor's Advisory Council on Disabilities be replaced with a City Commission on Disabilities created by city ordinance. The City Council and the Mayor can evidence the needed and strong commitment to improving the quality of life for disabled residents and their families by supporting such an entity with a staff and with full commission status. One of the commission's initial

tasks should be the development of the city's first legislative policy statement on disability issues.

CITY OF LOS ANGELES: DOMESTIC PARTNERSHIPS

81. The Task Force recommends that the Legislature's Joint Select Task Force on the Changing Family recognize the diversity in the relationships of contemporary couples, whether married or unmarried, and suggest ways in which the state can strengthen these important family bonds.

82. The Task Force recommends that public and private employers, unions, and insurance companies in Los Angeles phase domestic partnership coverage into the employee benefits programs of the local workforce.

83. The Task Force recommends that literature prepared by, and educational programs conducted by, the state Department of Fair Employment and Housing and local fair housing councils specifically mention that state laws prohibit housing discrimination against unmarried couples. The Task Force also recommends that the Los Angeles Apartment Owners Association periodically communicate this message to their members.

84. The Task Force recommends that the state departments of Health Services, Social Services, and Mental Health promulgate regulations amending Title 22 of the California Administrative Code to prohibit discrimination based on marital status and sexual orientation in connection with conjugal visits and shared sleeping quarters for adults in licensed health care facilities.

85. The Task Force recommends that business establishments discontinue the practice of extending consumer discounts on the basis of marital status. The Task Force also recommends that the City Council request an opinion from the City Attorney regarding the legality of such pricing disparity under current municipal and state civil rights laws that prohibit marital status and sexual orientation discrimination. If current law prohibits businesses from extending discounts to consumer couples on the basis of their marital status, then associations such as the Chamber of Commerce should educate members regarding their obligations under the law. If such pricing practices are not presently illegal, then the City Council should adopt an ordinance to prohibit such discrimination by businesses operating in the City of Los Angeles.

86. The Task Force recommends that the Joint Select Task Force on the Changing Family study and propose revisions in laws regulating causes of action based on wrongful death, loss of consortium, and negligent infliction of emotional distress, so that the rights of domestic partners as victims and survivors may be more adequately and equitably protected by California law.

87. The Task Force recommends that the Joint Select Task Force on the Changing Family review legal and economic barriers that impede elderly widows or widowers from remarrying. The decision of seniors to live in unmarried cohabitation instead of marriage should be founded in free choice rather than coerced economic necessity. The California Legislature might enact a "Vesper Marriage Act" to cure this problem.

88. The Task Force recommends that the Legislature's Joint Select

Task Force on the Changing Family study the issue of marriage penalties for disabled people, finding ways to eliminate discrimination against cohabiting disabled couples and remove economic disincentives that discourage disabled persons and their mates from marrying.

IMMIGRANT FAMILIES

89. The Task Force recommends that the City Attorney monitor the case of *Yolano-Donelley Tenant Association v. Secretary of H.U.D.* (federal district court number 86-0846), in which federal housing regulations (51 Fed. Reg. 11198) propose to end rent subsidies to households which cannot prove that all household members are documented residents. If the case is appealed, the City Council should authorize the City Attorney to file a friend-of-the-court brief in the appellate court challenging the regulation as overly broad and unnecessarily punitive.

90. The Task Force recommends that the City Council give priority to the shortage of adult English classes, by insuring that more community block grant funds are awarded to privately operated ESL programs. It is also recommended that the City Council adopt a resolution urging the Board of Education of the Los Angeles Unified School District to allocate more resources to the district's adult ESL program.

91. The Task Force recommends that the City Commission on Human Relations investigate the problem of hate violence and submit a report to the City Council and the Mayor outlining what actions city officials and agencies can take to more effectively eradicate this behavior.

92. The Task Force recommends that the Los Angeles City Council adopt a resolution urging the INS to expand its family unity guidelines so that all children of immigrant families are allowed to remain in the country even if only one of their parents is qualified for amnesty under the Immigration Reform and Control Act of 1986.

93. The Task Force recommends that the City Council reorganize the City Task Force on Immigration in the following ways: (1) there should be a limited lifespan, with a sunset clause disbanding the task force by June, 1989; (2) the task force should consist of 15 members; (3) each council member should nominate potential task force members; and (4) since immigration problems are intergovernmental in nature, the authority to appoint members to the task force should be vested in the council's Intergovernmental Relations Committee. It is further recommended that before it formulates a comprehensive immigration policy for the city, the newly constituted Task Force on Immigration should review relevant sections of this report as well as various background papers dealing with immigrant issues contained in the public hearing transcript and supplements to this report.

INSTITUTIONAL INFLUENCES

MEDIA

94. The Task Force recommends that the Los Angeles Unified School District develop and implement a media education curriculum promoting media literacy for adults and children, for use in elementary, junior high, and high schools.

95. The Task Force recommends that the Los Angeles County Department of Children's Services encourage family and social service

systems to be aware of the media and its connection to dysfunctional home situations. The department could commission the development of a "media awareness checklist" or conduct conferences and workshops to educate "influence leaders" — including family counselors, social workers, scout and youth leaders, and librarians — about the media and its impact on families with dependent children.

96. The Task Force recommends that the Mayor encourage department heads to develop more public service announcements (PSAs) about the social, employment, housing and cultural programs and services available to local families. These PSAs should be placed around shows that are watched by the population for whom the services are directed.

97. The Task Force recommends that the City of Los Angeles, through the Office of Contracts Compliance of the Board of Public Works, and through other appropriate officials, encourage networks to hire more diverse staff in positions of authority.

CITY GOVERNMENT

Employee Benefits

98. The Task Force recommends that the City Council and the Mayor continue to press Congress, the California Legislature and the Industrial Welfare Commission to increase the minimum wage for all workers to \$5.01 per hour in 1989.

99. The Task Force recommends that the City Council adopt the child support payment deduction program that has been proposed by Councilwoman Ruth Galanter and Controller Rick Tuttle.

100. The Task Force recommends that the City Council give approval to the Personnel Department to move forward with the implementation phase of the proposed flexible benefits program. The Task Force also recommends that the City Council resolve to eliminate marital status discrimination in the distribution of benefits pursuant to its benefits programs.

101. The Task Force recommends that any plan extending child care benefits to employees should be expanded to include elder care, in essence, making both "dependent care" benefits.

102. The Task Force recommends that the Mayor issue an executive order directing the Personnel Department to review current city personnel practices and authorize it to take whatever steps are necessary, including meeting and conferring with employee groups, to modify and enhance the city's role as a model employer in the area of dependent care, flexible work schedules, expanded maternity and paternity leave, and the use of leaves to care for elderly dependent relatives. Additionally, the Mayor should direct Project Restore, which is presently working to restore City Hall, to study the feasibility of including an on-site dependent care center in its restoration plans.

103. The Task Force recommends that the city contract with an outside agency to establish an Employee Assistance Program that would provide employees with confidential counseling on a variety of matters, including substance abuse, marital problems, retirement planning, financial investing, and dependent care.

104. The Task Force recommends that the City Council amend the City Administrative Code to include the term "domestic partner" in the list of "immediate family" relationships for which an employee is entitled to take family sick leave and bereavement leave. The following definition of "domestic partner" should be adopted, and the city's Personnel Department should be authorized to establish appropriate procedures to verify the domestic partnership status of employees who claim eligibility for sick leave or bereavement leave:

Domestic partners are two persons who declare that:

- (1) They currently reside in the same household, and have been so residing for the previous 12 months.
- (2) They share the common necessities of life.
- (3) They have a mutual obligation of support, and are each other's sole domestic partner.
- (4) They are both over 18 years of age and are competent to contract.
- (5) Neither partner is married.
- (6) Neither partner is related by blood to the other.
- (7) They agree to notify the appropriate agency within 30 days if any of the above facts change.

Departments and Commissions

105. The Task Force recommends that the following actions be taken in connection with the city's Human Relations Commission:

(a) In keeping with the Commission's mandate to propose legislation and programs promoting intergroup harmony, the Commission should develop and annually update a "Policy Statement on Human Relations" for inclusion in the city's legislative policy statements.

(b) The Commission should take whatever administrative action is necessary to insure that its Annual Report is filed with the Mayor and distributed to interested parties in a timely manner.

(c) The Commission should adopt a plan of action to revitalize its operations. A consultant might be hired to assist the Mayor and the Commission in facilitating such a revitalization program.

106. The Task Force recommends that the Mayor review the needs of the Advisory Commission on Disabilities. The Advisory Commission needs a budget and staff members of its own so that it can effectively deal with numerous disability issues which do not fall within the jurisdiction of the newly created Access Appeals Commission. Also, the mayor's advisory commission should be replaced with a city commission on disabilities created by ordinance as soon as feasible.

107. The Task Force recommends that the City Council amend the Administrative Code provisions dealing with nondiscrimination by city

contractors, adding "marital status," "sexual orientation," and "medical condition" to appropriate subdivisions of Section 10.8, Division 10, Chapter 1 of the code. It is further recommended that the City Attorney and the Board of Public Works keep the City Council and the Mayor apprised of any additional categories which should be added as state, federal, and local nondiscrimination laws may be augmented in the future.

108. The Task Force recommends that the Mayor and the City Council conduct a thorough review of the appointment process and operations of the city's commissions, for the purpose of making the commissions more representative and effective.

109. The Task Force recommends that the City Council and the Mayor establish a Commission on Family Diversity to begin operating in budget year 1989-90. This report, and its background documents, will serve as an excellent foundation for the initial operations of a Family Diversity Commission.

110. The Task Force recommends that the Mayor direct all department managers and all commission presidents to review the report of the Task Force on Family Diversity so that they are aware of current family demographics and needs and therefore can improve policies, programs and services affecting local families.

NOTE: Louis Verdugo dissented to recommendations 65(b), 84 and 86. He did not take part in the consideration of recommendations 27 to 31 and 33. Otherwise, the recommendations represent the consensus of the members of the Task Force.

SUMMARY OF COMMENDATIONS

The Task Force on Family Diversity commends the following individuals and agencies for adopting policies or implementing programs that have improved the quality of life for families in Los Angeles:

* **Los Angeles City Councilman Michael Woo** for demonstrating a commitment to the well-being of local families by convening the Task Force on Family Diversity.

* **Homeless Youth Project of Children's Hospital** for its excellent work in helping needy teenagers.

* **National Equity Fund** for attempting to create 1,000 low-income apartment units each year in Los Angeles.

* **Transamerica Life Companies** for initiating a pilot program providing child care to mildly-ill children of its employees.

* **Superintendent of Public Instruction Bill Honig and members of the State Board of Education** for developing both the Model Curriculum for Human Rights and Genocide and the new Curriculum Guide on Youth Suicide Prevention.

* **American Jewish Committee** for creating, promoting, and assisting the Los Angeles Unified School District in implementing the Hands Across the Campus program.

* **Attorney General John Van de Kamp and Superintendent of Public Instruction Bill Honig** for instituting the School/Law Enforcement Partnership Cadre.

* **Members of the Board of Education of the Los Angeles Unified School District** for revising the family life education curriculum to make it more relevant to the real problems experienced by students and their families.

* **Los Angeles City Council and Mayor Tom Bradley** for increasing the pay of the city's minimum-wage workers to \$5.01 per hour.

* **Los Angeles City Councilwoman Ruth Galanter and City Controller Rick Tuttle** for developing and promoting the child support payroll deduction program.

* **Los Angeles City Commission on the Status of Women** for its efforts to improve the quality of life for women and families in Los Angeles and for its leadership in promoting the extension of family benefits to domestic partners.

* **Los Angeles City Council and Mayor Tom Bradley** for creating the Handicap Access Appeals Board.

* **Foster Grandparent Program** volunteers who have given so much time, love and care to local children.

* **Los Angeles County Commission on Disabilities and Attorney General John Van de Kamp** for stimulating greater compliance with disability access laws in the City of Los Angeles.

* **Mayor Tom Bradley, Attorney General John Van de Kamp, and other elected officials** for supporting insurance reform initiatives.

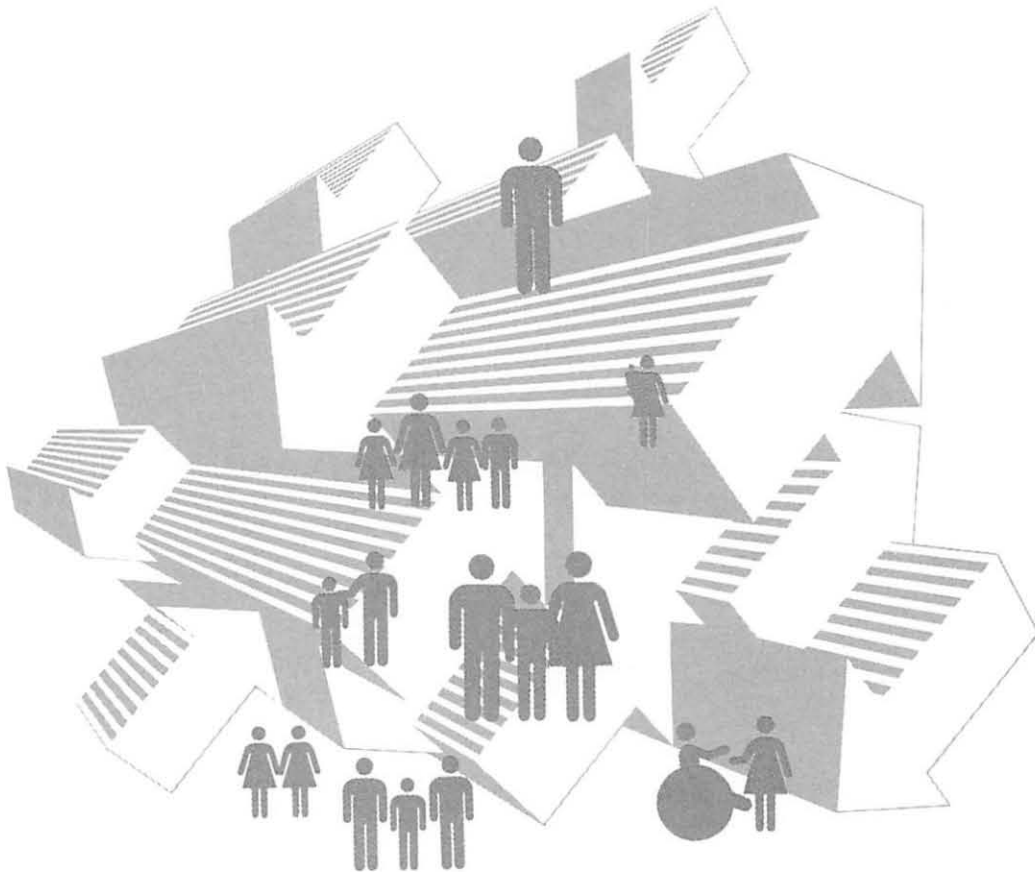
* **Los Angeles City Councilwoman Joy Picus** for promoting a "Family Economic Policy" for the City of Los Angeles.

* **CBS Broadcast Group** for promoting the positive use of television by developing the first "Television Worth Watching Awards" honoring educators who use commercial television to enrich the education of their students.

* **KCET Television and KFWB Radio** for programming of exceptional quality involving changing family demographics and issues.

* **Los Angeles Times** for excellence in its ongoing coverage of family issues and concerns.

The Factual Context For This Study



American Families

California Families

County Families



THE FACTUAL CONTEXT FOR THIS STUDY

AMERICAN FAMILIES

Introduction

Los Angeles families are, of course, American families. They face many of the same problems and share many of the characteristics of families throughout the nation. An overview of the experiences and concerns of American families is a useful backdrop to a study focused more exclusively on Los Angeles.

If one were to attach a topical theme to the 1980s, "The Decade of the Changing Family" would certainly fit. Research and dialogue concerning this transformation have occurred in all quarters. The decade was ushered in with a "White House Conference on Families." The family has been studied by public opinion pollsters such as George Gallup and Louis Harris. Administrators have conducted national conferences trying to understand demographic trends.¹ Ethnic organizations have examined ways to address their communities' problems by strengthening families.²

The family, as an American institution, has been caught in a political tug-of-war — with both major parties pulling strenuously from each end. In the politics of the family, participants seem to be either advocates or critics. The approach of this report, however, is based on the proposition that effective problem-solving is enhanced by recognizing what is happening in the real world. The national studies reviewed by the Task Force help to establish this factual context of reality.

White House Conference on Families

Official America has lost touch with family America.
... Where government is helpful to families, let it be strengthened. Where government is harmful to families, let it be changed.

— President Jimmy Carter
White House Conference on Families
Baltimore, Maryland
June 5, 1980

In January 1979, President Jimmy Carter announced the formation of the White House Conference on Families — a two-year process involving three regional conferences attended by more than 2,000 delegates representing every state in the nation. The Conference culminated its work in October, 1980, by publishing its Report to "The President, Congress and Families of the Nation."³

The main purpose of the White House Conference was to examine the strengths of American families, the difficulties they face, and the ways in which family life is affected by public policies and private institutions.⁴ The delegates to the regional conferences discussed and debated issues and proposals reflecting six different themes.⁵

Family Strengths and Supports. Families are the oldest, most fundamental human institution. Families serve as a source of strength and support for their members and our society.

Diversity of Families. American families are pluralistic in nature. Any discussion of issues must reflect an understanding and respect of

cultural, ethnic and religious differences as well as differences in structure and lifestyles.

The Changing Realities of Family Life. American society is dynamic, constantly changing. The roles and structure of families and individual family members are growing, adapting and evolving in new and different ways.

The Impact of Public and Private Institutional Policies. The policies of government and major private institutions have profound effects on families. Increasing sensitivity to the needs of families is required, as well as ongoing action and research on the specific nature of the impact of public and private institutional policies.

The Impact of Discrimination. Many families are exposed to discrimination. This affects individual family members as well as the family unit as a whole.

Families with Special Needs. The needs of families with disabled members, single-parent families, elderly families, and others with special needs must be examined as important parts of the whole.

The delegates came from every state and U.S. territory and from nearly every walk of life. Almost 1,600 of the delegates were chosen at the state level, 310 were appointed at large, 55 were state coordinators and 40 were members of a National Advisory Committee. State delegates were nominated through both peer and gubernatorial selection. Over 100,000 persons participated in the process of selecting state delegates.

The delegates met in Baltimore, Minneapolis, and Los Angeles to discuss and produce a comprehensive set of recommendations. These regional conferences sifted through 5,000 state recommendations, testimony from seven national hearings, and the results of a Gallup Poll conducted specifically for the Conference.

Thirty-four recommendations were adopted by a majority of delegates at all three conferences. Fifteen recommendations were adopted by a majority of delegates at two conferences. Another 23 recommendations were adopted by a majority of delegates at one conference.

The final working session of delegates occurred in August 1980, when about 115 members of the National Task Force met in Washington, D.C., to summarize Conference recommendations and to identify strategies for their implementation. The Task Force consisted of an elected representative of each of the 55 state and territorial delegations, 22 appointed delegates, and the 40 members of the National Advisory Committee.

The multitude of issues represented by the adopted recommendations are not dissimilar to those addressed in this report. It has become clear, however, that while the national model may provide leadership and direction, a local approach to issue identification and problem-solving is also necessary in order to achieve effective results.

Some Recommendations Adopted by All Three Conferences

Subject	Percent Approved
Employment:	
* implement flextime, better leave policies	92.7%
* combat employment discrimination	83.0%

Some Recommendations Adopted by All Three Conferences, continued

Subject	Percent Approved
Alcohol and Drug Abuse:	
* more education and media initiatives to prevent substance abuse	92.7%
Taxation:	
* eliminate marriage tax penalty; revise inheritance taxes	92.1%
* encourage home care of elderly and disabled persons	92.0%
Family Impact Analysis:	
* a call for systematic analysis of all laws, regulations, and rules for their impact on families	90.4%
Disabled:	
* efforts to increase public sensitivity toward the disabled	90.1%
* enforce existing laws designed to assist disabled persons	89.8%
Homemakers:	
* more equitable treatment of full-time homemakers (social security changes, displaced homemakers, etc.)	87.4%
Family Violence:	
* support family violence prevention efforts and services	82.0%
Child Care:	
* promote more child care choices	79.0%
* increased child care funding	76.6%
Education:	
* increased family life education	74.8%
Housing:	
* more tax incentives for housing	78.3%
* increased housing subsidies	72.8%
* improved fair housing laws	69.7%
Teenage Pregnancy:	
* increase efforts to prevent and deal with adolescent pregnancy	77.9%
Media:	
* reduce violence, sex, stereotypes	83.4%

Some of the proposals not adopted by a majority of delegates at all three conferences are also noteworthy.

Thirteen states made recommendations on how the family should be defined. West Virginia proposed: "A family consists of a person or group of persons who are related by blood, marriage, adoption, or legal custody." Arkansas, Oklahoma, Washington, and Iowa recommended: "Government should not redefine the legal term of family to include homosexual marriage." California, the District of Columbia, and Maryland proposed legal recognition of nontraditional family forms.

The regional conference held in Maryland adopted a resolution by a slim, one-vote margin (292 to 291) calling for institution of government policies to preserve the basic legal rights of all family members, without discrimination on the basis of sex, race, ethnic origin, creed, socio-

economic status, age, disability, diversity of family type and size, sexual preference or biological ties. This so-called "alternative" family proposal did not secure majority votes at the other two regional conferences.

Regional differences also precluded national agreement on a definition of "family" and some other more controversial topics.

Gallup Poll: "American Families — 1980"

Any belief that Americans do not place top priority on the family and family life is completely refuted by results of this survey. The findings represent a ringing endorsement of the importance of the family in American life.

— Dr. George Gallup, Jr.
Gallup Organization

In 1980, the Gallup Organization conducted in-person interviews with 1,500 adults in more than 300 locations across the nation. It was then the most comprehensive survey ever directed at families.⁶ The Gallup survey was commissioned by the White House Conference on Families and was funded by outside sources.⁷

The survey showed that nine out of ten persons questioned were either very satisfied or mostly satisfied with their family life. A clear majority — 61 percent — believed their families were the most important element in their lives.

A majority of respondents supported:⁸

- * better job benefits (flextime, family sick leave, etc.)
- * direct government funding of day care centers
- * tax credits to businesses providing child care
- * sex education in the schools
- * public school courses on alcohol and drug abuse
- * tax credits for families with disabled members
- * in-home health services for the elderly
- * more consideration for families in tax and housing laws

A solid majority — 60% — cited alcohol and drug abuse among the three things they thought were most harmful to family life. Forty percent cited a decline in religious and moral values; 29% placed poverty in this category.

The recommendations ultimately adopted by the three White House Conferences quite closely matched the results of the Gallup survey.⁹

Data from the Census Bureau

The results of the 1980 census dispelled the stereotype of the American family as a monolithic social institution. Instead, the census figures revealed substantial changes in family living during the 1970s.¹⁰ They also disclosed national patterns in marriage, birth, and household composition.

Single-Parent Households.¹¹ The number of minors living with only one parent has increased sharply, from 11.9% of the nation's households in 1970 to 19.7% in 1980, mainly because of higher rates of divorce, separation, and adolescent pregnancy. Of children under 18

living with only one parent, 92% lived with their mothers, who were usually divorced or separated. The number of children living with a single father represented only 1.7% of all children.

One-Person Households.¹² The number of one-person households increased by 64%, from 10.9 million in 1970 to 17.8 million in 1980. About 23% of the nation's households in 1980 consisted of just one person. Reasons for the increase in people living alone included: delayed marriage age, a rise in Americans' affluence, and a reduced tendency for single, older persons to move in with their families. Of those living alone, most were female — 11 million women compared to 6.8 million men. The women tended to be widowed or elderly, while the men tended to be young and never married. The number of divorced persons living alone more than doubled during the 1970s, to 3.4 million.

Unmarried Couples.¹³ The significant increase in the number of unmarried couples living together — from 523,000 in 1970 to 1.56 million in 1980 — was attributed to a change of behavior among the young and a greater societal acceptance of new living arrangements. More recent census figures show that as of 1986 there are more than 2.2 million unmarried-couple households and that about 4.1% of all cohabiting couples in the nation are unwed.

Divorce and Marriage.¹⁴ The age at which people marry continued to rise. The median age at first marriage for women rose from 20.8 years to 22.1 years during the 1970s, while the age for men rose from 23.2 to 24.6. Divorce continued to increase. The ratio of divorced persons per 1,000 married persons living with spouses more than doubled — from 47 per 1,000 in 1970 to 100 per 1,000 in 1980.

Out-of-Wedlock Births.¹⁵ Out-of-wedlock births increased 50% between 1970 and 1980. In 1970, 10.7% of all births were to unwed mothers. In 1980, the figure had jumped to 17% of all births. Statistics showed marked differences along racial and ethnic lines.

Average Household Size.¹⁶ As of July 1, 1986, the typical American household included only 2.67 people. The average was 2.76 in 1980. The average American household included 5.04 people in 1880, 4.93 in 1890, 4.76 at the turn of the century, slipping drastically to 3.33 by 1964. The major reason cited for this decline in household size is the fact that America is aging. About 75% of the drop in household size is in the under-18 age group.

Statistics from the Bureau of Justice

Last year, 1 in 4 American households experienced a rape, robbery, assault, burglary, or theft. Although this finding reflects the high level of crime in the United States, it is well below the almost 1 in 3 households touched by crime a decade ago.

— Steven R. Schlesinger
Director,
U.S. Bureau of Justice Statistics
June, 1987

One of the most important concerns of families and households throughout the nation is the problem of crime. A National Crime Survey is conducted annually by the United States Department of Justice,

Bureau of Justice Statistics. Each year since 1980, the Bureau has published a bulletin entitled "Households Touched by Crime."¹⁷

In 1986, households with high incomes, households in urban areas, and Black households were more vulnerable to crime in general than others, although low-income households were more vulnerable to crimes of high concern.¹⁸ During 1986, 27% of Black households, 28% of households with incomes over \$25,000, and 29% of urban households were touched by crime.

Regional differences are apparent. Households in the West were the most vulnerable (30%). Those in the Northeast were the least vulnerable (19%). About 25% of households in the Midwest and South were touched by crime in 1986.

A higher percentage of Black households than White or other minority race households (Asians, Pacific Islanders, and Native Americans) were touched by crime in 1986. Other minority race households were less vulnerable than Black households to the crime of burglary.

Latino households were also particularly vulnerable to crime in 1986, especially robbery, burglary, household theft, and motor vehicle theft.

The Bureau attributed the overall decrease in crime in the past decade to demographic shifts: fewer people per household and household moves from urban to suburban and rural locations.

Philip Morris Family Survey: American Families in 1987

The major finding of this first Phillip Morris Family Survey is that the American family is healthy and resilient. Eight out of 10 American families feel things are going well for them. Family bonds run deep; the vast majority of marriages are thriving. The basic outlook for the family is bright, although there are some disturbing signs of trouble. One in five American families shows real signs of despair. Particularly affected are families headed by single women, divorced parents, and other minorities. Their problems are primarily economic, which often is the cause of family break-ups and other dislocations.

— Hamish Maxwell
Chairman and Chief Executive Officer
Philip Morris Companies Inc.
April, 1987

The first Philip Morris Family Survey was conducted for Philip Morris Companies Inc. by Louis Harris and Associates Inc, during February and March, 1987. Over 3,000 members of families were interviewed by telephone. This cross-section consisted of individuals 18 years of age and older and family units of two or more people related by blood, marriage, or adoption or living together as a couple.

An overwhelming 91% of those families surveyed indicated that if things were different for them and they did not have a family, they would miss their family "very much" or "quite a lot."

However, a significant 20% of the families were not satisfied with important aspects of their lives. Dissatisfaction was heavily concentrated in families of unskilled blue-collar and white-collar workers and

low-income families, a great many of whom are Black and Latino.

“The major impact upon satisfaction in family life, without any doubt, is economic status,” remarked Louis Harris, who conducted the research for the survey. “In other words, money doesn’t necessarily buy family happiness, but it makes it a great deal more possible to find it.”¹⁹

A sizeable number of families headed by single women (37%) were dissatisfied with their housing conditions, as were many of those under 30 years old (33%), many Black families (33%), and a considerable number of Latino families (28%).

Among those dissatisfied with their ability to pay for essentials were 46 percent of single female, 42 percent of Black, and 32 percent of Latino households.

Although an overall majority of parents hope their children will lead a lifestyle much like their own (65% to 33%), there are identifiable groups who do not. Half or more of Blacks, single women, and families earning less than \$15,000 per year want a better lifestyle for their children.

A 65% majority of all families stated that with proper day care centers, preschool programs, and housekeepers, both parents can work outside the home. The same percentage of families feel that a mother should not have to stay home and raise children.

The survey revealed that a bare majority (50% to 47%) are satisfied with the political leadership in the United States. A majority are dissatisfied with the economic outlook for the country (54% to 44%). A 55% to 40% majority expressed dissatisfaction with the kind of world their children will inherit.

The survey also presented the following factual profile of various “prototype” families.²⁰

Married Couples. More than two-thirds (76%) of family units consist of people who are married. Of these, 58% have been married only once, while 18% were previously married.

Dual-Career Couples. Both spouses work in 45% of family units. These families are concentrated in the 21 to 49 age group. They are likely to be dissatisfied with their jobs and homes. Even making more money, they do not feel they have the time to develop a satisfactory lifestyle.

Unmarried Couples. Unmarried couples comprise 6% of family units. These couples tend to live in cities and suburbs, are generally in the 21 to 29 age group (63%), and are found in higher percentages among Blacks and Latinos than among Whites. In most live-in situations, both partners tend to work (67%) and they have between two and three children who are under 6 years old.

Families Headed by Single Females. Families headed by single females account for 11% of all family units. They tend to be located in cities. Twenty-one percent are Black and 7% Latino. Of these families, 43% are at or below the poverty level and are dissatisfied with their economic conditions, housing, and jobs; 43% are divorced or separated; 51% have children 12 to 16 years of age; 43% have children aged 6 to 11.

Parents’ Concerns for Their Children. Parents with children under 18 years of age living in their household, when asked to choose

from a list of concerns that most worried them about their children, ranked the illicit use of drugs as their first concern (58%), use of alcohol as the second concern (22%) and sexual promiscuity as the third greatest area of concern. (14%).

Most parents would first turn to other family members for help in managing to raise children (62%). Next in order they would seek help from their minister, priest or rabbi (26%) or their child’s teacher (24%).

Families and American Politics

I am indebted to Nicholas Eberstat for the observation that “liberals” emphasize social policy but are criticized for ignoring values. “Conservatives” emphasize value in the outcomes for children but seem threatened by the idea of social policy. Surely each group is seeing part of the truth and can find common ground in accepting one another’s perceptions.

— Senator Daniel Patrick Moynihan
In *Family and Nation*
(Harcourt Brace Jovanovich, 1986)

As the only person in United States history to serve in four successive administrations (Kennedy, Johnson, Nixon, and Ford), Daniel Patrick Moynihan possesses unique credentials to give an overview of family policy in the United States government during that period. Moynihan believes that governments can’t avoid influencing family relationships. America’s choice is whether its policies “will be purposeful, intended policies, or residual, derivative, in a sense concealed ones,” he explains in his recent book, *Family and Nation*.

Liberals and conservatives, Democrats and Republicans are now all laying claim to “family issues” in American politics. Republicans have taken the “pro-family” approach for years; a recent policy paper drawn up by the Democratic Party’s Policy Commission, under the auspices of the party’s national committee, puts “strengthening the family” at the top of its list of priorities.²¹ Calling her bill “pro family” and a challenge to Republicans,²² Democratic Congresswoman Patricia Schroeder of Colorado co-sponsored a proposal that would require employers to give workers 18 weeks of unpaid leave to take care of a newborn baby, a newly adopted baby, or a seriously ill child or parent. The tug-of-war over the “family” goes on.

Some conservatives are not taking kindly to liberals joining the pro-family bandwagon. Alan Carlson, the president of the Rockford Institute, a think tank oriented to social conservatism, has expressed concern that liberals, by linking pro-family concerns with feminist concerns may achieve some goals that are precisely opposed to the conservative agenda.²³

About a year ago, the liberal/conservative fight over “the family” erupted when a proposed White House family report was released to the press before receiving President Reagan’s imprimatur.²⁴ The report was the brainchild of then- Undersecretary of Education Gary Bauer. Bauer is now the President’s chief domestic policy advisor.

The report was the product of the Working Group on the Family, made up of top-level members of President Reagan’s administrative bureaucracy, including five White House aides and representatives from

several federal agencies and departments: Education, Health and Human Services, Housing and Urban Development, Equal Employment Opportunity Commission, Justice, Interior, Labor, Treasury, ACTION, and Office of Management and Budget.

The report applauded the recent Supreme Court decision upholding Georgia's authority to criminalize certain forms of consenting adult behavior, even in the privacy of the bedroom. It also charged that the "fabric of family life has been frayed by the abrasive experiments of two liberal decades" and urged cutting off welfare benefits to unwed mothers under age 21 who do not live with their parents.

The report urged the President to direct all federal agencies to file statements showing not only how their proposed policies would improve economic conditions but also to what extent those policies keep families "intact." Bauer called this recommendation possibly the most important in the report, adding that it "would institutionalize family concern in the public policy-making process and, indeed, that is a very important thing to do."²⁵

Congressman Augustus Hawkins (D-Calif.) criticized the report's lack of research, calling it, "simply an endorsement of the conservative agenda of the Heritage Foundation."²⁶

The editorial board of the *Los Angeles Times* responded swiftly to the report, comparing Bauer's 7-month project and its recommendations with suggestions made by the nation's Roman Catholic bishops in a pastoral letter — six years in the making — entitled "Economic Justice for All."²⁷ The editorial praised the bishop's report "with its commitment to the poor" and criticized much of the Bauer report for "pursuing with ideological zeal a new attack on the fabric of the safety net that has been constructed for the nation's disadvantaged." The editorial did support Bauer's proposal calling for the issuance by federal agencies of family impact statements when new policies are created.

The editor of the *Atlanta Constitution* criticized both the Bauer report's recommendation that states repeal their no-fault divorce laws and its proposal to scrap tax credits that working women may claim for child care costs.²⁸

So far, President Reagan specifically has endorsed only that portion of the Bauer report which recommends that federal agencies file family impact reports when they adopt new regulations or programs. His endorsement came in the form of an executive order requiring the federal officials to assess all federal programs, including welfare, housing, and education, for their impact on families.²⁹

Anthropology of Changing Families

If we define the nuclear family as a working husband, housekeeping wife, and two children, and ask how many Americans actually still live in this type of family, the answer is astonishing: 7 percent of the total United States population.

— Alvin Toffler
Author, *The Third Wave*
(1980)

There was a time when extended families, often consisting of three or four generations of blood relatives living with others in the same

household, were a dominant family form in America. Alvin Toffler refers to this historical period as "The First Wave."³⁰

At the turn of the century, most children in America were raised in nuclear families. Nuclear families consisted of households with two or more children and two parents — a stay-at-home mother and a go-to-work father — who remained together throughout their lives. This domestic arrangement was well adapted to the needs of America's industrial manufacturing economy, creating an ample supply of male factory workers.³¹ Toffler refers to the period when the nuclear family was the social norm as "The Second Wave."

Today, the industrial manufacturing economy has been transformed to an industrial information-and-service economy that has employed nearly two-thirds of the workforce.³² In addition, America's families have shifted away from the two-parent, multi-child, male-wage-earner family, and toward alternative forms of domestic and sexual arrangements.³³ Toffler refers to the diversification of American family relationships as the beginning of "The Third Wave."

"Serial monogamy" now is competing with lifelong same-partner monogamy as a marital norm for American couples. Whether one-out-of-three marriages ends in divorce as some experts claim³⁴ or whether only one-in-eight marriages dissolve, as other contend,³⁵ "till death do us part" does not carry the same weight as it once did as a marital commitment. In any event, it seems that about one-fifth of all marriages are now remarriages.³⁶

Further, more and more children are being raised in the fastest-growing family form in America — 80% more common in the 1980s than in 1960s — the one-parent, usually female-headed family.³⁷

A central feature of the traditional nuclear family pattern was the stay-at-home mother. Today, even when a child lives with both parents, neither of them is likely to be a full-time homemaker. Dual-career families account for 45% of family households in America.³⁸ The number of working mothers with children under 18 rose drastically from 10% in 1940, to 30% in 1960, to 55% in 1980.³⁹ In addition to divorce and a corresponding number of single-parent households, economic pressures on the "dwindling middle class" are cited as reasons for more parents entering the workforce. As one economist put it, many two-parent households need a second income "just to preserve their economic status, not to improve it."⁴⁰

Addressing the ongoing changes in form experienced by American families over the past few decades, and referring to families of the 21st Century as "The Third Wave" families, Alvin Toffler has written:

Behind all of this confusion and turmoil, a new third wave family system is coalescing based on a diversity of family forms and more varied individual roles. This demassification of the family opens many new personal options. Third wave civilization will not try to stuff everyone willy-nilly into a single family form. For this reason, the emerging family system could free each of us to find his or her own niche, to select or create a family style attuned to individual needs. But before anyone can perform a celebratory dance, the agonies of transition must be dealt with. Caught in the crackup of the old with the new system not yet in place, millions find the high level of

diversity bewildering rather than helpful. Instead of being liberated, they suffer from overchoice, and are wounded, embittered, plunged into a sorrow and loneliness intensified by the multiplicity of their choices and options. To make the new diversity work for us instead of against us, we will need to make many changes on many levels at once, from morality and taxes to employment practices.⁴¹

As a whole, Americans have not yet developed the ethic of tolerance for diversity that a demassified society both requires and engenders. Having been taught that one kind of family is "normal" and others are suspect or deviant, vast numbers of Americans remain intolerant of the new variety of family styles. The more rapidly Americans can adopt an attitude of tolerance for diversity in lifestyles, the sooner America's lawmakers and administrators can bridge the gap between policies based solely on old models and present facts. The future of America's families depends on these transitions in attitudes and policies.

Again, the first step is education, that is, providing the informational context in which acknowledgment of the reality of the diversity of families is possible. That process of education is the earnest objective of this report.

AMERICAN FAMILIES: RECOMMENDATIONS

1. The Task Force recommends that a White House Conference on Families be convened by the next President of the United States. The procedures employed, both in selecting delegates and in conducting the conference, should be similar to those used during the 1980 White House Conference on Families. The conference should be announced in 1990, with three regional conferences conducted in the summer of 1991. Along with findings and recommendations, a final report should incorporate pertinent family and household demographics that emerge from the 1990 Census. The report should be issued to the President, Congress, and the American people by December 1991, thus providing a sound factual basis for policies and programs affecting American families during this century's remaining decade.

2. The Task Force recommends that a National Conference on Family Diversity be held in Los Angeles in 1990, hosted by the City of Los Angeles. The Mayor and the City Council should invite the National Conference of Mayors and the National League of Cities to co-sponsor the conference. The conference would provide an opportunity for chief executives, administrators, and lawmakers from cities across the nation to share ideas and develop strategies — from a municipal perspective — in a responsible effort to meet the challenges posed by ever-changing family demographics and concerns.

3. The Task Force recommends that the United States Conference of Mayors sponsor a "Family Diversity Forum" at its next annual meeting. The Conference should encourage mayors across the country to convene family diversity task forces to study changing family demographics and to make recommendations to local government on ways to help improve the quality of life for families in their own jurisdictions.

4. The Task Force recommends that the National League of Cities sponsor a "Family Diversity Forum" at its next annual meeting. The League should encourage participating cities to develop mechanisms to review changing family trends and issues.

American Families: Notes

¹ "The Changing Family," National Invitational Conference, October 21-23, 1987, Seattle, Washington. Sponsored by American Public Welfare Association.

² "Ethnic Bonds Called Key to Latino Family," *Los Angeles Times*, July 13, 1987; 11th Annual Conference of the National Council of La Raza.

³ "Listening to America's Families: Action for the 80s," *The Report of the White House Conference on Families*. (1980), hereinafter "Conference Report."

⁴ *Id.*, p. 130.

⁵ *Id.*, p. 133.

⁶ The Gallup survey was made possible by grants from American Research, Inc., the van Ameringen Foundation, the George Grund Foundation, the W.T. Grant Foundation, and the National Council on Family Relations.

⁷ Conference Report, above, p. 180.

⁸ *Id.*, p. 181.

⁹ *Id.*, p. 183.

¹⁰ Nelson, B., "1970s the 'We Decade' for Single Couples," *Los Angeles Times*, October 26, 1981.

¹¹ "Marital Status and Living Arrangements: March, 1980" United States Census Bureau, October 1981.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Los Angeles Times*, October 26, 1981

¹⁶ *Los Angeles Times*, April 15, 1987

¹⁷ Over 100,000 people representing 49,000 households are interviewed twice a year. A "household" refers to a dwelling unit (usually an apartment or house) and its occupants. A household is considered "touched by crime" if during the year it experienced a burglary, auto theft, or household theft, or if a household member was raped, robbed, or assaulted or was the victim of a personal theft, no matter where the crime occurred. These offenses include both attempted and completed crimes.

¹⁸ "Crimes of high concern" is a term referring to burglary or violent crimes (rape, robbery, or assault).

¹⁹ "The Economics of Family Happiness," publicity packet released with *The Philip Morris Family Survey*.

²⁰ This survey defines "family unit" as two or more people living together who are related by blood, marriage, adoption, or who are living together as a couple. By definition, therefore, the results of this survey are not reflective of "household" demographics, which also include one-person households.

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²² *Ibid.*

²³ *Ibid.*

²⁴ *The Family: Preserving America's Future*, A Report of the Working Group on the Family, November 1986.

²⁵ May, Lee, "Panel Asks Curbs in Unwed Mothers' Aid," *Los Angeles Times*, November 14, 1986.

²⁶ "Family Task Force Criticizes Courts for 'Liberal' Rulings," *The Los Angeles Daily Journal*, November 14, 1986.

²⁷ "Two Views of Poverty," *Los Angeles Times*, November 17, 1986.

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³¹ Harris, Marvin, "Growing Conservatism? Not In Family Patterns," *Los Angeles Times*, December 23, 1981.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *The Phillip Morris Family Survey*, April, 1987.

³⁶ *Ibid.*

³⁷ Harris, *supra*.

³⁸ Philip Morris Survey, *supra*.

³⁹ Harris, *supra*.

⁴⁰ Shilling, A. Gary, "America's Dwindling Middle Class," *Los Angeles Times*, May 26, 1987.

⁴¹ Toffler, *supra*.

CALIFORNIA FAMILIES

Introduction

California families share characteristics with other American families, although Californians are a more diverse lot than Americans are nationally.

Traditionally, family law has been a matter of state, rather than federal or municipal, regulation.¹ Therefore, many decisions affecting Los Angeles families are political and are made in Sacramento.

Los Angeles families are also part of a larger network of California families whose domestic concerns are primarily governed by state policies and programs. Therefore, a review of information on family issues from a statewide perspective is crucial to the study of Los Angeles families.

Throughout the 1980s, Californians have been examining changing family demographics, definitions, and issues. The California Task Force on Families, organized under the auspices of the state's Health and Welfare Agency, issued a report to the Western Regional White House Conference on Families in April, 1980.² The California Census Data Center reviewed 1980 census information from a statewide perspective.³ Friends of Families, a coalition of northern California religious, labor, political, and service-oriented organizations, founded by Oakland Councilman Wilson Riles, Jr., issued a "Bill of Rights for Families" in 1982. The Governor's Commission on Personal Privacy studied family relationships in California and issued its report in December, 1982.⁴ The state's Employment Development Department analyzed socio-economic trends in California.⁵

The California Legislature also turned its attention to family issues. In April, 1987, the state Assembly held hearings on "The Changing Family."⁶ The state Senate initiated a number of family-oriented research projects and released its findings in a series of reports published in 1987.⁷

The subject of family diversity is the common denominator of these state studies and reports. They reveal that to tap a most valuable resource, the state must recognize, embrace, and nurture the rich diversity of its people and their most basic institution, the family.

California Task Force on Families

It should be the policy of the government and all private institutions to accept diversity as a source of strength in family life which must be considered in planning policy and programs.

— California Task Force on Families
Report, April, 1980

The California Task Force on Families was convened in 1979 as a part of the White House Conference on Families. After holding 12 public hearings throughout the state and after reviewing materials submitted by local committees, the state task force published a report to which nearly 2,000 Californians contributed.⁸

The report identified as important areas of concern to California families. Its general goals are consistent with the mandate of the Task

Force on Family Diversity: identifying ways to improve the quality of life for Los Angeles families. Local lawmakers and administrators should be aware of these goals and should keep them in mind when adopting ordinances, passing resolutions, or determining how to implement programs affecting families living in the City of Los Angeles.

GOALS OF THE STATE TASK FORCE ON FAMILIES

Pluralism: Encourage cultural, ethnic, linguistic, and religious pluralism for the purpose of opposing discrimination and racism.

Public Policy: Require a "family impact analysis" prior to implementation of new laws, regulations, or programs.

Housing: Ensure affordable and safe housing; stop discrimination because of age, location, disability, sexual orientation, or family size.

Recreation: Improve and develop local recreational facilities.

Taxation: Create a pro-family federal tax structure by providing credits for dependent care, e.g., care of children, elderly, and disabled.

Employment: Encourage public and private employers to develop assistance programs for unemployed; adopt flexible work schedules.

Violence: Develop more prevention, intervention, and treatment programs, and services such as child care, respite care, etc.

Schools: Improve family life education programs; revise social science curricula to accurately reflect diversity and historic contributions of ethnic minorities, women, gays, and other groups who have been negatively portrayed or eliminated from historic documentation.

Health: Ensure mental health services are available to all families in stress; ensure adequate health care for all, regardless of location, language, ethnic background or income; have more sensitive alcohol and drug prevention and treatment programs.

Foster Care: Discourage separation of families; encourage reunification of families; arrange permanent placement in other situations.

Immigration: Ensure that immigration policies stress efforts toward family reunification, making family unity the number one priority.

Media: Encourage media to more effectively assist families in making consumer decisions; encourage more responsible programming, i.e., programming that accurately portrays ethnic and social groups, and contributes toward integration, and respect for social diversity.

State Census Trend Analysis

There was a spectacular decline in the importance of the traditional family unit (couples with children) since 1950, dropping from 54% of all households to 28% in 1980.

— *Socio-Economic Trends in California*
Employment Development Department
Report, 1986

Census data can provide policy shapers with valuable information about family life in California. Sometimes, of course, census figures tell the obvious. Other times, however, they reveal subtle and distinct changes which have profound implications on public policy decisions.

Information compiled by the Census Data Center of the Southern California Association of Governments conveys the following facts about California families as they were constituted in 1980.⁹

One-Person Households. People living alone made up 24.6% of all California households. This was in contrast to the national average of 22.7% of all households.

Single-Parent Families. In California, 22.3% of families with children were maintained by a single parent, second only to New York as highest state in the nation on this score. The national average was 19.1%.

Education Level. Almost 75% of Californians over the age of 25 were high school graduates, ranking California 10th highest in the nation. About 20% of California adults had four years of college or more.

Language at Home. A language other than English was spoken in nearly one-fourth of California households. This contrasts with the national average of 10%.

Housing. In California, more than 55% of housing units were owner-occupied. The national figure was 64.4% owner-occupied. Housing units are slightly newer and slightly smaller than in the rest of the nation.

Families of Color.¹⁰ The number of California's racial and ethnic minorities has been steadily growing. From 1940 to 1980, Latino, Asian, Black and other ethnic groups have grown from 10% to 32% of the state's population. Over 15% of California's population in 1980 was foreign born. Among the different groups, Latinos had the smallest decline in the "traditional" family unit (couples with children), while Blacks had the highest decline. In 1980, 47% of all Latino households in the state were still "traditional" families. Only 22% of Black households consisted of "traditional" families. In 1980, the total income for ethnic families was \$24,400 for Asian families, \$18,220 for Black families, \$18,670 for Latino families — compared with \$26,720 for Anglo families.

Seniors.¹¹ In the past three decades, the relative size of California's elderly population (65 years and older) nearly doubled from 5.6% in 1950 to 10.1% in 1980, while the percentage of children (0 to 15 years) declined from 32.2% in 1950 to 23.8% in 1980. Whites (non-Spanish surname) had the highest percentage of elderly and Latinos had the lowest percentage of elderly and the highest percentage of youths.

Employment Trends.¹² The rate of participation in the California labor force for persons 16-years-and-older increased from 55% in 1940 to 64% in 1980. The major reason for this growth was the movement of women into the labor force. The labor force participation rate (LFPR) swelled from 28% in 1940 to 52% in 1980. This shift was most pronounced for Latino females whose LFPR surged from 22% in 1940 to 52% in 1980. The increase for Black females was much smaller since they have traditionally had a high LFPR in previous decades (40% in 1940 and 1950). The LFPR for prime-age (25 to 64 year-old) males declined about 5% overall, but the decline for prime-age Black males dropped about 15%, from 93% to 78%, indicating a significant withdrawal from the labor market.

Throughout the past four decades, prime-age Black males suffered nearly three times the unemployment rate encountered by their White counterparts.

Self-employment declined over the past four decades, dropping in general from 16.8% to 9.5%.

From 1940 to 1980, about seven out of every ten employed persons were in the private sector, although government employment peaked at 17% in 1970. Sectoral employment patterns varied considerably among ethnic groups. Latinos were disproportionately concentrated in the private sector, while Blacks were disproportionately located in the government sector.

Construction and agricultural jobs sharply declined in the past four decades in California, although the largest shift in the distribution of jobs was from manufacturing to services other than personal services.

Poverty. In 1980, over 11% of California families lived in poverty.¹³ The groups with the highest poverty rates were the Black and Latino female-headed households.¹⁴ The largest growth during the 1970s in absolute numbers of Californians in poverty came from Latino couples.¹⁵

Marital Status.¹⁶ More California men and women tended to remain unmarried than men and women in the rest of the nation. Nationally, more than 60% of men over 15 years old are married and 30% single. In California, 56% are married, 32.5% are single, 9% divorced or separated, and 2% widowers. Among women over the age of 15, 54.8% in the nation are married, and 23% single. Among California women, 52.9% are married and 23.5% are single, 9% divorced or separated, and 2% are widowed.

Household Relationships.¹⁷ The state had 8,629,866 households in 1980. The majority of them (55%) contained a married couple. Unmarried couples made up about 7% of California households. Over 22% of households with children were maintained by a single parent. Nationally, there were only 19.1% single-parent households.

State Legislative Hearings

Healthy individuals, healthy families, and healthy relationships are inherently beneficial and crucial to a healthy society, and are our most precious and valuable natural resources. The well-being of the State of California depends greatly upon the healthiness and success of its

families, and the State of California values the family, marriage, and healthy human relationships.

— California Legislature
Statutes of 1986, Chapter 1365
Approved by Governor,
Sept. 29, 1986

Acknowledging the diversity of California families, the state Legislature has declared that each family is unique and complex and that the state should not attempt to make families uniform.¹⁸

Building on this premise, the California State Assembly held hearings recently, looking into changing family structures, changing family populations, and changing family economics.¹⁹ Topics addressed at these hearings included: the two-paycheck family, families headed by unmarried teens, extended families, the "graying of California," the emergence of a multicultural population, labor market trends, and dependent care.

The testimony at the hearings reflects a growing awareness that California families are experiencing tremendous social and economic changes.

Dual-Wage Earner Families.²⁰ The biggest change in family structure over the past 30 years is the increase in two-paycheck families. This has been caused by more mothers entering the workforce. In 1987, 62% of mothers with children under 18 held jobs outside the home, compared with 45%, 10 years ago and 28% in 1950. Mothers with children under three years-old now are the fastest growing segment of the workforce. Today's families are relying on two paychecks to maintain, rather than to improve, their standard of living. Many two-paycheck families complain of stress because of the double strain of working and parenting with inadequate social supports.

In 1986, 50% of all married-couple households in the state had two wage earners.²¹ It is predicted that by 1995, that figure will rise to 66%.²²

Single-Parent Families.²³ The number of families headed by a single parent — 90% of them are headed by women — has doubled in the past decade. In these households, the struggle is one of survival. Half of all female-headed households live below the poverty line today.

Teenage Mothers.²⁴ California has the second highest teen pregnancy rate in the nation, and most teens who give birth are unmarried. Forty percent of all female high school dropouts leave school because they are pregnant. This, of course, reduces their income potential.

Seniors.²⁵ By the year 2000, increased life expectancy will mean that about 15% of Californians will be seniors. It is anticipated that the number of seniors over 85 years-old will increase by 81% by the turn of the century.

Ethnic Diversity. By the century's close, Asians, Blacks and Latinos will form the majority of California's population.²⁶ More than 75% of the state's population growth in the next seven years will come from racial and ethnic minorities, primarily Latinos and Asians.²⁷

Legislative Task Forces

Both major political parties have proposed legislation aimed at a myriad of family related issues. Assemblyman Tom Bates, taking the

lead for Assembly Democrats, introduced a 10-bill package to ease family problems. One of the bills would create an Office of Family and Work to assist the private sector in developing employment policies — like child care, flex-time options, parental leave — to help employees balance work and family obligations. Other Bates' bills would: provide child care to low-income parents participating in job training; give a 4% cost of living increase to state subsidized child care programs; provide economic development funding to counties with high unemployment rates to increase the job prospects for GAIN participants who have children; require new or renovated public buildings with 700 or more employees to include child care facilities; establish pilot projects to train parents how to teach their children to read and how to teach their children to learn computer skills; give student assistance to persons training to become child care workers; step up enforcement against delinquent child support obligations; and help homeless families by allowing counties to increase deed recording fees to fund housing and job-related services to the homeless.²⁸

On child care issues, Assembly Republicans have proposed legislation to reduce the cost of insurance at day care centers, lower the student-teacher ratio requirements for state-subsidized child care, help fund training for day care providers, and give tax credits to employers who build on-site day care centers.²⁹

Task Force on Family Equity. In the past two years, the California State Senate has also concentrated on family issues. A Senate Task Force on Family Equity was formed in 1986.³⁰ The Task Force found "an alarming relationship between the economic consequences of divorce and the feminization of poverty — the growing number of women and children living below the poverty line in single-parent female-headed households."³¹ This phenomenon is particularly significant in California which has the highest number of single-parent female-headed households of any state in the nation.³²

The Senate Task Force found that divorced women and their children suffer a drastic decline in their standard of living in the first year after a divorce — an average decline of 73% — while divorced men are economically better off than they were during the marriage. The standard of living of divorced men rises an average of 42% in the first year following a divorce.³³ This disparity continues over time. One study showed that even seven years after divorce, the financial positions of ex-husbands is strikingly better than that of ex-wives.³⁴

This post-divorce household income disparity between ex-husbands and ex-wives was explained by the Senate Task Force.³⁵ In two-paycheck families, the wife's outside income typically amounts to only 44% of the husband's earnings. Thus, the husband's departure leaves a precipitous drop in income available to the wife. Additional reasons were cited for the post-divorce income gap: (1) courts rarely award spousal support — only 17% of women in California are awarded spousal support; (2) child support usually falls largely on the mother, while the father is allowed to retain the major portion of his income for himself; and (3) only 50% of custodial mothers due support actually receive full payments. The Task Force also found that the system of dividing community property in California often produces unequal results.

After nine months of discussing the results of empirical research, the Senate Task Force on Family Equity produced 23 legislative proposals to help post-divorce families cope with the plethora of problems they face. The package includes proposals that would: (1) defer the sale of family

homes so children and the custodial parent would not be immediately uprooted in order to divide community property; (2) force self-employed parents who are delinquent in child support payments to establish security deposits equal to 12 months of child support; (3) take into consideration the value of career enhancements through education and training when setting child support and alimony payments; and (4) require judges to consider a history of child or spousal abuse when determining custody. Some of the proposed reforms are opposed by fathers' rights advocates.³⁶

Also in 1987, the state Senate received a report recommending more than 15 ways to improve California's divorce mediation program. According to the report, more than 33% of the current generation of children will experience a parental divorce before they reach the age of 18.³⁷

Senate Office of Research. During 1987, the Senate Office of Research released findings regarding family income.³⁸ The economic facts are revealing. In the past 10 years, California's families have become poorer overall. While the poorer families have lost ground, the richest families have prospered. The real income of the poorest of California's families fell 9% in the past ten years, while the real income of the richest families rose 14% between 1977 and 1986. Although the top 40% of California families have continued to increase their prosperity since 1977, the other 60% have either suffered a loss of prosperity or barely stayed even. Female employment and the increasing amount of work by women was cited as the main reason why family income did not fall more than it did between 1977 and 1986.

Senate researchers compared economic prosperity along racial and ethnic lines.³⁹ Black families have not fared well. Black families in the bottom 60% of the economy have seen their real purchasing power fall by about 5% between 1977 and 1985. Latino families virtually have remained economically the same. Latino families in the lower 60% of the economy have gained a slim 1% in purchasing power since 1977. Anglo families fared much better. Although the number of Anglo families has remained constant since 1977, in 1985 there were 7,000 fewer Anglo families in the bottom 20% of the economy and 6,000 more Anglo families in the top economic quintile than in 1977. Asian and Native American families in California had a percentage loss in middle-class status, and had larger increases in the percent of their poor families than of their wealthy families.

Proposed Commission on the Family. Citing the dramatic changes that have taken place in family structures, demographics, and income and poverty levels in California, Senator Diane Watson has proposed that the State of California establish a 15-member California Commission on the Family.⁴⁰ The two-year commission would study the dynamics of family structure in California and provide the Legislature with recommendations for incorporating findings into policy development. The recommendations would address the proper role of government in providing services to families and suggest ways to better coordinate programs that serve families.

Assemblyman Bates has summed up the California family situation:⁴¹ "We've got to face the reality — families and their needs have changed. The family policies of our state are stuck in the 50s. Now it's time to move into the 80s and 90s."

Joint Select Task Force on the Changing Family. The commit

ment of Assemblyman Bates and Senator Watson to improve family life in California has been recognized by the state Legislature. These two leaders were selected to co-chair a newly created Joint Select Task Force on the Changing Family. The new task force is comprised of 6 state legislators and 20 public members.⁴² It will study family trends and issues and file a report with the Legislature by the end of 1988 recommending steps that can be taken to bring public policy into line with the reality of contemporary family life in California as it is now and as it will be in the 1990s and beyond.

CALIFORNIA FAMILIES: RECOMMENDATIONS

5. The Task Force recommends that the Legislature's Joint Select Task Force on the Changing Family review this report and its recommendations prior to issuing its own report to the Legislature in November, 1988.

6. The Task Force recommends that the Legislative Policy Statements of the City of Los Angeles be amended. Since 90% of single-parent families are headed by women, it would be appropriate for the city's "Policy Statement on Women's Issues" to include a section addressing the needs of single-parent families. The Commission on the Status of Women could assist the city in implementing this recommendation.

7. The Task Force recommends that the Los Angeles City Commission on the Status of Women review the Final Report of the California State Senate Task Force on Family Equity, and the legislative proposals arising out of that report. Based on this data, the Women's Commission may wish to propose additional legislative policy statements involving judicial education, community property, child support, spousal support, and mediation.

8. The Task Force recommends that the California League of Cities sponsor a "Family Diversity Forum" at its next annual meeting and encourage its members and participants to create appropriate mechanisms in their own jurisdictions to study changing family demographics and issues.

California Families: Notes

¹ *Pennoyer v. Neff* (1878) 95 U.S. 714, 734-735.

² "Issues Affecting California Families," *Report Submitted to the 1980 Western Regional White House Conference on Families* by the California Task Force on Families and the California Health and Welfare Agency (April, 1980).

³ *1980 Census Summary Report*, California State Census Data Center (September, 1981); Dembart, Lee, "Census Compares State with Nation," *Los Angeles Times*, May 23, 1982.

⁴ *Report of the California Commission on Personal Privacy* (State of California, 1982); "Report of the Committee on Family Relationships," *Supplement One*; "Family and Household Use Survey," *Supplement One*.

⁵ *Socio-Economic Trends in California: 1940 to 1980* (Employment Development Department, 1986); Castaneda, Ruben, "Blacks, Hispanics Slowing Down in Economic Gains," *Los Angeles Herald Examiner*, May 2, 1986.

⁶ Bancroft, Ann, "California Families Turn into a High-Profile Issue," *Los Angeles Times*, April 24, 1987.

⁷ *Family Income in California*, Senate Office of Research, April, 1987; *Final Report: Senate Task Force on Family Equity*, June, 1987; *Report of the Advisory Panel on the Child Oriented Divorce Act of 1987*, April, 1987.

⁸ "Issues Affecting California Families," *supra*.

⁹ Dembart, *supra*.

¹⁰ *Socio-Economic Trends*, *supra*.

¹¹ *Ibid*.

¹² *Ibid*.

¹³ Dembart, *supra*.

¹⁴ Castaneda, *supra*.

¹⁵ *Ibid*.

¹⁶ Dembart, *supra*.

¹⁷ *Ibid*.

¹⁸ 1986 Stats., Ch. 1365 (AB 3657, Vasconcellos), Sec. 2(m).

¹⁹ *The Changing Family to the Year 2000: Planning for Our Children's Future*, State Assembly Human Services Committee, March 20-21, 1987.

²⁰ "Fact Sheet on the California Family Today," prepared by Assembly Human Services Committee Staff, March, 1987.

²¹ Yoshihara, Nancy, "State's Wage-Earners May Have to Run Harder Just to Stay Even," *Los Angeles Times*, July 9, 1987; Report, Center for the Continuing Study of the California Economy, July, 1987.

²² *Ibid*.

²³ Fact Sheet, *supra*.

²⁴ *Ibid*.

²⁵ *Ibid*.

²⁶ *Ibid*.

²⁷ Yoshihara, *supra*.

²⁸ Press Release, April 3, 1987.

²⁹ Bancroft, Ann, "California Families Turn Into a High-Profile Issue," *Los Angeles Times*, April 24, 1987.

³⁰ Senate Resolution 28 established the Task Force and requested it to study the growing body of academic and government research documenting the economic hardships created by the current family law system. In addition to Senators Roberti, Hart, Lockyer and Morgan, Task Force membership included family law scholars, judges, private and public attorneys, and advocates for women's and men's rights.

³¹ *Final Report*, Senate Task Force on Family Equity, June, 1987.

³² *Ibid*.

³³ *Ibid*.

³⁴ *Ibid*.

³⁵ *Ibid*.

³⁶ Cage, Mary, "Divorce Reforms Bring Fathers' Ire," *Daily Journal*, August 4, 1987.

³⁷ Report, Advisory Panel on the Child Oriented Divorce Act of 1987, April, 1987.

³⁸ "Family Income in California," Senate Office of Research Issue Brief, April, 1987.

³⁹ *Ibid*.

⁴⁰ Senate Bill 163, introduced January 13, 1987.

⁴¹ Press Release, April 3, 1987.

⁴² Assembly Concurrent Resolution No. 89, filed with the Secretary of State on September 18, 1987.

FAMILIES OF LOS ANGELES COUNTY

Like other areas of the country, Los Angeles County residents have experienced changes in household and family composition which have led to greater diversity in social, economic, and personal needs. But diversity also brings social and economic challenges as the different groups strive to live and work together.

— *State of the County:
Los Angeles 1987*
United Way, Inc.

On a population basis, Los Angeles County is larger than many states in this nation. Nearly one-third of all California residents live in Los Angeles County.¹ As of 1986, the county's total population was estimated to be 8.3 million persons.²

Although the City of Los Angeles is only one of 84 cities in the county, Los Angeles city residents account for about 37% of the county's overall population.³

County government has a significant impact on Los Angeles city families. When it comes to administering family-related programs — especially those dealing with family law, health, and welfare — county government has almost exclusive jurisdiction over the lives of city families.

The Superior Court is operated with state and county funds and personnel. Therefore, county agencies and officials, not city, are involved in juvenile dependency cases, marital dissolutions, conciliation of family disputes, child custody, visitation, foster care, and adoption.

Although the city is authorized by law to establish a city health department and adopt local health ordinances, it has not done so. Instead, the city defers to the County Board of Supervisors to pass local health laws and to the County Department of Health to enforce those laws within the City of Los Angeles.

When it comes to welfare benefits and programs, it is again the county and the state — not the city — that govern and administer.

A study of families in the City of Los Angeles, therefore, must include some examination of county demographics, problems, and governmental agencies.

County Populations and Trends

The county has added 5.7 million residents since 1930. By the year 2000, the county's population is expected to grow by another one million. These population increases primarily have resulted from a high number of births, rather than a surge of immigration. Between 1985 and 1986, for example, the population rose even though 14,000 more people moved out of Los Angeles County than moved into the county. Even with births, however, had it not been for substantial immigration by ethnic minorities, the net effect of out-migration by Anglos would have been a decrease in the county's population.

Ethnic Diversity. Los Angeles County is increasing in its ethnic diversity. In 1980, just over half of the county population was Anglo (White, non-Latino). In 1986, Anglos comprised about 46% of the

county's population, with Latinos at 32%, Blacks at 13%, and Asians at 9%.

The Latino and Asian segments have more than doubled in the past 30 years, primarily due to higher birth rates and immigration trends. Latino births are outpacing those of all other ethnic segments of the population. In 1984, for example, 44.8% of all births were to Latinos, 30.7% to Anglos, and 14.4% to Blacks.

Thirty-one percent of county families speak only a non-English language at home.⁴ This compares with 23% in California and 10% nationally.

Household Composition. By 1989, the county will have approximately 3.2 million households. In 1980, 27.3% of the county's households consisted of persons living alone.⁵ This figure will increase to 29% by 1989. Among married couples, two-earner households increased from 26% in 1960 to 47% in 1986.

Marital Status. Thirty-five percent of county residents over 15 years-old are single (never married).⁶ This compares with a national figure of 30%. Nearly 53% of county residents over 15 years-old are married. About 12% are divorced or widowed.

Housing Trends in the County

Home ownership in the county is declining. In 1980, 49% of housing units were owner occupied. In 1989, owner-occupied units will decrease to 45% of the housing stock. The median sale price of existing single-family detached homes jumped from \$113,421 in 1982 to \$128,799 in 1986. Median rents more than doubled in the county between 1970 and 1980.

It is predicted that the number of homeless families will grow as the cost of shelter moves beyond the means of a greater number of lower-income families.

Presently, some of the existing housing is inadequate. For example, more than 53,000 housing units have either no bathroom or only 1/2 bath. Thus, families in those units lack adequate bathing facilities.⁷

Transportation Issues in the County

Streets and highways in the county are getting more congested. Traffic congestion is affected by housing and employment factors. Eighty-six percent of employees get to work by car.⁸ The growing number of two-paycheck married households no doubt contributes to growing traffic problems. Also, more workers are driving more miles to and from work. This trend is related to out-migration triggered by those seeking more affordable housing, which is more readily available in suburban and rural areas of the county. The resulting increase in traffic congestion will generate continued need for new transportation modes and stronger incentives for business-sponsored car pool systems.

Thankfully, alcohol-related traffic accidents have been decreasing in the county. Legal and public relations campaigns against drinking and driving appear to be working. Unfortunately, motor vehicle accidents are still the leading cause of death for county youths between ages 10 and 19.

Trends in County Schools

The county has 82 school districts within its boundaries. School enrollment in public kindergarten increased by 12% between 1981 and 1986. Increases in county birth rates and immigration patterns are expected to produce population growth at all grade levels. Naturally, changes in county demographics, as well as increased diversity in family structures and family problems, affect the county's schools in many ways.

Adult Education. The major population increases in the county between 1980 and 2000 will occur in the 35 to 50 age groups. The growth of the mid-life population requires that a broader array of adult, vocational, and continuing education options be offered.

Multicultural Needs. The student population in the county's schools is becoming increasingly diverse. Anglo representation declined five percent between the 1981-1982 school year and the 1985-1986 school year. Black representation also declined during that same period. These trends were offset by increases in Latino and Asian enrollment.

Such changes have created a demand for more ethnically responsive education materials and teaching modes. So-called "world view" materials can enhance students' appreciation of social and economic opportunities generated by the growing interdependency of nations. A broader range of intercultural materials can stress the richness of a multicultural environment.

A growing and ethnically diverse school-age population also requires more variety in the composition of staff. Students need positive "role models" with whom they can identify. Especially at the high school level, there is a need for more diversity among high school counselors who serve as role models for racial, ethnic, and sexual minority students.

One in five public school students needs bilingual education. This is evidenced by the number of limited or non-English-proficient students in the county's schools.

The large number of immigrants requires more teachers and more classes in "English as a Second Language," especially in the primary grades and in adult education.

School Dropouts. Dropout rates in the county's schools are high. Possibly 40% of the area youth do not complete high school. Drug abuse and teenage pregnancy contribute to the dropout rate.

A greater emphasis on programs designed to prevent pregnancy and drug abuse could help alleviate the dropout problem.

Employment Trends in the County

Los Angeles County is the largest employment area in California. The number of persons employed in the county will rise from 3.9 million in 1980 to a staggering 4.8 million in 2000. Most workers in the county are employed in service occupations, such as insurance, accounting and education. Manufacturing has the second highest number of jobs.

The county has experienced a growth in businesses owned by women and minorities in recent years. Female entrepreneur businesses jumped 200% between 1977 and 1982. During the same period, Latino-owned

businesses grew by 75%, Black-owned businesses by 50%, and businesses owned by Asians and other minorities grew over 100%.

Unemployment and job benefits are two of the major employment issues affecting county families.

Minority Unemployment. Unemployment rates for Blacks and Latinos are higher than for Anglos living in the county. Blacks historically have the highest unemployment rate and Black youth presently have the highest rate of any group.

Employee Benefits. The increases in single-parent families, two-paycheck families, and older and middle-age workers require changes in employee benefit programs, especially since an increasing portion of employee compensation now is paid indirectly in the form of benefits rather than in direct wages.

The demographic changes in the workforce call for the adoption of more flexible work schedules, increased child care services, and expanded employee assistance programs (e.g., drug rehabilitation assistance, family conflict resolution, mid-life crisis counseling, etc.)

County Commissions and Family Issues

On an ongoing basis, several county commissions conduct research, hold public hearings, issue reports, and make recommendations concerning issues affecting county families.

Human Relations Commission

The county's Human Relations Commission consists of 15 members appointed by the Board of Supervisors. It has an annual budget of approximately \$900,000. The commission conducts community programs which assist civic, religious, business, governmental and professional groups in resolving human relations problems. It provides conflict resolution services when specific inter-group tension surfaces. It sponsors conferences and leadership training programs. The commission also engages in research and conducts public hearings on human relations topics, disseminating reports to interested groups and individuals.

The following are excerpts from reports issued by the commission in recent years.

Immigrants.⁹ Los Angeles County is the home of 1.6 million foreign-born persons, according to 1980 census figures. No other county in the nation has such a large immigrant population.

The ethnic diversity created by immigration has been accompanied by intergroup tension and conflict, sometimes manifesting itself in discrimination, vandalism and violence.

The commission found that: (1) hostile attitudes toward immigrants and refugees were widespread among the general public; (2) employment discrimination is a major problem for immigrants and refugees; (3) workplace raids by the INS have resulted in discriminatory treatment of many Latinos and Asians who are American citizens; and (4) many immigrants are denied equal access to health care.

Gays and Lesbians.¹⁰ It has been estimated that about 10% of the general population has a sexual orientation which is predominantly

homosexual. This means that about 800,000 gays and lesbians live in Los Angeles County.

Regarding the county's gay and lesbian population, the commission has found that: (1) scientists believe that sexual orientation is established early in life; (2) there is no significant difference in the incidence of anti-social behavior between homosexuals and heterosexuals; (3) many religious and secular institutions have been reluctant to acknowledge the common humanity of lesbians and gay men; (4) anti-gay bigotry is often reinforced by insensitive and stereotypical depiction of gays in the media; (5) living in an atmosphere of prejudice puts considerable stress on gays and lesbians; (6) employment discrimination against gays is perceived to be widespread; (7) an historically tense relationship has existed between the gay community and law enforcement; and (8) the gay and lesbian community is alarmed by the increase in anti-gay harassment and violence.

Housing Discrimination.¹¹ The denial of housing rights to individuals and families in Los Angeles County is an unfortunate reality in the 1980s. The commission reported that four of the Los Angeles City Fair Housing Councils received 1,662 complaints of discrimination during 1984. The councils estimate that these complaints were merely the "tip of the iceberg," representing less than 25% of the actual incidents of discrimination on the areas they served.

On the subject of housing discrimination, the commission found that: (1) Los Angeles is the first major metropolitan area to be a true multi-ethnic, multiracial society; (2) by 1999, most individuals living in the county will not be able to afford a home; (3) affordable rental housing is declining at a significant rate; (4) the problem of deteriorating and inadequate housing is prevalent in many racially and economically segregated communities; (5) competition for the limited resources of housing can exacerbate intergroup stress and conflict; (6) housing discrimination has a pronounced and disparate effect on Blacks, female-headed households, immigrants and refugees, the disabled, the economically disadvantaged, and families with children; and (7) a limited political and financial priority is often put on fair housing efforts despite the fact that racial segregation is one of the county's most persistent racial problems.

Hate Crimes.¹² In 1980, the commission began gathering data, investigating, responding to, and reporting on incidents of racially and religiously motivated vandalism and violence.

The commission found a decrease in such violence during 1983 and 1984, with a leveling off in 1985. However, hate crimes started increasing in 1986 and this trend has continued as residences, businesses, and houses of worship became targets.

In mid-1987, the commission announced that it now will monitor incidents of anti-gay violence in the county.

Discomfort with demographic changes, ongoing intergroup or neighborhood tensions, and youthful mischief-making all contribute to the problem of violence against minorities.

The commission has found that: (1) residences were the target of 75.8% of racial violence and the most frequent target (44.2%) of religious incidents; (2) racial attacks during 1986 showed a pattern of repeat attacks and a propensity for interracial families as targets; (3)

about 36% of racially motivated incidents occurred within the City of Los Angeles; and (4) about 57% of the religiously motivated violence happened in the City of Los Angeles.

Women's Commission

The Los Angeles County Commission on the Status of Women provided the Task Force on Family Diversity with specific suggestions regarding the problems of older women, particularly their needs for pay equity, divorce law reform, respite care, affordable housing, and access to health care.¹³ These and other issues affecting women are discussed in more detail in other sections of this report.

Many of the equity concerns brought to the attention of the Task Force by the county Women's Commission have been echoed in a report recently issued by the Congressional Caucus for Women's Issues on the status of women in 1987-88.¹⁴

Commission on Disabilities

The county's Commission on Disabilities was established by county ordinance and is comprised of 16 members who represent various areas of disability. The Commission advises the Board of Supervisors on issues dealing with disability.

A representative of the Commission on Disabilities testified at public hearings conducted by the Task Force on Family Diversity.¹⁵ A major concern raised during this testimony involved needed improvements in public transportation — and what the City of Los Angeles should do to improve the situation for persons with disabilities. These issues are addressed in detail in the sections of this report which focus on families with disabled members.

Commission on AIDS

Soon after it became apparent that acquired immune deficiency syndrome (AIDS) was a health crisis that would affect the Los Angeles area for many years, a joint City-County Task Force on AIDS was convened by Mayor Tom Bradley and Supervisor Ed Edelman. The Task Force on AIDS served for several years, until the Board of Supervisors established a formal County Commission on AIDS. The 18-member Commission on AIDS held its first meeting in August, 1987.

Facts About AIDS:

The following factual backdrop underscores the challenge facing the Commission.

Cause of AIDS. AIDS is caused by a viral infection that breaks down the body's natural immune protections, leaving it vulnerable to virulent diseases normally resisted or repulsed by a healthy immune system.¹⁶ The agent of transmission is HIV or Human Immunodeficiency Virus.¹⁷

Transmission of the Virus. The medical evidence regarding transmission of the virus is conclusive that the infection is spread by sexual conduct with infected persons, exposure to contaminated blood or blood products through transfusion (sharing of hypodermic needles or by contaminated blood transfu-

Facts About AIDS: continued

sions) and by perinatal transmission, and that there is no known risk by other means. In other words, the AIDS virus is not transmitted by casual contact.¹⁸

Clinical Reactions to Infection. Persons whose bodies carry the virus fall into a spectrum of clinical reactions, from totally asymptomatic (the largest percentage), to mild or severe illnesses consisting of non-specific symptoms (AIDS-related complex or ARC), to major and deadly opportunistic diseases (AIDS).¹⁹

In discussing AIDS, therefore, it is important to distinguish between those who are merely infected (HIV antibody positive), those who have moderately serious associated illnesses (ARC), and those who have developed fatal opportunistic diseases (AIDS).

Early estimates had predicted that about twenty-five percent of persons who are HIV antibody positive may ultimately develop the full-blown disease of AIDS. More recent projections estimate much higher rates. The incubation period from infection to development of AIDS is believed to vary from three to seven years.²⁰

Incidence and Mortality Rate. The Commission on AIDS has been confronted with statistics gathered by the County Health Department and alarming projections by medical scientists.²¹

HIV Antibody-Positive Persons. It has been estimated that between 135,000 and 150,000 persons in Los Angeles County have been infected by the AIDS virus.²² Approximately 30% of these antibody positive persons will ultimately develop full-blown AIDS, probably within the next seven years.

Persons With AIDS. More than 4,700 cases of full-blown AIDS have been reported and confirmed in Los Angeles County since 1981. The overwhelming majority of these are adult cases. The mortality percentage of these full-blown AIDS cases has been over 60%.

Projections. It has been estimated that about 130 cases of full-blown AIDS will be confirmed in Los Angeles County each month. By 1991, experts anticipate there will have been 31,000 confirmed cases of full-blown AIDS in the county.

The Effects of AIDS on Families:

AIDS is having its effect on thousands of Los Angeles families. Each person who tests HIV antibody positive but has no observable symptoms, who has developed ARC, and who has full-blown AIDS, has family relationships. Since the average age of infected persons is in the 30s, most of their parents are probably still living. Statistically, somewhere between 30% and 50% of infected persons live with a spouse or lifemate. Most have at least one sibling. Thus, even if 90% of those infected with the HIV virus in Los Angeles County are homosexual or

bisexual²³, close family relationships provide a mighty multiplier of those affected by the disease, and most of those affected thereby are heterosexual.

Little research has been done on the effect of AIDS on family relationships. Those articles that have been published on the subject indicate that AIDS takes a psychological toll on spouses, lifemates, and other immediate family members.²⁴ One local person with AIDS summarized the plight of family members who serve as primary caregivers:²⁵

AIDS is perceived as altering the life of one person. This is not the whole truth. As the patient becomes slowly dependent upon someone else, finally needing help all day, all week, the disease slowly destroys the quality of life for two people. The caregiver of the AIDS patient is also held hostage by the disease.

According to Jaak Hamilton, a Los Angeles therapist specializing in AIDS and family relationships, most AIDS patients feel the need to seek acceptance and love from their families. Hamilton says there is a continuum of responses from parents, from those who absolutely cut off their child, to those whose lives go through an entire metamorphosis in order to provide continuous support.²⁶ Although some families respond with anger and rejection, Hamilton says, this is not the typical response:²⁷

I have found that about 90% of these families put aside whatever biases or fears or prejudices they have because the love they have for the affected adult child transcends all other feelings. And almost always they are there to hold a hand, massage a foot, cry and say: "I love you."

Ethnic minority families bear a major brunt of the trauma caused by the AIDS crisis since a disproportionate number of minorities have AIDS.²⁸ Although Blacks and Latinos constitute 19 percent of the United States population, they comprise 38% of all reported AIDS cases in the country, and 80% of all children with AIDS are Black or Hispanic.

Hospice and In-Home Care. At least a partial solution to some significant problems experienced by persons with AIDS and their families seems to lie in dramatically increased funding for in-home services, respite care for primary caregivers, and hospices.²⁹ Last year the Board of Supervisors acted favorably on a recommendation from the county's new AIDS Commission, by directing the county health department to expedite the implementation of a hospice and home-care program for persons with AIDS and ARC.³⁰ The Task Force on Family Diversity commends the Los Angeles AIDS Hospice Committee, the County AIDS Commission, and the Board of Supervisors for working together to expedite the development of hospice and home-care services.

The LaRouche Initiative. Persons with AIDS, medical researchers, service providers, educators and policy makers are already working overtime in the fight against AIDS. They do not need the distraction and resource drain caused by factually unjustifiable initiatives, such as that supported by Lyndon LaRouche. Such initiatives offer public identification and/or isolation of infected persons, thus depriving personal privacy and dignity, and providing fuel — if not legal sanction — to employment, housing, and other forms of discrimi-

nation. The discrimination, in turn, is not helpful but is actually harmful to the campaign to control the spread of the disease and to find a cure for those already infected.

FAMILIES OF LOS ANGELES COUNTY: RECOMMENDATIONS

9. The Task Force recommends that the Los Angeles County Board of Supervisors establish a County Task Force on Family Diversity to study the problems experienced by contemporary families in the county and to recommend ways in which family-related county programs can better serve the needs of Los Angeles families. A two-year task force of this nature could synthesize information available from county agencies and commissions, hold public hearings, solicit advice from professionals in public and private sector agencies serving local families, and issue a comprehensive report to assist the Board of Supervisors and county departments meet the challenges posed by changing family demographics and family structures.

10. The Task Force recommends that the Los Angeles County Commission on AIDS continually study the impact of AIDS on family relationships for the purpose of recommending ways in which public and private sector agencies could better assist spouses, lifemates, parents, siblings, and other immediate family members of people with AIDS in coping with the myriad of problems caused by the disease.

Families of Los Angeles County: Notes

- ¹ *State of the County: Los Angeles 1987*, published by United Way, Inc.
- ² Ibid. Unless otherwise indicated, the source of data in this section on "Los Angeles County Families" has been extracted from United Way's 1987 report.
- ³ "Family Demographics," *Report of the Task Force on Family Diversity: Supplement - Part One*, p. S-30.
- ⁴ Dembart, Lee, "Census Compares State With Nation," *Los Angeles Times*, May 23, 1982.
- ⁵ Ibid.
- ⁶ Ibid.
- ⁷ Ibid.
- ⁸ Ibid.
- ⁹ "Plight of the New Americans: Discrimination Against Immigrants and Refugees," *Report on a Public Hearing*, Los Angeles County Commission on Human Relations (November, 1985).
- ¹⁰ "Prejudice and Discrimination Based on Sexual Orientation: Myth and Reality About Gays and Lesbians in Los Angeles County," *Report on a Public Hearing*, Los Angeles County Commission on Human Relations (April, 1985).
- ¹¹ "Division in the Midst of Diversity: Continuing Discrimination in Housing," *Report of a Public Hearing*, Los Angeles County Commission on Human Relations (April, 1986).
- ¹² "Racially and Religiously Motivated Vandalism and Violence in Los Angeles County in 1986," *Report to the Los Angeles County Board of Supervisors*, Los Angeles County Commission on Human Relations (February, 1987).
- ¹³ Testimony of Commissioner June Dunbar, Public Hearing, March 16, 1987, *Transcript of Public Hearings*, p. 156.
- ¹⁴ A Shifting Economy . . . But Not For Women," *Los Angeles Times*, August 16, 1987.
- ¹⁵ Testimony of Commission Chairperson Sue Ridenour, Public Hear

ing, April 8, 1987, *Transcript of Public Hearings*, p. 282.

¹⁶ Health and Safety Code Section 199.46, amended September, 1986 by AB 4250.

¹⁷ Stats. 1986, Ch. 498, Sec. 1.

¹⁸ Ibid.

¹⁹ Ibid.; Senate Bill 1928 (Sept., 1986).

²⁰ H & S Sec. 199.46, *supra*.

²¹ "AIDS — Report for June 1987," Memo by Robert C. Gates, Director of Health Services, July 10, 1987; Interview with Martin D. Finn, M.D., Medical Director, AIDS Program Office, County of Los Angeles, August 13, 1987; "County AIDS Cases Rise," *Los Angeles Times*, April 19, 1988.

²² Ibid.; SB 1928, *supra*.

²³ Memo by Robert Gates, *supra*.

²⁴ Cimons, Marlene, "AIDS Victim Gets Family Support: Many Fear Rejection," *Los Angeles Times*, August 13, 1987.

²⁵ Koehn, Hank, "My Passage Through AIDS," *Los Angeles Times*, August 14, 1987.

²⁶ Cimons, *supra*.

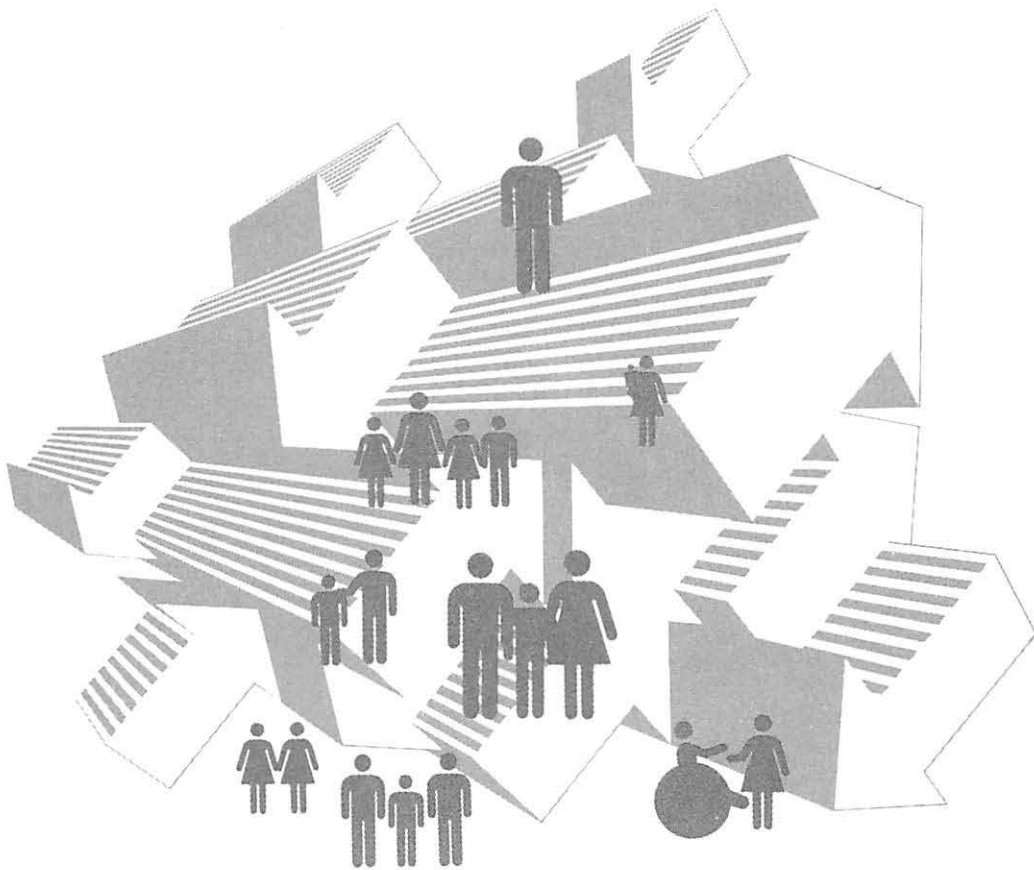
²⁷ Ibid.

²⁸ "Minorities Demand More Say in AIDS Fight," *Los Angeles Daily Journal*, August 11, 1987.

²⁹ Kattlove, Herman, "AIDS Brings Urgency to Need for Hospice," *Los Angeles Times*, August 16, 1987.

³⁰ "Hospice Funding Approved," *The News*, December 25, 1987.

Public Policy



Definition of Family



PUBLIC POLICY AND THE DEFINITION OF FAMILY

“Family” may mean different things under different circumstances. The family, for instance, may be a group of people related by blood or marriage, or not related at all, who are living together in the intimate and mutual interdependence of a single home or household.

— California Supreme Court
*Moore Shipbuilding Corporation
v. Industrial Accident Commission*
(1921) 185 Cal. 200, 196 P. 257

In the recent past, Americans had no reason to debate over the definition of “family.” Everyone knew that families were created either by marriage or birth. Since the families of nearly all adults were cut from the same social pattern, everyone’s experience of family neatly coincided with their intellectual understanding of this venerable institution. Family, of course, was then an unambiguous term which referred to so-called “nuclear” relationships (husband-wife-child) and extended kinship networks. Not only were most families cut from the same social pattern, they were also homogeneous in other significant ways, including race, religion, and ethnic background.

Although the average person held a rather narrow experiential and intellectual view of the traditional family, American jurisprudence was a bit more flexible. For example, adoption was developed by the legal system to accommodate childless couples seeking entry into the nuclear family mainstream. Occasionally, and for some rather limited purposes, the law even stretched the definition of family beyond the blood-marriage-adoption model to encompass servants or other household members. Thus, in this bygone era, the nuclear family was the social norm, albeit a norm which permitted a few minor exceptions.

Today, the picture is changed dramatically. What formerly was considered the exception now has become the rule. Since contemporary families exist in many shapes and sizes, family terminology has become complex. People refer to nuclear families, mixed marriages, childless couples, step families, blended families, binuclear families, interracial families, dual-career families, foster families, extended families, single-parent families, and unmarried couples or so-called domestic partners. Moreover, a significant portion of the population now comprises each of these variations.

Society is experiencing an uneasy tension between present experience and leftover social dogma. The nuclear family — once a normative reality — today is simply another variation, and a minority one at that; as a perceived ideal, the nuclear family is now a myth. Thus, since most people want to be “normal,” many feel somewhat guilty because their nonnuclear living arrangements have missed the mark, deviating from the lingering perception of the social norm.

This report does not seek to supplant old ideals with new ones. Neither does it intend to substitute one definitional straightjacket with another. Rather, the mandate and goal of the Task Force is to examine the realities of contemporary family living. Definitions will help describe what actually exists; for the Task Force, definitions are tools for understanding, passive reflections rather than a shoehorn designed to make one size fit all.

As this report demonstrates, people live in a wide range of committed family relationships. Fortunately, the law and society’s institutions are flexible enough to accommodate this reality.

Family Definitions from a Legal Perspective

The definition of family, like the definition of any term, is a function of the perspective of the definer, the context in which the term is used, and the user’s purpose in employing the term.

A layperson understands family in one way.¹ When he or she refers to family in a social conversation, a dictionary definition may suffice. However, a member of the clergy may understand family in quite another way.² If a pastor is delivering a sermon intended to reinforce institutional religious teachings, the term may be used in a restrictive manner which is designed to promote adherence to a designated model. On the other hand, a sociologist doing field research may be less concerned with a preconceived model than with actual and observable social functions involved in family relationships.³ In contrast to both the model and pragmatic definers, a philosopher may resist defining family at all, probing instead at the concept and its possible expansions and contractions.⁴

Although the Task Force on Family Diversity has considered these various perspectives in examining the definition of family, this report adopts a perspective that is inclusive rather than exclusive and, therefore, most useful for development of public policy and the administration of law.

Laws are intended to further public policies. Public policy is generally based upon the public interest or the public good, admittedly vague concepts not subject to precise definition.⁵

Questions of public policy are primarily determined by the legislative branch. However, when neither the Constitution nor the Legislature has spoken on a subject, the courts may declare public policy.⁶ A judicial declaration of public policy is not necessarily dependent on technicalities but is often based on the “spirit” of the law.⁷

The federal government plays a very limited role in the area of family law since domestic relations is an area which our constitutional federalism regards as the province of state law.⁸ Therefore, California’s public policy regarding the definition of family must be gleaned from the state Constitution, acts of the state Legislature, decisions of the state courts, and, to some extent, the actions of state and local administrative agencies. Since California’s public policy has been developed within the larger system of American jurisprudence, however, it is generally consistent with the flexibility inherent in American family law.

The word “family” is derived from the Latin term “familia,” which means household, i.e., the body of persons living in one housing unit under a common head.⁹ In American jurisprudence, family conveys the notion of some relationship, by blood or otherwise, which is of a permanent and domestic character. When the word is used without reference to an established household, family may refer to all blood relatives or, in a more restricted sense, to spouses and their children.¹⁰

Generally, the central characteristic underlying family is mutual interdependency. Thus, family may refer to a group of unmarried persons not related by blood, but who are living together and who have

some obligation, either legal or moral, for the care and welfare of one another.¹¹

The definition of family has been litigated in American courts in many factual contexts: single-family zoning, restrictive covenants, insurance policy exclusions, property tax exemptions, anti-nepotism regulations, and victim's compensation, to name a few. Whether American courts have granted or denied family status has depended on the particular circumstances of each case. For example, in some cases, disabled persons, delinquent teenagers, or religious novices living in group homes have been considered families. Courts also have ruled that communal living arrangements involving student roommates in dorms or fraternity houses were not family relationships.

With this legal background in mind, the Task Force has examined California's public policies involving family definitions. Those policies are grounded in constitutional considerations, legislative enactments, administrative decisions, and judicial interpretations.

Constitutional Considerations

The California Constitution declares that all people are by nature free and independent and have inalienable rights. Among these enumerated fundamental rights are enjoying and defending life and liberty, acquiring, possessing, and protecting property, as well as pursuing and obtaining safety, happiness, and privacy.¹²

Although the California Constitution and the United States Constitution have many similar provisions, the state Constitution is a document of independent force. State court judges have the personal obligation to exercise independent legal judgment in ascertaining the meaning and application of state constitutional provisions — even if their interpretations vary from the views expressed by the United States Supreme Court as to the meaning and scope of similar federal constitutional provisions.¹³ Consistent with federalist principles, the State of California, through its own state Constitution, is free to confer greater rights upon its citizens than the federal Constitution generally confers upon Americans.¹⁴

Since family law traditionally has been a matter of state, rather than federal, regulation, public policies governing family definitions are also grounded in the state Constitution. The California Supreme Court has the ultimate responsibility to define the meaning and scope of state constitutional provisions, and it does so when asked to decide specific cases and controversies. Some of these cases and controversies have involved the definition of family.

One such case was decided by the Supreme Court in 1980.¹⁵ The City of Santa Barbara adopted a zoning ordinance that restricted who could live in areas zoned for single families. The city defined a single family unit to include any size group related by blood, marriage, or adoption, as well as a group of unrelated occupants not exceeding five persons. The Adamson household violated the rule of five. It consisted of a group of 12 adults living in a 10-bedroom, 6-bathroom mansion. The Adamson householders were a close group with social, economic, and psychological commitments to each other. They lived much as a family would, sharing expenses, rotating chores, eating evening meals together, lending each other emotional support, and often taking vacations together. They regarded their group to be a family.

The Supreme Court termed the Adamson household an "alternate family" because the group's living arrangements achieved many of the personal and practical needs served by traditional family living. The court noted that the group met half of Santa Barbara's definition of family because it was a "single housekeeping unit in a dwelling unit." However, it failed to meet that part of the definition that required residents, if they were greater than five in number, to be related by blood, marriage, or adoption.

In declaring the city's restrictive definition of family violative of Article I, Section 1 of the California Constitution, the Supreme Court cited precedents in New Jersey and New York.¹⁶

Some courts, confronting restrictions similar to the rule-of-five here, have redefined "family" to specify a concept more rationally and substantially related to the legitimate aim of maintaining a family style of living. For example, in New Jersey a valid regulation of single-family dwellings would be "a reasonable number of persons who constitute a *bona fide* single housekeeping unit." *Berger v. State* (1976) 71 N.J. 206. "The fatal flaw in attempting to maintain a stable residential neighborhood through the use of criteria based upon biological or legal relationships is that such classifications operate to prohibit a plethora of uses which pose no threat to the accomplishment of the end sought to be achieved. Moreover, such a classification system legitimatizes many uses which defeat that goal. . . . As long as a group bears the generic character of a family unit as a relatively permanent household, it should be equally as entitled to occupy a single family dwelling as its biologically related neighbors." *City of White Plains v. Ferraiolo* (1974) 34 N.Y.2d 300, 306.

Thus, the state Constitution protects the right of all Californians to form "alternate" family relationships, i.e., relationships not based on blood, marital, or adoptive ties, and to live with these chosen family members in a single dwelling without undue government interference.

On the other hand, in 1982, the California Supreme Court upheld a state prison regulation limiting overnight visitation with eligible inmates to persons with whom inmates were related by blood, marriage, or adoption. A prisoner claimed he had a long term nonmarital relationship with a woman. The woman and her daughter wanted to participate in the prison's family visitation program. The Department of Corrections, citing its restrictive definition of family, refused. In a three-way split, the majority of the court concluded that public policies favoring administrative efficiency and prison security overrode the inmate's interest in maintaining overnight visitation with his "alternate" family. A majority of the court, however, indicated that the scales of justice may have tipped in the inmate's favor had society provided "alternate" families with a simple method of authenticating their relationships. The court found unacceptable the idea of "mini" trials in which bureaucrats would have to decide which family relationships between prisoners and their potential visitors were authentic and which were not. The two justices whose votes were pivotal to the outcome of the case explained:¹⁷

The definition of "family" in our society has undergone some change in recent years. It has come to mean something far broader than only those individuals who are united by formal marriage. Many individuals are united

by ties as strong as those that unite traditional blood, marriage and adoptive families.

However, the very diversity of the groups of people now commonly referred to as "families" highlights the difficulty that would be created if the prison authorities were required to grant family visits to prisoners who were not married. The prison authorities do have a security interest in prohibiting visits by transients, whose ties to the prisoners may be fleeting or tenuous at best. In the absence of a marriage certificate or a valid out-of-state common law marriage [common law marriage has been abolished in California], it would be extremely difficult for prison officials to distinguish between the valid long-term commitments that constitute a "family" and transient relationships. Further, the evidentiary hearings that such determinations would require would pose a significant administrative burden on prison officials. . . .

In the absence of any reasonable alternative to distinguish between families and nonfamilies, the limitation of family visits to those who are married under the laws of this or another state is a valid restriction.

These and other cases support the individual's constitutionally-based freedom to choose whether to form and maintain a traditional family unit or to live in an alternate family form. Legislative or administrative decisions restricting this freedom of family choice may be invalidated or upheld, depending on the balancing of competing interests. Often the courts defer to legislative and administrative judgments in deciding how to strike the balance.

Legislative Enactments

The California Legislature has found and declared that the family unit is of fundamental importance to society in nurturing its members, passing on values, averting potential social problems, and providing the secure structure in which citizens live out their lives.¹⁸ Through actions on a wide variety of subjects, the Legislature has expressed its judgment that family units can be diverse in their structures. As a result, there is not one uniform definition of family in California law. Instead, there are family *definitions*.

In some contexts, the Legislature has defined family in a restrictive manner. For example, in describing those persons entitled to family allowances pending the administration of estates, the Probate Code uses the traditional blood-marriage-adoption definition.¹⁹ Similarly, the legislatively created veterans-home-purchase program defines "immediate family" as including only a spouse or adopted or natural dependent children.²⁰

Other contexts have merited and received the benefit of broader legislative definitions. In authorizing programs to rehabilitate child molesters who have abused youthful family members, the Penal Code defines family member in terms of being a "member of the household" of the victim.²¹ In providing remedies to persons who suffer violence caused by other family members, the Legislature has defined family in terms of residents of the same household.²² In domestic violence legislation in which the goal is specifically to prevent partner abuse, "family members" include a variety of adult household members, including

spouses, former spouses, and other adults having sexual relations with each other.²³ In the worker's compensation context, the Legislature extends survivor benefits to dependent relatives (blood-marriage-adoption), or to surviving dependent household members of deceased employees.²⁴ Here, the Legislature has reaffirmed the expansive definition of family by rejecting attempts to limit worker's compensation benefits to survivors related to deceased employees only by blood, marriage, or adoption.²⁵

In other situations, the Legislature uses the term family without defining it. For example, in establishing the Victims Restitution Fund, which provides assistance to crime victims and their families, the phrase "member of family" is used without definition.²⁶ In addressing the functions of Conciliation Courts, the Legislature sets a goal of keeping families intact. Here also, family is nowhere defined.²⁷ In these situations, the Legislature may have delegated definitional authority to the administrative and judicial agencies operating these programs.

Although the Legislature is aware that the definition of family varies from context to context, its definitional choices are not beyond critical analysis. For example, in 1986 the Legislature passed a law allowing members of a victim's family to be present during a criminal preliminary hearing that is normally closed to the public. The Legislature evidently determined that the families of victims have a greater interest than the general public in attending preliminary hearings and that the victim has an interest in having his or her family present for emotional support.²⁸ However, the definition of family was limited to the alleged victim's "spouse, parents, legal guardian, children, or siblings."²⁹ This restrictive definition fails to acknowledge the needs of victims whose closest family members do not fall within the definition. For an elderly victim, the only available relative might be a grandchild or nephew or niece who resides with the victim. Under this definition, the lifemate of a gay or lesbian assault victim would have to remain in the hallway while the victim faced the courtroom trauma alone. The expanded "household member" definition of family certainly would have been appropriate in this law. The Legislature's failure to use the expanded definition may very well have been merely an oversight.

This definitional survey shows that the Legislature recognizes diversity in family structures and does not entertain the goal of creating a singular definition. Rather, the term family is defined by the Legislature only as a method of furthering other public policies. While one policy may sometimes call for the use of a narrow definition, another policy may call for an expansive definition. The overriding principle is clear: public policy requires flexibility in the definitional process; the ultimate definition is guided by a keen understanding of the state's ultimate objectives when dealing with a particular problem.

Administrative Discretion

The State of California has a tripartite system of government. Like the federal government, its coequal branches are executive, legislative and judicial. The legislative branch passes laws and declares public policies. The judicial branch, the ultimate authority on constitutional issues, interprets laws in the context of specific cases and controversies. The executive branch, including administrative agencies, administers and enforces laws as passed by the legislative body and interpreted by the courts.

In operating their programs, administrative agencies have broad discretion in adopting rules, regulations, and definitions. Of course,

their discretion is not unlimited; administrators must act within the Constitution,³⁰ and their actions must conform to the will of the Legislature.³¹ However, within these confines, executive agencies are given wide latitude in setting definitional parameters for their operations.³² Very often, the Legislature, after declaring a general policy and fixing a primary standard, will confer upon administrative officers the power to fill in the details necessary to carry out the legislative objectives.³³

In 1982, the California Commission on Personal Privacy examined 96 federal, state, and municipal agencies which utilized the terms "family" or "household" in operating their programs.³⁴ Respondents were asked to indicate whether they used the standard Census Bureau definition of family (blood-marriage-adoption) or broader definitions. Program managers were also asked if their program definition and eligibility criteria included or excluded members of "variable" families, i.e., "two or more persons domiciled in the same household and operating as a single housekeeping unit, who are *not* related by blood, marriage, or adoption." The Privacy Commission survey revealed the following facts:³⁵

- * 75% of respondents were not bound by a definition based solely on blood, marriage, or adoption.
- * The greatest autonomy to adopt broader definitions existed at the municipal level of government.
- * 63.5% of respondents actually served variable families during program year 1981.

The survey showed that administrative discretion was often used to define family in an expanded way.³⁶ For example, in connection with its Child Care Program, the United States Department of Agriculture defined family as a "group of related or non-related individuals who are not residents of an institution or boarding house, but who are living as one economic unit." In its School Health Program, the State Department of Education defined family as "a unit of intimate transacting and interdependent persons who share the same values and goals, responsibility for decisions and resources, and a commitment to one another over time." In its Genetically Handicapped Program, the Monterey County Social Services Department defined family as a "group of individuals who live together on a continuing basis and share their income and expenses and are dependent upon the group's resources." In connection with its Child Protective Services Program, the San Diego County Social Services Department defined family as "primary caretakers, siblings, or significant others living together." The Probation Department of the Tulare County Family Court defined family as including "cohabiting individuals and natural parents (married or unmarried), their offspring, and other significant individuals concerned about children (e.g., grandparents)."

The Privacy Commission survey reported that a substantial majority of administrative agencies had no legal restrictions which prevented them from serving members of "variable" families. Nearly one-fourth of the respondents, however, did conclude that federal or state statutes or regulations prevented them from venturing beyond the traditional blood-marriage-adoption definition of family.³⁷

Flexibility, therefore, is the prevalent pattern which emerges from a study of governmental responses about the definition of family, whether those definitions are formulated by California's judges, legislators, or administrators.

Public Hearing Testimony

The Task Force on Family Diversity received testimony on the subject of defining family.³⁸ Wallace Albertson, President of the Los Angeles Community College Board of Trustees, appeared before the Task Force in her capacity as Commissioner of the California Commission on Personal Privacy, for which she had served as the Chairperson of a subcommittee on Family Relationships.

Her testimony focused on the diversity of family forms and the problems that arise from a misplaced presumption that the traditional nuclear family is the social norm. The study of the Privacy Commission indicated:³⁹

- * A dilemma surrounding the meaning of the word "family" exists both in a sociological/theoretical context and in social work practices.

- * The presumption that "family" means a married, heterosexual couple with children no longer applies to most of the population.

- * Persons whose family forms do not fit this presumed model suffer exclusion from legal, tax, and services protections.

- * The nature and variety of family forms in current society warrants definitions that are inclusive rather than exclusive of nontraditional family forms.

- * The right of personal privacy involves the right of an individual to choose intimate and familial associations without undue restriction.

- * Any definition of family should consider the following elements: continuity of commitment, mutuality of obligation, economic and/or domestic interdependence, as well as love and caring.

The Task Force on Family Diversity has found these points consistent with its overall research into family definitions and has taken them into consideration in determining its recommendations.

Research Team on Legal Definitions

The Task Force on Family Diversity received a topical report from its research team on "Legal Definitions of Family."⁴⁰ That report addresses the impact of legal definitions of family, how these definitions can serve government goals, the compatibility of flexible and traditional definitions, and government's responsibility to families.

Addressing the issue of definitional compatibility, the report stated:⁴¹

[T]he notion of expanding the definition of family, or making the definition flexible to achieve government goals, is not a process suggesting revolution, discarding of traditional values, or offending in morally sensitive areas. There is an important difference between the way family-type groups exist and function every day and what we believe, or feel, a family should be. And it is to the former

set of questions — what are the facts concerning the make-up of families in a given area, such as the City of Los Angeles — upon which we must base our decisions about how government should relate to family units. Legal definitions of family are not attacks on morality or religion; rather, both legal and layman's definitions of family can and do co-exist without [conflict]. The judicial decisions summarized earlier in this report illustrate the non-conflicting nature of the relationship between lay definitions and those created for the legal process. These holdings define family not as an end in itself, but only as a means of advancing specific legal policies.

The report stresses that the concern that government should use family definitions which are tailored to the way people actually live is based on the assumption that government has a positive and affirmative responsibility to encourage and support families. It emphasizes the important public policy goals which are served by the utilization of definitions that reflect the diversity of contemporary family structures:⁴²

Families of all definitions have traditionally cared for society's dependent members, like children, the elderly, the disabled, the sick, and the poor. Families discipline their members, and to the extent they are successful, contribute to the general peacefulness of society. Families live in groups, or neighborhoods, providing stability for surrounding commercial and cultural activities. And on the most personal level, families provide a haven and a source of renewal for those who are their members. Families are a great source of meaning and satisfaction to individuals, and the loss of a family arrangement or relationship can leave individuals disoriented and alienated. If government benefits are unavailable or closely restricted, families can become destabilized and will eventually pose further problems for which governments will have to expend funds. There is a general intuition among scholars, service providers, and ordinary citizens that family destabilization is a major cause of the majority of our society's ills.

The Task Force on Family Diversity urges those who make laws, those who administer them, as well as those who challenge them, to become and remain sensitive to the reality of contemporary family living arrangements. No legitimate secular policy is furthered by rigid adherence to a definition of family which promotes a stereotypical, if not mythical, norm. Rather, the appropriate function of lawmakers and administrators is to adopt policies and operate programs that dispel myths and acknowledge reality.

The Task Force on Family Diversity finds that current public policy favors the adoption of laws and the implementation of programs that support and strengthen families. Demographic trends indicate that family structures are diverse and that this pattern may last indefinitely. Public policy, therefore, is best served by the continuing use of flexible family definitions.

PUBLIC POLICY AND THE DEFINITION OF FAMILY: RECOMMENDATIONS

11. The Task Force recommends that the City Council develop a comprehensive family policy for the City of Los Angeles. A family policy would set standards to assist the Chief Legislative Analyst, Council members, and other city officials in assessing proposed legislation.

12. The Task Force recommends that lawmakers, such as the City Council and the state Legislature, and those with responsibility for drafting and analyzing proposed legislation, such as the Chief Legislative Analyst and City Attorney at the local level and the Legislative Counsel at the state level, should be sensitive to the fact that "family" now is a term of art, capable of many variable definitions. When the term family is used in proposed legislation, the Task Force encourages such officials to consider relevant definitional options and to favor inclusive rather than exclusive terminology.

Public Policy and The Definition of Family: Notes

- ¹ Green, Matthew, "Defining Family," *Report of the Task Force on Family Diversity: Supplement - Part Two*, p. S-600.
- ² Donovan, E.H., "Religion and the Family," *Report of the Task Force on Family Diversity: Supplement - Part One*, p. S-547.
- ³ McCord, Ellen, "Report of the Committee on Family Relationships," *Report of the California Commission on Personal Privacy: Supplement One*, p. 4.
- ⁴ McDonald, MR, "The Philosophical Definition of 'Family'," *Report of the Task Force on Family Diversity: Supplement - Part Two*, p. S-851.
- ⁵ *Peterman v. International Brotherhood of Teamsters* (1959) 174 Cal.App.2d 184; *Noble v. City of Palo Alto* (1928) 89 Cal.App. 47.
- ⁶ *Safeway Stores v. Retail Clerks International Association* (1953) 41 Cal.2d 567.
- ⁷ *Altschul v. Sayble* (1978) 83 Cal.App.3d 153, 162.
- ⁸ *Pennoyer v. Neff* (1878) 95 U.S. 714, 734-735.
- ⁹ "Family," 35 *Corpus Juris Secundum*, p. 935.
- ¹⁰ *Ibid.*
- ¹¹ *Ibid.*
- ¹² Cal. Const., Art. I, Sec. 1.
- ¹³ *Committee to Defend Reproductive Rights v. Myers* (1982) 29 Cal.3d 252.
- ¹⁴ *Ibid.*
- ¹⁵ *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123.
- ¹⁶ *Ibid.*, at p. 133.
- ¹⁷ *In re Cummings* (1982) 30 Cal.3d 870, 875.
- ¹⁸ Welfare and Institutions Code Section 11205.
- ¹⁹ Probate Code Section 6540.
- ²⁰ Military and Veterans Code Section 985.
- ²¹ Penal Code Section 1203.066.
- ²² Penal Code Section 273.6; Code of Civil Procedure Section 540.
- ²³ Welfare and Institutions Code Section 18921.
- ²⁴ Labor Code Section 3503.
- ²⁵ Assembly Bill 890 (1983).
- ²⁶ Government Code Section 13960.
- ²⁷ Code of Civil Procedure Section 1730.
- ²⁸ Assembly Bill 1797, amending Penal Code Section 868.
- ²⁹ *Ibid.*
- ³⁰ *Southern Pac. Transp. Co. v. Public Utilities Commission* (1976) 134

Cal. Rptr. 189.

³¹ *Miller v. Woods* (1983) 148 Cal.App.3d 862.

³² *Pacific Legal Foundation v. California Unemployment Ins. Appeals Bd.* (1981) 29 Cal.3d 101.

³³ 15 *Op. Atty. Gen.* 267 (1950).

³⁴ “ ‘Family’ and ‘Household’ Use Survey: How Government Agencies Use These Terms in Operating Their Programs,” *Report of the California Commission on Personal Privacy - Supplement One* (1982).

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Testimony of Wallace Albertson, “Defining ‘Family’,” *Public Hearing Transcript*, p. 84.

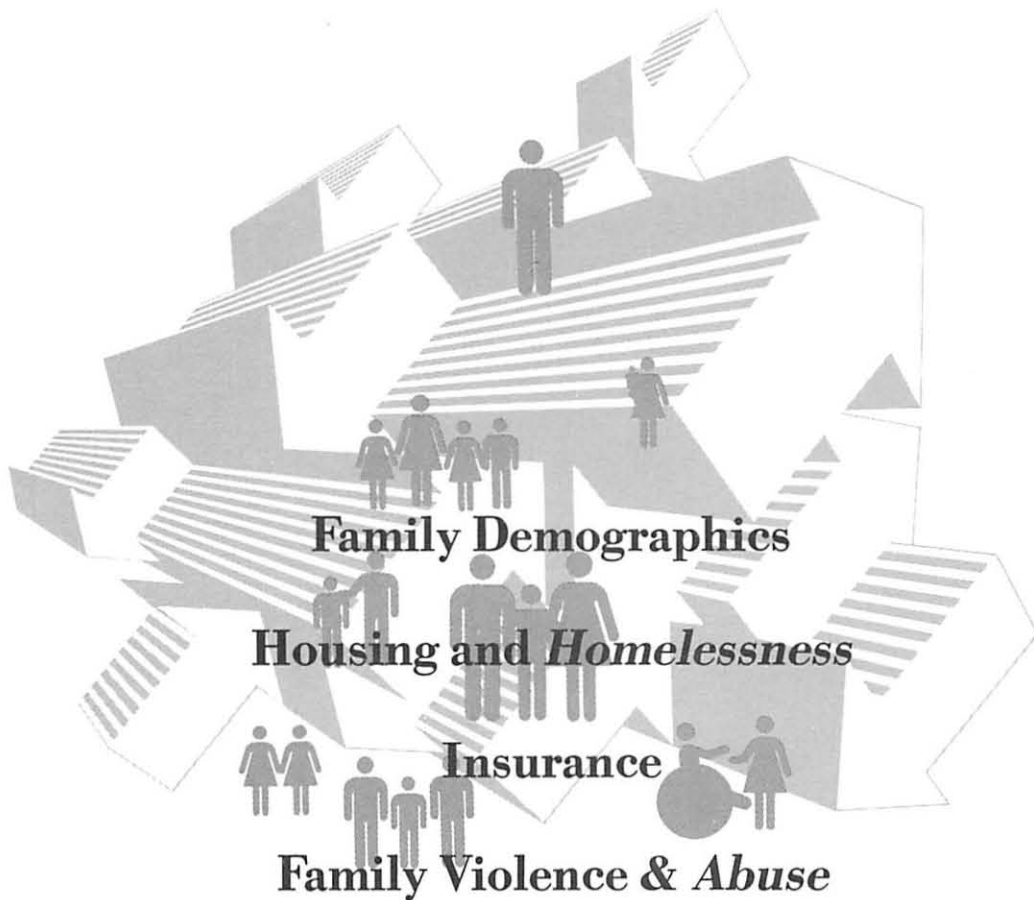
³⁹ *Id.*, at p. 85.

⁴⁰ Campbell, Lee, “Legal Definitions of Family,” *Report of the Task Force on Family Diversity: Supplement - Part One*, p. S-1.

⁴¹ *Ibid.*, at p. S-14.

⁴² *Ibid.*, at p. S-16.

Families in the City of Los Angeles



Family Demographics

Housing and *Homelessness*

Insurance

Family Violence & *Abuse*

Education & *City Schools*

Some Families and *Their Needs*

Institutional *Influences*



FAMILIES IN THE CITY OF LOS ANGELES

The mandate of the the Task Force on Family Diversity calls for research into the the nature and extent of family diversity in the City of Los Angeles and for an investigation of problems experienced by local families. The mandate also directs the Task Force to document its findings, to note demographic and legal trends, and to make appropriate recommendations to address the special problems of families living in the city.

With previous sections of the report serving as a factual and legal backdrop, the following chapters respond directly to the mandate by focusing on demographics and concerns of Los Angeles city families. The efforts and contributions of Task Force members, student researchers, and public hearing witnesses produced 1,200 pages of research papers, topical reports, and other background papers, which are published as supplements to this report.

FAMILY DEMOGRAPHICS

The total population of the City of Los Angeles, as recorded by the 1980 census, was 2,966,850.¹ Los Angeles is a dynamic metropolitan center that is in the process of undergoing pronounced demographic changes.² Many of these changes, such as the growth of single-parent families and the aging of the "baby boomers," are being experienced by other communities in California and throughout the nation. Other changes, however, such as the influx of immigrants and refugees, job seekers, and others who aspire to a more comfortable lifestyle, are more peculiar to the particular geographic location, climate, cultural mix and economic conditions of the City of Los Angeles.

Undocumented and Homeless Undercounts. The taking of a census in Los Angeles invariably results in an undercount of certain populations. Inadvertance on the part of census takers and evasion by residents account for some of the error, and there is little chance of people being counted twice. The U.S. Census Bureau estimates the undercount for the 1980 census to be 0.5%, although it recognizes that more sizeable undercounts can occur in relation to specific groups in the population.³

Two primary and obvious undercounted populations are the undocumented and the homeless. City agencies have estimated the undocumented resident population to be 400,000 persons.⁴ Although some skeptics have questioned this estimate, the most current official city estimate approximates this figure.⁵

The homeless population in the city has been estimated to range between 25,000 to 50,000 persons.⁶

Current Population Estimate and Projection. The Task Force on Family Diversity estimates that as of April 1, 1988, the City of Los Angeles has 3,595,379 residents.⁷ The Census Bureau estimates that 20 years from now the population of the City of Los Angeles will reach 8,870,000, making it the most populated city in the nation, with about 437,000 more residents than New York City proper.⁸

Household Patterns and Living Arrangements. The U.S. Census Bureau defines two basic categories of households: family and nonfamily households. According to the Bureau, a "family" household is one in which a homeowner or renter lives with one or more persons

related by blood, marriage or adoption. A so-called "nonfamily" household is one in which a renter or homeowner either lives alone or with a person or persons not related by blood, marriage, or adoption.

The Task Force on Family Diversity finds this family/nonfamily dichotomy unhelpful and not accurate. As discussed earlier in this report, California law recognizes that families legally may include more than blood, marital and adoptive relationships. The Task Force believes that terminology should be adopted which does not unduly conflict with the more expansive and flexible definitions used in many states.

Blood-marriage-adoption families accounted for 61% of the city's households in 1980, one-person households made up 31.5% of city households, and unmarried couples comprised 7.4%.⁹

The Married Minority. Even though blood-marriage-adoption households were a dominant family form in the city in 1980, there was considerable diversity within this category. The husband- wife-child(ren) household accounted for only 22%. Married couples without children at home constituted another 22%. Nearly 11% were single-parent households,¹⁰ while adult blood relatives living together accounted for another 6%.

In terms of the city's adult population in 1980, 45.2% were currently married, 21% were separated, divorced or widowed, and about 33% had never been married.

Unmarried Couples. A significant proportion of the population of the City of Los Angeles consists of unmarried adults sharing the same household. Some are related by blood; most are not. Not all unmarried adults sharing a household also share an intimate relationship, but many do. Couples, whether opposite or same gender, share housing and common necessities, and in many cases, establish loving and committed relationships for a variety of social, economic, emotional, philosophical and personal reasons.

The Task Force on Family Diversity estimates that about 21.4% of all adults in the City of Los Angeles live with other adults to whom they are not married.¹¹

Estimating the Gay and Lesbian Population. Very little hard data exists on the number of gays and lesbians in the population. Census takers do not account for sexual orientation. Neither do recognized pollsters such as Gallup or Harris. Until recently, due to fear of prejudice and discrimination, this group has been an invisible minority. The fear persists, and is reinforced by governmental and private discrimination in many quarters. Given these conditions, it is difficult to arrive at solid figures regarding the size of the gay and lesbian community in the City of Los Angeles.

Definitional distinctions between homosexuals and heterosexuals are often blurred. Is one considered gay because of a single homosexual act? Does one opposite-gender sexual encounter determine one's heterosexual identity? In 1948, Alfred Kinsey, a distinguished sex researcher, answered many of these questions. Kinsey developed a sliding scale to characterize sexual orientation. Sexually active persons who never had engaged in a homosexual act were at the zero end of the scale and those who had never engaged in a heterosexual act were labeled six. Most people studied fell somewhere along the continuum between the two extremes. Kinsey's original research concluded that 13% of American

men and 7% of American women could be considered homosexual.¹² "Homosexual" was defined as someone having engaged predominantly or exclusively in same-gender sexual activity for at least a three-year period in his or her life. Applying Kinsey's definition and percentages to 1980 census figures for persons over 15 years-old in Los Angeles, one would estimate that, in 1980, the city was home to about 233,792 homosexual adults (sexually mature persons). This figure, after being adjusted to reflect population growth since 1980, suggests that about 264,000 gay and lesbian adults lived in Los Angeles in 1987.

Over the years, the Kinsey Institute, formally known as the Institute for Sex Research, has continued studying the sexual orientation and activity of thousands of individuals. A more recent study by the Institute concluded that 2% of married men, 25% of unmarried men, 1% of married women, and 6% of unmarried women are homosexual.¹³ Applying these more recent estimates to appropriate Los Angeles city population demographics would suggest that 152,220 adults (sexually mature persons) lived in the City of Los Angeles in 1980. Revising this figure to account for population growth since 1980, the latter Kinsey studies suggest that approximately 172,000 adult gays and lesbians lived in Los Angeles in 1987.

Based on Kinsey's original and subsequent sex research and city demographics, the Task Force on Family Diversity estimates that on the average about 200,000 gay and lesbian adults (persons over 15 years-old) live in the City of Los Angeles at this time.

The Task Force on Family Diversity has noted that the gay and lesbian population in Los Angeles is quite diverse. Some gays and lesbians live alone, some live as cohabiting same-sex couples, some live with parents, some live with children, some live with housemates, and a number live in heterosexual marriages. Gays and lesbians are represented in all racial, ethnic, and religious segments of the city's population. They are also old, young, able-bodied and disabled. In sum, gays and lesbians, as a whole, do not fit traditional stereotypes.¹⁴

Ethnic Patterns. Los Angeles has a diverse ethnic mix which has been shifting dramatically in recent years.¹⁵ Therefore, the 1980 census does not provide an accurate or easily usable measure of the current racial and ethnic composition of the city.

Changes that occurred between 1970 and 1980, however, show the following ethnic trends. Latinos led other ethnic groups in the increase in population, both in numbers and in the percentage of increase in proportion to the total population. Asians had a higher rate of increase than any other ethnic group, nearly doubling during the 1970s. The American Indian population also showed a significant rate of growth. The city's Black population showed only small numerical increases (less than 4%) during this period. The Anglo population shrunk by more than 15% between 1970 and 1980.

Estimates for the city's Latino population may be the most inaccurate because of the large number of undocumented Latino residents not addressed by the census. Worsening economic conditions in Mexico, as well as warfare and unrest in Central America, have contributed to a constant flow of undocumented Latinos into Los Angeles.

Although much of the city consists of highly mixed ethnic neighborhoods, there are clear patterns of ethnic concentrations in segments of the city. Cultural pride, family cohesion, common language, housing

affordability, and prejudice are factors which may contribute to ethnic concentrations.

In general terms, the majority of the population in the San Fernando Valley area and the Westside area is Anglo. A majority of the population in East Los Angeles is Latino. A majority of the population in South-Central Los Angeles is Black. Asians are not a majority in any large area, but Chinese, Indochinese and Koreans are heavily concentrated in some of the Central areas.¹⁶

Some trends have been noted in terms of ethnic mobility. Many Latinos are moving into the South-Central area. Blacks have been moving in noticeable numbers toward the northern and western areas. Southeast Asians are moving into the Central city area known as Chinatown, and Chinese Asians have been relocating eastward. The density of several of these areas is affected by this mobility and, especially, by the influx of new Latino and Asian families into the city.¹⁷

Age Group Patterns. Los Angeles populations follow the general age group patterns of the nation.¹⁸ Predictably, women slightly outnumber men¹⁹; demographic patterns reflect a greater longevity of women. Although more males than females are born every year, this fact is more than offset by the larger numbers of deaths among males.

Children under age 5 made up 7.1%, and minors under age 18, 25.1% of the population in 1980. Minors resided in 33% of the city's households.

Elderly people (65 and over) made up 10.5% of the population. Elders lived in 21% of the city's households. One-third of the elderly lived alone. The mean age of the population has been gradually rising, and the proportion of persons over age 65 has also been increasing. This trend is expected to continue.

The Task Force on Family Diversity finds that an estimated 377,515 seniors (65 and over) currently live in the City of Los Angeles.²⁰

Economic/Occupational Profiles. An examination of economic and occupational profiles of city residents reveal significant locational contrasts in terms of income, employment, poverty and affluence.²¹

Considerable differences exist with respect to household income. In 1980, the mean level of income for Westside households was double that of Central area households. The large percentage of professional, managerial, and administrative workers and the extremely low number of welfare recipients living on the Westside may partially account for the difference.

The Valley profile is similar to that of the Westside. Although it has a somewhat lower mean income, the Valley also has a larger number of professional and managerial workers and a low poverty rate.

The lowest levels of income were recorded in the Metro/Central area which, like the South Bay/Harbor area, has a high proportion of clerical-service-labor workers. The highest levels of public assistance were also recorded in the Central area and the poverty rate in that area (23.8%) was exceptionally high.

These geographic differences in demographic characteristics create divergent demands and priorities among the City Council districts.

The Disabled Population. Although precise figures are unavailable, the City of Los Angeles is home to a large population of disabled persons. Los Angeles is an attractive location because of its favorable climate, the relative progressiveness of social welfare policies, and the implementation of accessibility laws.²²

The term "disability" includes visible as well as invisible characteristics. Represented in this population are mobility disabilities, due to such factors as paralysis, weakness, pain, and amputation; sensory disabilities, such as blindness and deafness; emotional or psychological disabilities; and intellectual or cognitive disabilities, such as learning disabilities or mental retardation. Some people with disabilities have no identifiable functional deficit at all but are different from the norm in appearance or manner to the extent that society labels them disabled. This includes people with facial or skin deviations and those of unusual size or stature.²³

Estimates of the number of persons with disabilities range from 10% to 15% of the population.²⁴

Based on the information available to it, the Task Force on Family Diversity estimates that about 500,000 disabled people currently live in the City of Los Angeles.²⁵

The City of Los Angeles in 1990. If trends over the past two decades are accurate indicators, it is likely that the 1990 census will reflect pronounced demographic changes from the 1980 statistics. Such shifts in "societal structure and demographic composition, . . . migration patterns, age stratification, . . . employment status and household structure" are predictable.²⁶ Diversity in the makeup of contemporary Los Angeles families accentuates the multicultural and international nature of the city.

Table 1
City of Los Angeles
Population and Demographic Profile

1980 U.S. Census - Total Population		2,966,850 *
Male	1,451,660	48.9%
Female	1,515,182	51.1%
Adults	2,221,112	74.9% (Age 18 and over)
Minors	745,738	25.1% (Under age 18)
Median Age	30.3	(Male - 29.3; Female 31.4)
Race:	White	47.8%
	Hispanic	27.5
	Black	16.7
	Asian	6.8
	Other	1.2
Estimated Population October 1, 1984 (Average annual growth rate 1980-1983)		3,070,710 ** 0.77%
Estimated Population January, 1985		3,144,795 ***
*SOURCE: 1980 U.S. Census Summary Report (File 1)		
**SOURCE: City of Los Angeles, Department of City Planning, <i>Population Estimate and Housing Inventory of the City of Los Angeles as of October 1, 1984</i> . May, 1985, p. i.		
***SOURCE: Los Angeles County Board of Supervisors, <i>County of Los Angeles Data Guide: 1985-86</i> , "Estimated population of the Cities of Los Angeles County." 1986, p. 4.		

Table 2

Household Patterns - Living Arrangements in the City of Los Angeles

	Housing Units	Population
FAMILY HOUSEHOLDS:		
Married Couples	503,014	1,006,028 *
Single Parent w/Child(ren)	119,059	119,059 *
Adult w/Adult Relative(s)	71,621	71,621 *
+ Over 18 - Related		362,235
+ Under 18 - Related		724,565
+ Non-related Adult Residents		63,862
TOTAL "FAMILY" (61%)	693,694	2,347,370
NON-FAMILY HOUSEHOLDS:		
Adult Male Living Alone	165,747	165,747
Adult Female Living Alone	191,843	191,843
Adult Male w/Others	53,412	
Adult Female w/Others	30,534	
Non-related Adults (2 or more)		178,617
Non-related Child(ren) w/Adult(s)		15,214
TOTAL "NON-FAMILY" (39%)	442,536	551,421
INMATES OF INSTITUTIONS		32,634
OTHER GROUP LIVING SETTING		35,425
TOTAL UNITS & POPULATION	1,135,230	2,966,850
MEAN POPULATION 2.55 per unit / AVE. POPULATION 2.61 per unit		
* Householders of Family Households counted first. Relatives and non-relatives counted separately.		
SOURCE: U.S. Census Summary Report (File 1), pp. 1-3.		

Table 3

Ethnic Composition of Los Angeles 1970-1980

	As % of Total Population		1980 Population	Population Change	
	1970	1980		Count	% Change
American Indian	0.3	0.6	16,594	+ 7,244	+ 77.5
Asian	3.7	6.6	195,997	+ 91,060	+ 86.8
Black	17.3	17.0	504,670	+ 18,000	+ 3.7
Latino	18.5	27.5	815,970	+ 296,128	+ 57.0
White	60.1	48.3	1,432,459	- 258,837	- 15.3
TOTAL	100.0	100.0	2,965,690		
SOURCE: City of Los Angeles, Department of City Planning, <i>City of Los Angeles Ethnic Concentrations and Distribution by Planning Area</i> , September, 1982, p. 2.					

Table 4
Age Group Patterns in Los Angeles - 1980

Age Range	Percentage of Population	
	Males	Females
Under age 5	3.6%	3.7%
5 to 14	6.8%	6.5%
15 to 24	9.6%	9.3%
25 to 34	9.5%	9.3%
35 to 44	5.9%	5.9%
45 to 54	4.9%	5.9%
55 to 64	4.4%	5.0%
65 and over	4.2%	6.4%
	<u>48.9%</u>	<u>51.1%</u>
Population		
Under age 5	210,218	7.1% of population
Under age 18	745,738	25.1% of population
65 and over	314,216	10.5% of population
Households:		
Minors present	375,308	33% of households
Person over 65 present	233,628	21% of households

SOURCE: U.S. Census Summary Report (File 1), pp. 1-2

Table 5
City of Los Angeles
Income/Occupations/Poverty Rates
By Major Geographic Areas - 1980

	Westside	S.V. Valley	South Bay	Metro/Central
Mean HH Income	\$31,647	\$26,392	\$20,235	\$15,761
Occupations (% workers)				
Professional	23.1%	14.9%	8.5%	10.4%
Mgmt/Administrative	16.6%	14.8%	8.1%	8.5%
Technical	3.9%	3.4%	2.5%	2.6%
Sales/Service/Clerical				
Mfg/Labor/Other	56.4%	67.0%	81.0%	78.5%
Persons in Poverty	9.6%	8.7%	13.9%	23.8%

SOURCE: City of Los Angeles, Department of City Planning, Maps and Reports on "Social, Economic and Demographic Statistics," Supplementary pages on "Citywide Housing/Population Factors, Undated (distributed after May, 1985), unnumbered pages.

FAMILY DEMOGRAPHICS: RECOMMENDATIONS

13. The Task Force recommends that the Department of City Planning examine the origin of the estimate of undocumented/uncounted residents and reexamine the assumptions behind it, for the purpose of arriving at a more reliable estimate.

14. The Task Force recommends that the City Council retain the services of an authoritative research organization to assist the city in arriving at a reliable estimate of the number of lesbian and gay adults residing in Los Angeles. Confidential research methodologies should respect the privacy, and guarantee the anonymity of any residents who participate in the study.

Family Demographics: Notes

¹ Table 1 shows some basic demographic characteristics of the city as of 1980. It also includes more recent estimates of the overall population.

² This section of the report is based, in large measure, on a report produced by the Task Force research team on Family Demographics. See: Blackstone and Ricchiazzi, "Family Demographics," *Report of the Task Force on Family Diversity: Supplement - Part One*, p. S-24. In addition to the data provided in this section of the report, other demographic information on specific topics is found throughout the report.

³ City of Los Angeles, Department of City Planning, *Population Estimate and Housing Inventory for the City of Los Angeles as of October 1, 1984*, May, 1985, pp. i-ii.

⁴ City of Los Angeles, Department of City Planning, *City of Los Angeles Ethnic Concentrations and Distribution by Planning Area*, September, 1982, pp. 2-3.

⁵ City of Los Angeles, Department of City Planning, *Present and Future Demographic Features of the City*, January, 1985, p. 8.

⁶ County of Los Angeles, Community and Senior Citizens Services Department, "Homeless in Los Angeles County," *Report of the County Task Force on the Homeless* (August 16, 1985), p. 38. A national study by the federal department of Housing and Urban Development (HUD) estimated that there were 50,000 homeless persons in the Los Angeles area. A more detailed study by United Way set the homeless population at about 25,000.

⁷ This figure is based on the 1980 Census Bureau figure of 2,966,850, plus 0.5% 1980 undercount (14,834), a 0.77% annual growth rate, 400,000 uncounted undocumented residents, and 25,000 uncounted homeless.

⁸ Inta, Edity, "County Number One in U.S. after a 6-Year Boom," *Los Angeles Herald Examiner*, August 31, 1987.

⁹ Table 2 shows household patterns and living arrangements for the city.

¹⁰ Looking at the single-parent household from another perspective, nearly 35% of all children in the city live in a one-parent household.

¹¹ As of 1980, there were about 2,000,000 adults living in the city. The 21.4% estimate for unmarried adults living together (both same-sex and opposite-sex relationships) was derived by subtracting adults living alone (357,000), married adults living with their spouses (1,000,000), adults living in group quarters (67,000), and single parents living with their own children (148,000), from the total adult population. This estimate includes blood relatives, roommates, and domestic partners.

¹² Kinsey, Alfred, *Homosexual Behavior in the Human Male* (1948); Kinsey, Alfred, *Homosexual Behavior in the Human Female* (1953).

¹³ Schreiner, Joseph, "Measuring the Gay and Lesbian Population,"

National Organization of Gay and Lesbian Scientists and Technical Professionals (1986), citing Institute studies done in 1977 and 1978.

¹⁴ The diversity of the gay and lesbian population in Los Angeles is discussed in further detail in a subsequent chapter of this report on domestic partnership families. Also, see team report entitled "Gay and Lesbian Couples," *Report of the Task Force on Family Diversity: Supplement - Part One*, p. S-192.

¹⁵ Table 3 shows changes in the racial and ethnic composition of the City of Los Angeles between 1970 and 1980.

¹⁶ *City of Los Angeles Ethnic Concentrations*, *supra*, pp. 8-12.

¹⁷ *Ibid.*

¹⁸ Table 4 shows age group patterns in the city of Los Angeles in 1980.

¹⁹ "United States Population: 1980 Census Records," *The World Almanac and Book of Facts*(1981), p. 195.

²⁰ This is based on 10.5% of the current estimated population of 3,595,379.

²¹ Table 5 shows income, occupational, and poverty statistics for four major geographic areas of the city.

²² "Disability Team Report," *Report of the Task Force on Family Diversity: Supplement - Part One*, p. S-382.

²³ *Ibid.*

²⁴ *Ibid.*; Abraham, Willard, Ph.D., "Every Third Family Has Handicapped Child," *Mount Washington Star-Review*, May 17, 1986; Testimony of Ann Finger, "Problems Impeding the Disabled in Family Living," *Public Hearing Transcript*, p. 71.

²⁵ This figure is derived by averaging the high national average of 15% with the low national average of 10% and adjusting it upwards by 1.5% to account for migration to Los Angeles due to favorable factors. According to this estimate, 14% of the city's current population is disabled.

²⁶ *Present and Future Demographic Features*, *supra*, pp. 1-3.

HOUSING AND HOMELESSNESS

Because the home is the center of family life, a significant amount of Task Force research focused on housing problems experienced by families in Los Angeles. The housing issues which most often came to the attention of the Task Force involved the homelessness of adults, families, and teens, inadequate and substandard housing, unaffordable housing, and housing discrimination — all of which are discussed in this chapter of the report.

Homelessness

The issue of homelessness seems to be a persistent problem with which California lawmakers have grappled for years. During the New Deal era, for example, the California Legislature confronted the problem by enacting the Housing Authorities Law, an effort to provide safe housing for low-income individuals and families.¹

In 1970, the Legislature expressed its concern that the housing needs of low-income people were not being met. It declared that a decent home and a suitable living environment for every family was a "priority of the highest order."²

As recently as 1984, the Legislature again recognized that "because of economic, physical, and mental conditions that are beyond their control, thousands of individuals and families in California are homeless."³

In the City of Los Angeles, the demand for emergency shelter for the homeless increased by 50% during 1986, by far the biggest rise among the 25 major cities surveyed by the United States Conference of Mayors.⁴ According to Mayor Tom Bradley, an estimated 33,000 people in the city are homeless.⁵

The characteristics of the homeless do not fit neatly into one package. If the homeless in Los Angeles match the national profile, then 56% of them are single men, 15% are single women, and 28% are families with children.⁶ According to one city agency, the stereotypical substance abusers and chronically mentally ill persons have been joined by so-called "throw away" street youth, "new poor" and battered women — all of whom are living on the city's streets, camping on sidewalks and under ramps, and living in automobiles.⁷

For purposes of analysis, this report separates the homeless into three groups: single adults, families, and teenagers. Although there are sometimes overlapping themes to the problems experienced by these groups, the causes and solutions are not necessarily the same for each category.

Homeless Adults

One very visible manifestation of homelessness involves adults sleeping on city streets and other public places. Because some city officials and many businesses and residents find the so-called "Skid Row" encampments intolerable, last year the Chief of Police and the Mayor announced a plan to clean up Skid Row.⁸ Under the plan, sidewalk sleepers were warned that their conduct violated the city's pedestrian traffic ordinances. If they persisted in camping out on the sidewalks, they were threatened with arrest. Police officers offered housing vouchers as an alternative to arrest.

The plan was not without its critics. The Los Angeles City Council asked Police Chief Darryl Gates not to arrest people for sleeping on the streets if no alternative housing was available. The council also asked the City Attorney to initiate a lawsuit against the county for providing inadequate assistance to the homeless.⁹

Councilwoman Ruth Galanter was able to delay police sweeps of the estimated 2,500 persons living on the streets and beaches of the Venice area. In an attempt to find solutions and examine alternatives, she conducted community hearings at which local residents, business owners, social service agencies, and homeless people all presented their views.¹⁰

Los Angeles City Attorney James Hahn refused to file charges against persons arrested merely because of their homelessness, on the ground that not enough alternative housing is available.¹¹

As a short term solution, Mayor Bradley proposed a temporary "urban campground" on vacant land owned by the Rapid Transit District.¹² The number of persons living at the camp grew from about two dozen to more than 500 within three weeks.¹³ In addition to alcoholics and drug addicts, estimated to comprise 30% of the city's homeless,¹⁴ the camp included unemployed persons looking for work.¹⁵ During the four months of the camp's existence, more than 2,600 persons used its facilities and services.¹⁶

Last year, before the scheduled closure of the only two shelters for the homeless, other than the campground, the City Attorney sponsored a study of shelter residents. The study has provided city officials with data necessary to coordinate an intergovernmental strategy to address the crisis of homelessness in the Los Angeles area. The study was completed in June, 1987.¹⁷

The study found that the typical shelter resident was a poverty stricken, unmarried black male in his mid-thirties, who had been a resident of Los Angeles for nine years and had been homeless for about six months.¹⁸ While he was homeless, he had lived in shelters, missions, or outdoors.

The causes of the homelessness of these men included unemployment, physical or psychiatric disabilities, and substance abuse, with unemployment as the primary cause. Most had held a permanent job for more than three years but had not worked in the previous 18 months. About one-third of the residents had a permanent disability which prevented them from working. About 30% had a history of substance abuse. Ten percent showed evidence of severe psychiatric disabilities.¹⁹

Often, the trauma of homelessness has had other serious side effects, including hunger and vulnerability to crime and violence. Forty percent have suffered from severe depression requiring clinical intervention. Seven percent were actively suicidal at the time of the survey.²⁰

In addition to findings and recommendations pertaining to county responsibilities and services, the City Attorney study made the following observations and recommendations with respect to city policies and programs.²¹

Low Cost Housing. The ultimate cause of homelessness is a shortage of low-income housing units. As long as there are more poor people or poor households than there are low-cost housing units, there will be a

housing shortage, and the homelessness resulting from the housing shortage will continue. The study recommended that the city require full replacement of any low-income housing units scheduled to be removed from the total housing stock before demolition of the units, rather than partial replacement after the demolition of the units, as is now often the case.

Employment Development. There exists a strong connection between unemployment, poverty, and homelessness. The majority of homeless adults in the survey did not have housing because they could not afford it. They could not afford housing because they did not have steady, full-time jobs. The study recommended more programs encouraging economic development, with an emphasis on creating jobs for minorities in job poor areas, as a way of directly decreasing poverty and indirectly decreasing the number of homeless in the central city.

Crime Victimization. The incidence of crime victimization of homeless adults is high. The study recommended a greater police presence in the Skid Row area, especially more officers walking the beat in pairs to safeguard the lives of the homeless.

Emergency Assistance. While officials seek long-term solutions to the homeless problem, current pressing needs must not be ignored. The study recommended that immediate basic necessities, such as shelter, beds, and food, be provided.

After many months of ad-hoc crisis management, the City Council recently adopted a Comprehensive Homeless Policy,²² and the Mayor proposed a one-year moratorium on demolition of old Skid Row hotels which house thousands of poor people.²³ Last September the Mayor unveiled a \$6.3 million plan to buy prefabricated apartments to house up to 2,000 people.²⁴ The Mayor also has named a new city housing coordinator whose job it is to coordinate the efforts of private developers and various city departments, including the Community Redevelopment Agency, the Community Development Department, the Planning Department, and the City Housing Authority.²⁵ The courts have been asked to clarify the differing responsibilities of the city and the county in dealing with homelessness.²⁶

According to the City Administrative Officer, the city spent about \$2.3 million on homeless services during the first eight months of 1987.²⁷ Some members of the City Council questioned that estimate, indicating that the actual figure could be as high as \$8 million before the year ended.²⁸ That revised estimate includes \$1.5 million for 102 mobile homes bought by the city to shelter homeless families throughout the 15 council districts as a part of the long-range solution to the homeless problem.²⁹

Homelessness is a multi-faceted problem; real solutions will require the cooperative effort of all levels of government as well as the private sector. The federal government³⁰ and the state Legislature³¹ must allocate sufficient funds for programs designed to aid the homeless. The Mayor, City Attorney, City Council, and County Board of Supervisors all need to take an active role. The city's new Comprehensive Homeless Policy and the Mayor's new housing coordinator are steps in the right direction. To find long-term practical solutions may require the creation of intergovernmental task forces that involve advocates for the homeless,³² land developers,³³ private sector businesses and trade associations.³⁴

It is clear that reliance on the judiciary to resolve the homeless crisis is inappropriate. Protracted litigation — with city and county fighting each other and the state — results in a waste of valuable resources and in long delays in the delivery of services, a situation in which both the homeless and taxpayers lose. The courts, therefore, should be used only as a last resort.

Homeless Families

The Task Force received considerable testimony regarding the plight of homeless families in Los Angeles.

David Wood, a pediatrician at Venice Family Clinic, sees homeless families on a daily basis.³⁵ According to Dr. Wood, homeless families are now the largest and fastest growing segment of the homeless population. He estimated that about 20,000 families in the Los Angeles area have no place of their own to stay each night. The demand for family shelters is greater than the total number of shelter beds available in Los Angeles.

Stressing the difference between the homeless adult population and the homeless family population, Dr. Wood testified:³⁶

Homeless singles are different from homeless families. Homeless singles . . . tend to be predominantly (96%) male. The majority have never been married. They have a high rate of mental illness (45%) and alcohol or drug abuse (34%). The average age is dropping, but it is over 30, and 40% are over 40 years-old. They live in missions (28%) or hotel/motels (25%) or on the streets (22%). Many of these men, the so-called chronically homeless, have been homeless for long periods of time.

Homeless families are very different on almost every count. They are often a single-parent household, headed by a young female less than 25 years-old. She has two-to-three children, half of whom are under 5 years-old. The majority of the mothers had children before the age of 18. There are many (two-parent) families, especially those who have migrated from out of state to find employment in Los Angeles. In a study by Travelers' Aid, 45% of the families had two parents. Mental illness in this group is characterized more by situational depression rather than schizophrenia or chronic affective disorders as in the single adults. . . . Drugs and alcohol are not common but they do often play a role in precipitating the crisis that made the family homeless. The families tend to stay with friends or relatives or live in crowded communal situations until these resources are depleted, and as a last resort they use the shelters or hotels/motels. Only a few of the families live on the streets or in cars, since it is tough to survive on the streets with children. The most outstanding difference [between single adults and families] is the length of homelessness. The majority of the families are transiently homeless, due to a recent economic or personal crisis. But the situation often becomes chronic due to the difficulty in finding affordable housing.

Dr. Wood addressed the more pressing question of why these families are homeless. Citing congressional hearings, academic research, and surveys of shelter residents, Dr. Wood listed three major reasons for the

homelessness of families: (1) scarcity of low-income housing, (2) inadequate income or public assistance benefits, and (3) an increased prevalence of personal crises. He elaborated:³⁷

The scarcity of low-income housing appears to be the main cause of homelessness. Poor people simply cannot afford the majority of available housing in the United States. The low-income housing supply is dwindling . . . due to such factors as urban redevelopment, condominium conversions, decreased construction, increased demand from higher income renters, and the virtual elimination of federal funds for the construction of low-income housing. . . .

In addition to the housing shortage and spiraling rents, families simply do not have enough income to both eat and pay rent. In 1970, 1 in 10 American families were headed by females. In the various shelter populations which have been studied, from 55% to 85% of the families are headed by women, with 2 to 3 children each. Half of the female-headed families live below the poverty level. All of the homeless families are living below the poverty level. . . . The increase in welfare benefits has simply not kept up with the rise in housing costs. In Los Angeles, the AFDC [Aid to Families with Dependent Children] payment for a family with 2 or 3 children is from \$617 to \$734 per month. Rent will consume a minimum of \$500 to \$600 per month in Los Angeles. This leaves very little for food, clothing, utilities, transportation, and medical expenses such as medicines. A young family can spend as much as \$40 to \$80 per month on diapers and formula alone. The numbers are very tight, but when one adds a \$1,000 deposit for security and last-month's rent, the chances of getting into an apartment and staying there are very slim.

The third contributing factor to homelessness is related to the strength of the family's support network. Most families cited economic reasons for their homelessness, but one-third of the homeless families surveyed by Ellen Bassuk indicated that a personal crisis, such as a dissolved relationship with a man, battering, death, or illness had caused their state of homelessness. The mothers in Kay McChesney's study in Los Angeles commonly had no family members locally, and many had no living relatives. . . . Homeless mothers are often from [strife ridden] homes, have histories of being abused or neglected, were in foster homes, and have become full-time mothers in their teens. They have generally received little support in their own lives, thus it isn't surprising that they haven't developed supportive relationships in their own families.

Dr. Wood's testimony also underscores the effects of homelessness on children. He said that one of the major findings in the current literature on homelessness is that almost 50% of homeless children are developmentally delayed in significant ways. The lack of a sense of security experienced by the uprooted child often leads to serious anxiety disorders. Social scientists who have studied homeless children describe a myriad of other problems, including nutritional deficiencies, school absence for prolonged periods, poor hygiene and health problems, and the disintegration of the parent-child bond.³⁸

Nancy Berlin, coordinator of the House of Ruth, a temporary emergency shelter for homeless women and children located in Boyle Heights, also presented testimony to the Task Force.³⁹ She basically agreed with Dr. Wood's profile of the typical homeless family, except that she estimated that only one-third of homeless families contain two parents, with the other two-thirds headed by single women.⁴⁰ Her testimony also emphasized three causes of homelessness among families: (1) lack of affordable housing, (2) lack of sufficient family income, and (3) personal crises without viable extended family support networks.

Ms. Berlin testified that about 25% of the homeless families once included an adult male. Often, these men were either abusive to the women or children, effectively forcing the women to flee with the children, or the men abandoned the family. The women generally have been out of the job market for some time. Many of them can find only minimum wage jobs insufficient to pay for adequate housing and the other necessities of life. Additionally, if they do find jobs, they can't afford to pay for child care services.

Ms. Berlin further explained about the shelter crisis:⁴¹

They [homeless women with children] are very hard to identify. They are terrified that their children are going to be taken away from them. So we are never going to get a very accurate count. However, we do believe that there are only several hundred shelter beds available to homeless families in Los Angeles county, although there are thousands of homeless women and children in the county — so there is a huge gap between these numbers.

As Legal Aid Foundation attorney Byron Gross testified, these women had good reason to fear losing their children if they came forward seeking public assistance.⁴² Until very recently, as a matter of general policy and practice, county and state welfare programs refused to provide housing to entire families. These agencies insisted that they could only house needy children. Therefore, in order to help the children, the agencies split up the families — providing shelter for the children and leaving the parent to fend for himself or herself. It is not surprising that poverty stricken parents living in cars or make-shift abodes would do everything possible to avoid official detection.

The Legal Aid Foundation of Los Angeles and other public interest law firms filed a lawsuit challenging the position of the public agencies in the case of *Hansen v. McMahon*. The Superior Court granted the plaintiffs a preliminary injunction, requiring the agencies to provide emergency shelter without requiring the families to split up. The agencies appealed. On July 1, 1987, the Court of Appeal agreed with the trial court and condemned the practices of the agencies which caused the break-up of families.⁴³ The court ruled that the agency interpretations of relevant statutes was erroneous and "runs counter to the objective of federal and state welfare services legislation that social services be provided in such manner as to prevent the unnecessary separation of children from their families."⁴⁴

The recent passage and signing into law of Assembly Bill 1733 (effective February 1, 1988), establishes by statute many of the changes required by the holding in *Hansen*. For example, it enables a homeless family receiving aid under AFDC to receive special nonrecurring needs funds, which could be used for such items as security deposits or payment of rent. The bill further imposes a state-mandated local pro-

gram, on the county level, to serve homeless families receiving aid under AFDC. To clarify the issue raised in *Hansen*, the statute provides that "emergency shelter care" under the Child Welfare Act is only available to children who have been removed from the custody of their parents or guardians. Thus, essentially, the statute imposes a duty to provide assistance to homeless families with children, but specifies that this should be done through the AFDC program, and not through Child Welfare Act services.

These witnesses suggested several ways in which the city can address the homeless family situation in Los Angeles.

Increase Affordable Housing. The increasing gap between housing costs and family income must be narrowed. If the city does not become more active in creating affordable family housing units, it will be burdened with the increasing cost of less effective and often degrading emergency shelter services.⁴⁵

Develop an Advocacy Program. The city could institute a Housing Clearinghouse, to scour the city looking for affordable housing, and passing this information on to shelters located in the city. This would assist the shelter staff in matching homeless families with housing they can afford.⁴⁶

Support Private Shelters. The city should support the funding of privately run shelters that house homeless families. The City Attorney should enforce existing fair housing laws against shelters that won't accept pregnant women, or revise laws that do not prohibit such discrimination.⁴⁷

Monitor the Implementation of A.B. 1733. The City Attorney should monitor the county's implementation of A.B. 1733.⁴⁸ If the county fails to put a halt to its current policies which break up homeless families, then the Mayor and the City Council should take a strong public position opposing such anti-family government tactics.⁴⁹

Homeless Teenagers

Homeless youth make up a distinct class of the homeless population. Concerned about the plight of these troubled teens and young adults, the Task Force took testimony on this subject,⁵⁰ had help from student researchers,⁵¹ and received a report prepared by a team of Task Force members.⁵²

Thousands of homeless youth live in the Los Angeles area. Gary Yates, Director of the High Risk Youth Program at Children's Hospital, explained to the Task Force:⁵³

In 1983, there was a study done by the Department of Health and Human Services. Their estimate is: anywhere between 750,000 and 1,500,000 young people run away from home every year in the United States. They also estimate that approximately 60% of those go home within 72 hours, but that 25% of those young people are called chronic street youth and make their living on the streets of the major urban centers of the country.

In 1981, United Way did a study here in L.A. that estimated that in the county there were approximately 10,000 young people on the streets any given day. And in Hollywood

alone they thought it was around 4,000. No one knows for sure about those numbers, but one thing that is certain is the number of shelter beds that are available for young people in Los Angeles County — and that is 24. They are short-term shelter beds. Eighteen of them are for two weeks, six are for 30 days in the Aviva Center Shelter which houses only young women who are homeless. That's the system of care that existed up until recently.

It has been estimated that 300 new runaways arrive in Los Angeles each week.⁵⁴ Most of these young people never ask for shelter unless the weather is very cold. The two week limitation on use of the very limited number of shelter beds deters many youth from seeking shelter assistance, except for a temporary rest and a shower.⁵⁵

A great number of homeless children are runaways. Researchers have estimated that about 70% of runaway youth are fleeing from abusive families.⁵⁶ Some of them, and among them gay and lesbian youth, have been pushed out by parents who fail or refuse to accept their children's lifestyle or personal characteristics.

The well-documented needs of these homeless youth include: (1) emergency shelter and crisis intervention, (2) counseling, and (3) longer-term placement for those who are unlikely to return home, especially youth who are difficult to place in foster care.⁵⁷

Programs that help reconcile youth with their parents are essential. However, research shows that often the families are so destructive and abusive that returning the children is unwise. Almost 50% of the runaways need other options, including alternative residential care, transitional services for those ready for emancipation, and basic survival services for those committed to street life.⁵⁸

The team report on Runaways and Homeless Youth identified several areas of concern to homeless youth living either on their own or with a homeless family.⁵⁹

Emergency Shelter and Services. There are not enough shelter beds for homeless youth in Los Angeles. The county Juvenile Court has 22 SODA beds (Status Offender Detention Alternatives Program) and local non-profit agencies have another 24 short-term (2 weeks) beds. These beds are generally used while the agencies try to reunite the minors with their families. Expanding the SODA bed program is not the answer, since most homeless youth tend to avoid programs which bring them into contact with the Juvenile Court.

Solution: Shelter and services should be developed which are aimed at the homeless youth for whom reunification with their family is not feasible. The Homeless Youth Project (a cooperative project of Children's Hospital, the Los Angeles Youth Network and the Coordinating Council for Homeless Youth Services) has recently been funded as a pilot project. This 20-bed overnight emergency shelter also has a comprehensive daytime case management center which is connected with a network of service providers. However, this one project is not an adequate solution to major, system-wide problems. The City of Los Angeles should develop and fund other programs modeled in whole or in part after the Homeless Youth Project.

Eligibility for Relief and Social Services. Many homeless youth cannot prove they are county residents and thus are not able to gain

access to services provided by local government agencies. Ineligibility for general relief assistance is a continuing problem for homeless youth. General relief is available for homeless adults, but not to minors unless they have been declared "emancipated" by a court. However, emancipation statutes require that the minors must be living away from home with parental consent and that the minors are living on income derived from a lawful source. These requirements make most homeless teens ineligible for emancipation. Many older homeless teens (16 or 17 year-olds) are not generally suitable for foster care placement; independent living is often the best option for them. However, without some general assistance, independent living is difficult, if not impossible, to achieve.

Solution: Enable homeless teens — especially those who can not be returned home or placed in foster care — to qualify for general relief. This could be done by changing local agency procedures and guidelines. In addition, the emancipation statutes should be changed to allow a court to declare 16 and 17 year-olds emancipated if they are enrolled in an independent living program operated by county or non-profit agencies.

Access to Public School Programs. Homeless youth, whether they are runaways, "push-outs," or living within a homeless family, find it difficult to attend public school. Those children who live in homeless families often are not enrolled in such because every few weeks they are moved from a shelter in one school district to a shelter in another district. As a result, the school lives of these youngsters are severely disrupted. Additionally, when homeless families seek to enroll children, or when runaways seek to enroll, two bureaucratic problems emerge. First, the law requires evidence of inoculation. Second, schools frequently ask for a birth certificate. Homeless children often do not have these documents. Amazingly, participation in some school programs, such as school lunch programs, requires evidence of a permanent address. Homeless youth receive further discouragement when they are required to provide items such as school supplies or bag lunches. One conclusion is inescapable: public school regulations do not recognize the special problems of homeless families and homeless youth.

Solution: Public schools should not require evidence of a permanent address in order to enroll children or offer a benefit such as a school lunch. The only requirement should be some evidence that the child is presently residing in the school district. In light of analogous court cases dealing with public assistance and voter registration, the permanent address requirement of the Los Angeles Unified School District may be unlawful and should be discontinued.⁶⁰

Transportation to and from Services. Los Angeles is a large metropolitan area with an inefficient public transportation system. For homeless youth and homeless families, travelling from one service to another, which means travelling from one part of the city to the other, is burdensome and sometimes impossible. Many homeless youth or their families get discouraged and simply stop seeking services, including needed health care.

Solution: The city should develop a publicly-funded van service between social and medical support services utilized by homeless youth and homeless families. This will allow the needy to have greater access to essential medical and social services.

Coordinated Services. Local agencies dealing with homeless youth do not adequately coordinate their services; the system of care is

very fragmented, with inadequate communication among the agencies serving the same population. The lack of coordination is especially serious considering the scarce resources available.

Solution: The city should increase access to services by providing instruction to homeless families and homeless youth about all available services. The city should establish a centralized Homeless Information and Referral Service which could assist the homeless and educate the general community about both the severity of the problems and the existence of projects designed to alleviate them.

Adequate and Affordable Housing

Overcrowded housing, substandard housing, and the lack of affordable housing are issues of major concern to the Task Force. High birth rates and an increase in extended-family living arrangements are contributing to a greater number of large families in the city, especially in many ethnic neighborhoods. As the middle-class shrinks and low-income households increase in numbers, the concept of affordability must be reexamined. As a practical reality, there are not enough housing units to meet the demand of large families, and of the existing housing stock, units are either inadequate in size, substandard, or simply not affordable.

Overcrowding. During the past two years, the Los Angeles City Council has grappled with the overcrowding issue. First, by an 8 to 5 vote, the Council tentatively voted to adopt an ordinance limiting the number of persons who could sleep in one room.⁶¹ Dissenters claimed that the proposal discriminated against Latino families, Black families, and other large families in the city. Later, the Council voted 10 to 4 to rescind the measure.⁶² Councilman Richard Alatorre temporarily convinced his colleagues that the restriction would break up families and give slumlords an extra weapon with which to threaten complaining tenants with eviction. However, after further study, the Council unanimously approved an ordinance limiting the number of people who can occupy an apartment or a rented house.⁶³ Under the new law, 70 square feet of sleeping space is required for two persons and another 50 square feet for each additional person. City officials calculated that this formula would allow up to 10 people to live in a moderate-sized two-bedroom apartment.⁶⁴ The Council sought to prevent abuses by landlords when it passed a companion measure requiring landlords to give written notices to tenants advising them of the maximum number of occupants legally allowable per unit, banning landlords from retaliating against tenants who complain of housing conditions, and requiring landlords evicting tenants for overcrowding to offer alternative housing of adequate size if it is available.⁶⁵ Despite the liberality of the new ordinances, many tenants — especially undocumented residents — feel they cannot comply.⁶⁶

Dr. Allan Heskin, a professor at the UCLA School of Architecture and Planning, has attributed the overcrowding problem, in part, to the city's lack of a family housing policy. He has stressed that the city's preoccupation with building a large number of one-bedroom units has exacerbated the problem, causing a tremendous mismatch between the housing needs of families and the housing supply for families. In his testimony to the Task Force, Professor Heskin explained:⁶⁷

[T]he bureaucracy in the city is very much into a numbers game. Like anybody who is in a social service agency, they want to report large numbers, as large a number as they can produce.

It . . . relates to dealing with smaller units which cost less to rehabilitate or cost less to build, so they are going to produce small units — they're not going to produce family units, large units. . . .

Also, the Redevelopment Agency, until very recently, had no interest in families — again, because you could produce more numbers with smaller units. Recently, there has been some awakening in the Redevelopment Agency, partly in the Hollywood Redevelopment program and partly due to Councilman Woo's efforts in asking, "How is family housing?" But it's something that ought to be asked in every part of the housing program. If only concerned Councilpeople, when they saw these reports and saw these numbers, would ask: "Well, how about family housing?" Instead of counting units, maybe they should ask: "How many three-bedrooms have you produced?" Maybe if you changed the accounting system you would get a better result.

In Hollywood, for example, there's a classic example of this problem. Hollywood . . . [is] massively overcrowded. It's almost entirely one-bedroom apartments, and it's almost entirely families. So we have this incredible mismatch of the housing stock and the family composition, and the city has historically been very much a part of this problem. You'll find one-bedroom after one-bedroom produced by the city. . . .

So you'll find throughout this area of the city, and throughout the whole city, huge complexes of one-bedroom units. We have basically exhausted that market. We're basically at the same situation we were in the condo boom. Remember how they built condos? Now we're into the one-bedroom rental situation the way we were into condos.

The Task Force on Family Diversity finds that there is a need for the city to adopt a family housing policy that goes beyond the mere imposition of occupancy limits. Further subsidy of zero-bedroom or one-bedroom unit construction should be halted until sufficient two, three, and four-bedroom units have been built to meet the housing needs of the city's families.

Related to the overcrowding issue is that of "undercrowding." According to Kelly Brydon, Coordinator of the Fair Housing Council of the San Fernando Valley, the imposition of overly-restrictive occupancy limits by landlords is also a major problem throughout the city.⁶⁸ In the absence of laws preventing the practice, many landlords have adopted a rule of "one person per bedroom." Speaking about this type of limitation, Ms. Brydon testified:⁶⁹

They [landlords] are currently governed by whatever the owner's preference is. Whatever an apartment owner or houseowner chooses to set as a limit is acceptable. There is no guideline under state law or city law for L.A. . . . By undercrowding, I mean that some of these owners, rather than go ahead and live with the new child laws and the lack of being able to discriminate, they're setting occupancy limitation standards that not only aren't reasonable, in our opinion they would be clearly discriminatory. For example,

they set a one-person-per-bedroom occupancy standard. So let's take the classic example of a married couple with no children. That would mean that they would have to have two bedrooms. So as we can see, that is not very reasonable. A second example to clarify that is there's a landlord right now that's involved in a lawsuit. His occupancy limit is one person per bedroom. He had a three-bedroom apartment available and we had a family with two children and they did not qualify. Having an adequate income, and meeting all other criteria, they would have qualified for the apartment but because they had two kids instead of one he disqualified them from the unit. So that's definitely an area we need to look at.

The Task Force on Family Diversity finds the one-person-per-bedroom rule, which has been adopted by many local landlords, to be arbitrary and unreasonable. The City Attorney should advise the City Council as to whether this practice is illegal under existing law. If it is, landlords should be advised to stop using this rule. If they persist, violators should be prosecuted. If the rule is not illegal under existing law, then the law should be amended to make it illegal.

Affordability. Most families in Los Angeles cannot afford to buy a home. According to the California Association of Realtors, the affordability index in Los Angeles is about 26%; last year it was 29%.⁷⁰ The median price for homes in the Los Angeles area in 1987 was \$137,000; today it is \$156,000. In order to qualify for a purchase loan to buy an average dwelling, households in this region need a minimum annual income of \$45,000. With homes being priced out of their range, only 26% of Los Angeles households have sufficient income to qualify for an average home loan.

There are 313,943 households — 28% of all households in the City of Los Angeles — in need of housing assistance.⁷¹ The city has only 22,000 federally assisted and public housing units available.⁷² About 15,000 people are on the waiting list.⁷³

The city Housing Authority has an annual budget of \$175 million. Yet, last year, the agency declared a "cash flow" problem and withheld more than \$1 million in rent subsidy payments to participating landlords. This caused a serious hardship on some landlords of smaller buildings who then threatened to remove their units from the low-income housing program.⁷⁴ The federal Department of Housing and Urban Development has declared the Housing Authority to be "operationally troubled."⁷⁵ With two-thirds of the city's low-income households in need of assistance, and with long waiting lists for public housing, the city cannot afford to have landlords pull out of the program. The severity of the problem and its practical impact on the lives of residents merit the swift and comprehensive attention of government so that needed subsidies are not interrupted now or in the future.

Two local housing experts predict that the city's housing crisis has only begun. They cite several conditions to support their opinions.⁷⁶

Earthquake-Safety Upgrades. More than 30,000 low-cost units may be lost as private apartment owners upgrade their buildings to meet the city's earthquake-safety ordinance. As a result, low-income tenants will face either increased rents to cover the cost of improvements or demolition of their homes.

Lifting of Subsidy Restrictions. Another 30,000 units may become unaffordable to low-income families and seniors as federal rent restrictions on privately-owned, government subsidized housing expire.

Conversion to Condos or High-Rent Units. Spurred by low interest rates, demolition or conversion of local apartment units has more than doubled over the last three years. These affordable units are being replaced by high-cost rentals or condominiums.

More Minimum-Wage Jobs. In Los Angeles, high-paying industrial jobs are being replaced by low-paying work in the service sector. Consequently, an increasing number of families are now trying to survive on earnings at or near minimum wage. With the least expensive one-bedroom units in the city renting for \$400 per month, this means that a single parent, earning minimum wage, has to spend almost 70% of income on rent, leaving less than \$180 per month to feed, clothe, and provide essential family health care.

In addition to calling a halt to the overproduction of one-bedroom units, Professor Heskin suggested two other ways the city could address local housing problems. The first has to do with the definition of "affordability." The city uses the federal government's definition, which is based on the median of everyone's income in Los Angeles County, including people who live in such affluent areas as Beverly Hills, and including homeowners as well as renters.⁷⁷ This results in an unrealistically and artificially high number.

The Task Force on Family Diversity agrees with Professor Heskin's criticisms of present methods of computing "affordability." Affordability for renters should not be based on an equation that includes the incomes of homeowners — people who are not in the rental housing market. Rent of \$650 per month for a two-bedroom apartment is simply not affordable to low-income families.

Second, Professor Heskin suggests the development of non-profit organizations in the housing business. With few exceptions, like the S.R.O. Development Corporation, the City of Los Angeles has not supported non-profits in the housing field, and this failure may be short sighted.

The director of the Community Redevelopment Agency recently acknowledged this problem. From a profit-making standpoint, she said most developers are interested in building larger complexes with 75 units or more. However, "housing a lot of [families with] children works out better in smaller doses."⁷⁸

The director of the National Housing and Rehabilitation Association — primarily representing private developers — agrees that nonprofit groups can play an important role in spurring the production of low-income housing.⁷⁹

One national non-profit organization is taking aim at the Los Angeles housing market with the objective of generating more low-income housing by merging corporate dollars and government housing funds.⁸⁰ The Task Force on Family Diversity commends the Chicago-based National Equity Fund for its interest in helping Los Angeles and encourages similar interest by local corporate leaders.

The Task Force on Family Diversity notes that as yet the corporate sector in Los Angeles has not produced a housing advocate. Two local

researchers have pointed out that New York has David Rockefeller, Chicago has Lawrence Fuller, Baltimore has James Rouse, and the San Francisco business community has formed the Bay Area Council which has raised several million dollars for nonprofit housing.⁸¹ Perhaps such a corporate advocate is a missing ingredient in the solution of the Los Angeles' housing crisis.

Much of this section of the Task Force report is consistent with findings made by the Los Angeles County Commission on Human Relations.⁸²

The Task Force on Family Diversity is also concerned about the displacement which accompanies gentrification — a process whereby urban professionals move into lower-income areas, renovating and improving the housing stock. The displaced tend to be the poor, the elderly, female-headed households, those with limited education, the unemployed, and the disabled, with a high percentage of ethnic minorities in each of these categories.⁸³ City departments with housing responsibilities should develop concrete plans to deal effectively with gentrification, including the displacement caused thereby.

Discrimination in Housing

Housing discrimination exists, persists, and in some areas has increased in the City of Los Angeles. For example, in the San Fernando Valley, between 1985 and 1986, fair housing officials reported an increase in housing discrimination on the basis of race (up 34%), national origin (up 60%), and marital status (up 25%). Discrimination against families with children was also up 40%.⁸⁴ The number of clients served by four fair housing councils in the city rose from 4,192 in 1983 to 5,808 in 1985.⁸⁵

In her testimony before the Task Force, the coordinator of the Fair Housing Council of San Fernando Valley confirmed that housing discrimination against racial and ethnic minorities, unmarried couples, people with disabilities, and families with children is not unusual.⁸⁶ The County Human Relations Commission has found such discrimination persistent in some locations:⁸⁷

Equal access to housing continues to be denied to many individuals for a variety of reasons, with discrimination having a pronounced and disparate effect on certain groups: Blacks, female-headed households, immigrants and refugees, the disabled, the economically disadvantaged, and families with children.

The Task Force on Family Diversity finds that housing discrimination against families exists in the City of Los Angeles. Unfair housing practices are common throughout the city. The City Attorney and the the city's new housing coordinator should work with the Fair Housing Councils in the city to develop a plan to deter landlords from engaging in unfair housing practices and to educate families of their housing rights. Educational outreach should specifically extend to single-parent families, large families, immigrant families, unmarried couples, and families of color.

According to Richard Smith, past-President of the Mayor's Advisory Council on Disability, some builders avoid compliance with accessibility laws when they build condominiums.⁸⁸ Since condominium complexes are treated the same as single family dwellings —

builders do not have to make them accessible to physically-challenged individuals.

Mr. Smith also noted that an apartment (not condominiums) complex that recently opened in San Fernando Valley with 1,296 apartment units, financed 80% by the Community Redevelopment Agency, is not accessible to people with disabilities; the builder avoided the accessibility laws by securing a "high density" variance from the city. Such variances are usually used for condominiums and do not have accessibility requirements attached to them. When building large apartment complexes, builders now often seek and receive these permits, thereby rendering accessibility laws ineffective.

The Task Force suggests that the City Department of Building and Safety stop issuing high density variances to builders of apartment buildings without attaching accessibility requirements. If necessary, the City Attorney should examine the problem and take appropriate steps to stop the misuse of high density variances to avoid accessibility requirements.

HOUSING AND HOMELESSNESS: RECOMMENDATIONS

Homeless Adults and Families

15. To prevent displacement of individuals and families, the Task Force recommends that the city require full replacement of low-income housing units scheduled to be removed from the total housing stock before demolition of the units, rather than mere partial replacement after demolition, as is now often the case.

16. To protect the homeless from crime, and to protect businesses and residents from criminals posing as homeless persons, the Task Force recommends that the Los Angeles Police Department develop a greater and highly visible police presence in areas that attract large homeless populations, especially downtown Los Angeles and the Venice area.

17. To decrease discord and waste of resources caused by inter-governmental lawsuits, and to increase cooperation on the homelessness issue, the Task Force recommends that a City-County Task Force on the Homeless be created. A 25-member Task Force could include 15 members appointed by the County Board of Supervisors (3 members per Supervisor), 5 appointed by the Mayor and 5 by the President of the City Council. Members of the Task Force should include corporate and religious leaders, developers, builders, and city planners, social service providers, and advocates for the homeless. The City-County Task Force should monitor the implementation of A.B. 1733, develop plans for a Housing Clearinghouse that would assist in matching homeless families with affordable housing, and recommend ways in which the city and the county can effectively deal with the problems of the homeless, including support of private shelters for homeless individuals and families.

Homeless Youth

18. The Task Force recommends that the Mayor and the City Council support the development of other programs based on the model of the Homeless Youth Project of Children's Hospital.

19. Because various agencies have overlapping responsibilities in dealing with runaways and other homeless youth in the City of Los

Angeles, the Task Force recommends that an Inter-Agency Task Force on Homeless Youth be created. Membership on the Task Force should include representatives from public agencies, such as the Los Angeles Police Department, Los Angeles County Sheriff's Department, Los Angeles Juvenile Court, Department of Public Social Services, Los Angeles Unified School District, City Attorney, District Attorney, and private agencies, such as the Los Angeles Youth Network, the Gay and Lesbian Community Services Center, and the Coordinating Council for Homeless Youth. The Inter-Agency Task Force should develop ways to implement recommendations adopted by the Family Diversity Task Force Team on Runaways and Homeless Youth, especially those dealing with emergency shelter and services, eligibility for relief and social services, access to school programs, and coordinated services.

20. The Task Force recommends that the Mayor and the City Council develop a publicly-funded van service between social and medical support services utilized by homeless youth and families.

Adequate and Affordable Housing

21. The Task Force recommends that the city's Housing Coordinator create a Task Force on Adequate and Affordable Housing. The first job of the Task Force should be to begin development of a policy for the city on affordable family housing. In addition, the Task Force should: (a) recommend ways to stimulate the production of more three and four-bedroom units in the city, (b) review the city's ability to discourage rental policies that charge additional fees for additional persons once a basic rent has been established for a unit, and (c) identify areas of gentrification and develop plans to maintain housing for low-income and large families presently living in those areas.

22. The Task Force recommends that the City Council and the Mayor support the establishment of local non-profit housing organizations.

Housing Discrimination

23. The Task Force recommends that Councilman Michael Woo ask the City Attorney for an opinion regarding the legality of the one-person-per-bedroom rule imposed by many landlords. If the rule is illegal, the City Attorney should advise local apartment-owner associations of this. If the practice is not illegal under existing law, the Council should amend the law.

24. The Task Force recommends that the City Attorney enforce existing fair housing laws against shelters for the homeless that won't accept pregnant women. If rejection of pregnant women is not presently illegal, the law should be amended.

25. Since housing discrimination persists, the Task Force recommends that the City Attorney and the city's Housing Coordinator cooperate with the Fair Housing Councils to develop a plan to deter landlords from engaging in unfair housing practices and to educate families of their housing rights.

26. The Task Force recommends that the Department of Building and Safety stop issuing high density variances to builders of apartment buildings without including accessibility requirements. If necessary, the City Attorney should take appropriate steps to stop the misuse of high density variances to avoid accessibility laws.

Notes: Housing

- ¹ *Hansen v. McMahon* (1987) 193 A.C.A. 3d 283, 87 Daily Journal D.A.R. 4063, 4066.
- ² Health and Safety Code Section 50002; see also former Health and Safety Code Sections 37120 et seq., 42000, 41003, 41002, and 44104.
- ³ Stats. 1984, ch. 1691.
- ⁴ May, Lee, "L.A. Leads in Rise in Ranks of Homeless, Survey Finds," *Los Angeles Times*, December 18, 1986.
- ⁵ *Ibid.*
- ⁶ *Ibid.*; "Los Angeles in Lead as Needs of the Homeless Increase," *Los Angeles Daily Journal*, December 19, 1986.
- ⁷ Homeless Policy for the City of Los Angeles, submitted by the Chief Legislative Analyst to the City Council on June 9, 1987.
- ⁸ McMillan, Penelope, "L.A. Homeless on Skid Row to Face Arrest," *Los Angeles Times*, May 29, 1987.
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- ¹⁰ Chandler, John, "Venice Meeting Long on Argument, Short on Solutions," *Los Angeles Herald Examiner*, September 18, 1987.
- ¹¹ McMillan, *supra*, note 8.
- ¹² McMillan, Penelope, "Bradley Proposes Temporary Camp for L.A.'s Homeless," *Los Angeles Times*, June 4, 1987.
- ¹³ McMillan, Penelope, "Foundation Laid at 'Campground' for the Homeless," *Los Angeles Times*, June 28, 1987.
- ¹⁴ See note 4, *supra*.
- ¹⁵ See note 13, *supra*.
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- ¹⁷ McChesney, Kay Young, Ph.D., "Characteristics of the Residents of Two Inner-City Emergency Shelters for the Homeless," June 23, 1987.
- ¹⁸ *Ibid.*
- ¹⁹ *Ibid.*
- ²⁰ *Ibid.*; about half the homeless studied experienced serious hunger problems, and more than half had been victims of violence or robbery.
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- ²² Harris and McMillan, "Services and Shelter for the Homeless OK'd by L.A.," *Los Angeles Times*, June 10, 1987.
- ²³ Boyarsky, Bill, "Bradley Calls for Halt to Razing of Skid Row Hotels," *Los Angeles Times*, July 22, 1987.
- ²⁴ Conklin, Ellis, "'Bradleyville' Transients Get Reprieve," *Los Angeles Herald Examiner*, September 18, 1987.
- ²⁵ Merina, Victor, "Bradley Appoints Coordinator to Help Develop Low-Cost Housing," *Los Angeles Times*, September 18, 1987. The new position apparently was in response to a recommendation by a city task force that a deputy mayor for housing be named so that the Mayor's Office could become the focal point to coordinate efforts to develop and implement a comprehensive city housing policy. See: Merina, Victor, "Panel Urges Saving Skid Row Hotels for Residents, Relocating Homeless," *Los Angeles Times*, July 25, 1987.
- ²⁶ See note 9, *supra*.
- ²⁷ See note 16, *supra*.
- ²⁸ *Ibid.*
- ²⁹ *Ibid.*
- ³⁰ "Senate Votes \$923 Million for Homeless," *Los Angeles Times*, June 28, 1987; "Funds for Homeless Win Lopsided Approval in House," *Los Angeles Times*, July 1, 1987.
- ³¹ "Fund for Homeless Families Would Aid County Residents," *Mt.*

Washington Star Review, September 5, 1987.

- ³² "Advocates for Homeless Will Stop Protest at Capitol," *Los Angeles Times*, January 11, 1987.
- ³³ Kaplan, Sam, "City Groping for Skid Row Policy," *Los Angeles Times*, July 19, 1987.
- ³⁴ Kinchen, David, "Study Calls for Changes To Shelter the Homeless," *Los Angeles Times*, September 6, 1987; Getlin, Josh, "Innovative, Experimental Programs Aid Homeless," *Los Angeles Times*, June 21, 1987; Spiegel, Claire, "Innovative Fund Takes Aim at Homeless," *Los Angeles Times*, July 16, 1987.
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- ³⁶ *Ibid.*, at p. 209.
- ³⁷ *Ibid.*, at pp. 209-210.
- ³⁸ Jones, Lanie, "Youngsters Share Plight of Homeless," *Los Angeles Times*, May 19, 1987.
- ³⁹ Testimony of Nancy Berlin, "Special Needs of Homeless Families," *Public Hearing Transcript*, p. 129.
- ⁴⁰ *Ibid.*
- ⁴¹ *Id.*, p. 130.
- ⁴² Testimony of Byron Gross, Esq., "Homeless Families: The *Hansen* Case," *Public Hearing Transcript*, p. 33.
- ⁴³ See note 1, *supra*.
- ⁴⁴ *Ibid.*
- ⁴⁵ Testimony of David Wood, *supra*, note 34, at p. 211.
- ⁴⁶ *Ibid.*
- ⁴⁷ Testimony of Nancy Berlin, *supra*, note 38, at p. 131.
- ⁴⁸ A.B. 1733 was filed with the Secretary of State as Stats. 1987, ch. 1353.
- ⁴⁹ Berlin, *supra*.
- ⁵⁰ Testimony of Gary Yates, "Runaways and Homeless Youth," *Public Hearing Transcript*, p. 55.
- ⁵¹ Prince, Richard, "Runaways and Homeless Youth in Los Angeles County," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-645; Mendez and Werber, "Runaways: A Social Problem," *Supplement — Part Two*, p. S-889.
- ⁵² Costello and Mata, "Runaways and Homeless Youth," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-476.
- ⁵³ Testimony of Gary Yates, "Runaways and Homeless Teenagers," *Public Hearing Transcript*, p. 55.
- ⁵⁴ Costello and Mata, *supra*, note 52, p. S-489.
- ⁵⁵ Yates, *supra*, note 53, p. 56.
- ⁵⁶ Porche-Burke and Wood, "Team Report on Family Violence," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-243.
- ⁵⁷ Costello and Mata, *supra*, note 52, p. S-490.
- ⁵⁸ Rothman and Thomas, Bush Program, UCLA School of Social Welfare, *Focus on Runaway and Homeless Youth: Status Offenders in Los Angeles County, A Study and Policy Recommendations* (1985).
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- ⁶³ Merina, Victor, "Council OKs Occupancy Limits on Rental Units," *Los Angeles Times*, December 13, 1986.
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- ⁶⁸ Testimony of Kelly Brydon, "Housing Problems of Families," *Public Hearing Transcript*, p. 89.
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- ⁷⁵ *Ibid.*
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- ⁷⁷ Testimony of Professor Allan Heskin, *supra*, at pp. 320-322.
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- ⁷⁹ *Ibid.*
- ⁸⁰ *Ibid.*
- ⁸¹ See note 76, *supra*.
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- ⁸³ Hanna-Witherspoon, Betty, "Report of the Research Team on Housing Issues," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-426.
- ⁸⁴ *Ibid.*
- ⁸⁵ *Ibid.*
- ⁸⁶ Testimony of Kelly Brydon, *supra*, at pp. 90-92.
- ⁸⁷ Hanna-Witherspoon, *supra*, note 83, at p. S-425.
- ⁸⁸ Testimony of Richard Smith, "The City's Response to Disability Issues," *Transcript of Public Hearings*, p. 241.

INSURANCE

Insurance is a subject of major concern to Los Angeles families. During a medical emergency, for example, health insurance may be all that stands between survival and ruination for one's family. Under the law, the family car must have liability coverage. If the car is financed, lenders insist that there is also replacement coverage. Mortgage companies demand that the family home be insured against hazards. Although life insurance is not "essential," many heads of household buy it in order to protect their dependents. Disability insurance can guarantee income that might otherwise be threatened by the extended illness of a family's primary wage earner. Most families in the city are renters; renter's insurance guards against the ever-increasing risk of burglary. Obtaining and maintaining insurance — health, life, automobile, homeowner's, renter's, and more — has become a very serious and important matter; it is essential to protect family assets, to protect family members, and in some instances, is required by law.

According to Steve Miller, Executive Director of Insurance Consumers Action Network (ICAN), about 13% of the disposable income of a family is spent on insurance.¹ That makes insurance the third leading family expenditure — after shelter and food, but before taxes.²

Although insurance is a necessity for everyone, its cost is often prohibitive for middle and lower-income families; it is not a luxury, but it is often priced as if it were.

The impact of the so-called insurance crisis is being experienced by parents who cannot afford automobile insurance for their teenagers, seniors who are dropping their homeowner policies, lower-income workers who drive to and from work uninsured, and middle-income workers denied health and life insurance, not because they cannot afford it, but because of lifestyle discrimination.

As a reaction to this crisis, more than 25,000 Los Angeles area consumers recently expressed their frustration in letters sent to Tom Vacar, Consumer Reporter to KCBS-TV in Los Angeles.³ Of the first 16,000 letters analyzed, 90% complained about automobile insurance. Many others criticized homeowner and health insurance, and the high premiums that are causing day care centers to close. People complained most about "insurance company greed," than the lack of affordability. Most of the consumers suggested a need for more active state regulation of the insurance industry. A considerable number wanted the state to actually take over the industry.

The California Department of Insurance also receives a large number of complaints from consumers, nearly 14,000 in 1984-85, for example.⁴ However, according to the state Auditor General, these complaints reflect only a portion of disgruntled insurance consumers.⁵ Many find it difficult to reach the department; during a one-week period in March 1986, consumers received busy signals more than 7,000 times when attempting to telephone the Department of Insurance.⁶ Citing such problems as the department's overwhelming backlog in processing complaints, the Auditor General concluded that "the public lacks protection against improper conduct" by insurance companies.⁷

The Task Force on Family Diversity examined the insurance issue with the assistance of law student researchers,⁸ with input from the Association of California Life Insurance Companies,⁹ with information from the legal counsel to the state Department of Insurance, with advice

from consumer advocates,¹⁰ with testimony from insurance professionals,¹¹ and with recommendations supplied from Task Force members.¹²

The major areas of complaint that surfaced during the Task Force study focused on the price of automobile coverage and on lifestyle discrimination in automobile, health, and life insurance.

Automobile Insurance

Under present California law, automobile insurance rates are minimally regulated. In other states, rates are regulated by various methods. Some states establish rates insurers may charge; others require prior approval of rates by the Insurance Commissioner. Most states provide some form of review either as rates are introduced or changed.¹³

The current law in California — virtually unchanged since enacted in 1947 — provides for an "open rating" or competitive ratemaking system; although the law requires that insurance rates not be excessive, inadequate, or unfairly discriminatory, the law includes no concrete standards and is generally not enforced by the state Insurance Commissioner. Under existing law, companies are not even required to report to the insurance department the rates they charge consumers.

Two years ago, the Little Hoover Commission reported that: "The Insurance Commissioner has held only one public hearing on excessive rates and has never fined an insurance company for excessive rates since 1948."¹⁴ The Commission identified as one of the major underlying causes of the insurance crisis:¹⁵

The Insurance Commissioner's lack of authority and leadership in the rate-setting process — the Insurance Commissioner does not have authority to control rate increases in California [prior to the increase] and has not exercised his [sic] discretionary powers to control rate increases [after an increase] and make insurance available.

The Little Hoover Commission recommended that consideration be given to requiring the Insurance Commissioner's prior approval of rate increases in excess of 15%.¹⁶

Two recent studies have demonstrated the relationship between state regulation and the cost of insurance. The General Accounting Office — the investigative arm of Congress — found that the cost of automobile insurance was always higher in "competitive" rating states like California where there is no rate regulation. Rates in so-called "competitive" states were about 14% higher than in regulated states.¹⁷ A study commissioned by the California State Assembly found that the profits of automobile insurance companies in California were about 30% higher than in states with a stronger regulatory environment.¹⁸

It is a misnomer to call California an "open rating" or "competitive" state for automobile coverage. Price fixing by insurance companies is not illegal under federal law,¹⁹ nor is it illegal under state law.²⁰ Current law authorizes insurers to act "in concert" in setting rates, thus conferring upon insurance companies a unique exemption from antitrust laws. Last year, Attorney General John Van de Kamp addressed this problem:²¹

Nothing prohibits insurance companies from fixing rates, from agreeing not to compete, from allocating territories

to one another, from obtaining and exploiting a monopoly in any line of insurance. And no other industry enjoys this kind of sweeping exemption from the antitrust laws. . . .

This immunity is unhealthy for consumers and it is unhealthy for the industry itself. It breeds a culture of collusion. Hearings before the Department of Insurance last year revealed that the two largest auto insurers in the state had a practice of routinely exchanging their rating books — in effect their price lists. Such exchanges suggest a fundamentally unhealthy pattern of collusive conduct.

The Task Force on Family Diversity agrees that the current exemption of insurance companies from the state's antitrust laws is inappropriate and harmful to the people of the state. The exemption should be repealed so that price fixing by insurers would be unlawful and so the exchanging of price information among insurers with the purpose of suppressing competition would also be illegal.²²

Many insurers claim that price fixing does not exist and that consumers can find the lowest rate and best coverage by shopping around. However, one recent consumer study found that price shopping for insurance coverage is virtually impossible.²³

"Redlining," a practice in which insurers set prices through a complex formula of residential location, occupation, age and sex classifications, is also a subject of extensive criticism. State Senator Art Torres has called for legislation prohibiting the setting of rates on any factor other than an individual's driving record.²⁴

More and more people in this state cannot afford auto insurance even though they have good driving records. Insurance rates should be based on a person's driving record, not on his or her zip code, marital status, occupation, or sex. That is unfair.

Redlining of certain areas and groups makes minimum auto liability insurance so expensive that an estimated 50% to 60% of drivers in some sections of Los Angeles, and 15% to 20% statewide, are uninsured.²⁵

Insurance Reform. In addition, noting that California is one of only five states that allow automobile insurance companies to raise prices without justifying the size of rate increases, Attorney General John Van de Kamp has joined consumer advocates and many legislators in calling for rate regulation.²⁶ Last year, the Attorney General supported proposed legislation which would have: (1) enacted a system of flex-rating for property/casualty insurance; (2) created an insurance consumer advocate's office within the Department of Justice; (3) required prior approval by the Insurance Commissioner of any rate increases exceeding 10% in personal lines or 25% in commercial lines and (4) established an Office of Consumer Advocate to present a public point of view of proposed rate changes.²⁷ Although the bill, and several proposed compromises, passed the Assembly Finance and Insurance Committee, it failed to pass the Assembly Ways and Means Committee, thus ending consumers' hopes for legislative relief.²⁸

According to the Attorney General, "It's a stalemate. The powers have basically produced gridlock."²⁹ As a result, he suggested that the only path to reform might be a statewide ballot initiative.

The Task Force on Family Diversity believes that the following reforms should be enacted into law either by the Legislature or through the initiative process: (1) *rate regulation* — rate increases or decreases that exceed specified ranges should require prior approval by the state Insurance Commissioner; (2) *antitrust exemption* — the insurance industry should be stripped of its exemption from the state's antitrust laws; (3) *insurance consumer advocate* — an Office of Insurance Consumer Advocate should be established, with authority to intervene on behalf of consumers in any rate-related matter; (4) *good driver discounts* — insurers should be required to offer "good driver" policies to customers who have had no accidents or moving violations within the past three years; (5) *plain language policies* — insurance policies should be required to be written so that they are concise and easy to read; (6) *mid-term cancelations* — policies should not be cancelable in midterm, except for nonpayment of premiums, fraud, gross negligence or criminal convictions; (7) *conflict of interest* — the Insurance Commissioner and the Consumer Advocate should be barred from employment with any insurance company or trade association for three years after leaving office.

Seven initiative proposals for insurance reform have emerged.³⁰ Three have been offered by consumer advocacy organizations; two are sponsored by individuals; one is backed by insurance companies; and one has been drafted by trial lawyers.³¹ The Task Force believes that either of the proposals offered by two of the consumer advocacy groups — Access to Justice or Insurance Consumer Action Network — most closely promote these seven areas of reform.³²

The need for insurance reform in California became even more critical when the California Supreme Court upheld the constitutionality of the state's mandatory auto liability insurance laws.³³ Under state law, a motorist stopped for a moving violation must produce proof of insurance. Failure to do so may result in a fine and a suspension of the motorist's driver's license. In the wake of the Supreme Court ruling, Mayor Tom Bradley endorsed a proposed ballot initiative prohibiting automobile insurance redlining and requiring Insurance Commissioner approval for all rate increases.³⁴

The Task Force on Family Diversity finds that insurance reform in California is long overdue. The Task Force commends Mayor Bradley and Attorney General Van de Kamp for supporting meaningful insurance reform, even if it must come in the form of a voters' initiative. The Task Force recommends that the City Council support either the initiative proposal sponsored by access to justice or that proposed by the Insurance Consumer Action Network (ICAN).

Lifestyle Discrimination

During the course of this study, the Task Force has become aware of widespread lifestyle discrimination by insurance companies in California and throughout the nation. By "lifestyle discrimination," the Task Force is referring to situations in which insurers deny coverage, set higher rates, or cancel policies because of the sexual orientation or cohabitation status of the applicant or the insured. Complaints of lifestyle discrimination have been raised by both unmarried heterosexual couples and same-sex couples.

Widespread complaints regarding discriminatory underwriting practices by California insurance companies were confirmed by consumers, consumer advocates, civil rights advocates, the Insurance Commissioner's office, as well as insurance brokers and agents.

According to a representative of Common Cause, insurance coverage is often denied in Southern California because of the consumer's choice of neighborhood, choice of automobile, or choice of life partner. For example, a local insurance company refused to grant automobile insurance to a woman merely because she was a "military wife," i.e., her spouse was enlisted in the Navy.³⁵

In his public hearing testimony, Tony Melia, President of National Business Insurance Agency (NBIA), described lifestyle discrimination by insurance companies in property and casualty insurance.³⁶ He related that some companies refuse to issue a joint homeowner's policy in the names of two same-sex householders, as their interests may appear on a deed, although joint policies are issued routinely to married couples. Most companies will not offer a family discount on automobile insurance to an unmarried couple who live together and share cars, even though such discounts are offered to blood relatives and married couples. One company actually wrote to NBIA and complained that the agency was writing too many policies for unmarried persons.

Brendt Nance, President of Concerned Insurance Professionals for Human Rights, documented lifestyle discrimination in health, life, and disability insurance.³⁷ He reported that some companies refuse to issue a life insurance policy if the consumer names a beneficiary who is not related by blood, marriage, or adoption. One major carrier charges two unmarried 35-year-olds a total of \$213.60 per month for basic health coverage, while a married couple could purchase the same coverage for \$197 per month.

Leonard Graff, Legal Director for National Gay Rights Advocates (NGRA), testified concerning lifestyle discrimination against gays and lesbians.³⁸ Complaints received by NGRA about automobile insurance, homeowner and renter policies, umbrella or excess liability policies, and health insurance relate to outright denial of coverage, the naming of beneficiaries, and, most often, rate discrimination against unmarried couples.

One company, the Automobile Club of Southern California, recently extended family discounts for automobile insurance coverage to unmarried couples. Previously, the discount was available only to married couples.³⁹ Some companies have followed AAA's example, but others continue to extend family discounts only to married couples. The AAA reform, however, only applies to insurance but not to membership in the Auto Club. The Automobile Club of Southern California continues to maintain membership discount practices which discriminate against unmarried couples. For example, a married couple may purchase one master membership and a discounted associate membership, while an unmarried couple must pay for two master memberships. In view of changing demographics and family structures in Southern California in 1987, the Auto Club created an internal AAA Task Force to review membership rating practices and to recommend possible revisions to the Board of Directors. The AAA Task Force will recommend ways in which the club's membership rules can be amended to accommodate the needs of contemporary families.

Unmarried couples also experience lifestyle discrimination when attempting to purchase renter's insurance. Renter's insurance protects occupants of an apartment or house against property damage or liability. Most insurance companies will not issue a policy jointly to an unmarried couple renting an apartment; two policies, with two pre-

miums, are required. A married couple, however, can save money by obtaining a joint policy.

According to Leonard Graff, lifestyle discrimination in home and automobile insurance is primarily rate discrimination on the basis of marital status or sexual orientation.

California Administrative Code Section 2560.3 prohibits insurers from discriminating against consumers on the basis of marital status or sexual orientation. However, the Insurance Commissioner has interpreted the law narrowly so as not to apply to the type of lifestyle discrimination just described. According to Graff:⁴⁰

Well, they [Insurance Commissioner's Office] don't feel that those regulations cover the situation involving couples. In other words, in the examples that I have been describing — like automobile insurance — people, regardless of their sexual orientation, are not having too much trouble getting a policy because they are gay or lesbian. The problem is getting a discount because they are a couple. And in my conversations with Peter Groom [Legal Counsel to the Insurance Commissioner], he's taking the position that this is "rate discrimination" and is beyond the jurisdiction of the Commissioner.

Unmarried couples, who write to the Insurance Commissioner's Office complaining of such lifestyle discrimination,⁴¹ are simply informed that there is nothing that the Insurance Commissioner can do.⁴²

The Task Force on Family Diversity recommends several actions that the Insurance Commissioner and other agencies can take to protect unmarried couples from the continuing and widespread lifestyle discrimination.

First, the Insurance Commissioner can declare various practices against unmarried couples to be "unfair practices," such as refusal to issue a joint renter's or homeowner's policies to an unmarried couple living together in their jointly owned or rented residence. Granting discounts to cohabiting couples who are married while denying such discounts to similarly situated unmarried couples should also be declared an "unfair practice," as should the refusal of an insurance company to allow a life insurance applicant to name a lifemate as beneficiary.

The California Insurance Code provides for remedies through the Insurance Commissioner against unfair practices engaged in by those in the business of insurance.⁴³ The Commissioner should use the power provided in the code to conduct investigations of such unfair practices, and, where appropriate, commence administrative actions against violators.⁴⁴ If a company continues such practices after an administrative hearing, adverse determination, and warning,⁴⁵ the Commissioner should, through the state Attorney General, seek a restraining order against the company.⁴⁶ Any company who defies a court order, in addition to a contempt proceeding, faces fines and possible suspension of license or certificate to engage in the insurance business.⁴⁷

Although it appears that the Insurance Commissioner has the authority to address instances of lifestyle discrimination through the complaint procedure authorized by the Insurance Code,⁴⁸ such action has not been taken to date.

The Task Force on Family Diversity calls on the Insurance Commissioner to officially rule that lifestyle discrimination by insurance companies, including rate discrimination against unmarried couples, is an unfair business practice. The Mayor and the City Council should communicate with the Commissioner, expressing their concern for the protection of unmarried couples living in the city, urging the Commissioner to use the authority to regulate and restrain such practices.

Furthermore, the Unruh Civil Rights Act may provide an additional mechanism for protection.⁴⁹ The Unruh Act bars all forms of arbitrary discrimination by business establishments of every kind. Sexual orientation discrimination is prohibited by the Unruh Act.⁵⁰ It would seem that marital status discrimination is arbitrary in many contexts. California statutes forbidding such discrimination have been interpreted to prohibit discrimination against unmarried couples.⁵¹ By analogy, it would appear that discrimination by insurance companies against unmarried couples would violate the Unruh Civil Rights Act.

The Attorney General, the state Department of Fair Employment and Housing (DFEH), district attorneys and city attorneys all have jurisdiction to enforce the Unruh Civil Rights Act.⁵² Individual complaints may be investigated and processed by DFEH. The Attorney General or local district or city attorneys may bring court actions to enjoin a "pattern or practice" violating the Unruh Act; they may also bring civil actions under "unfair competition" statutes to enjoin unfair or unlawful business practices.⁵³ Thus, remedies exist beyond those found in the Insurance Code.⁵⁴ However, since consumers file their complaints primarily with the Insurance Commissioner's Office, these agencies seldom, if ever, learn of, or process, cases involving unfair practices by insurance companies. And in the case of lifestyle discrimination, the Insurance Commissioner closes case files without referring the consumer to other agencies which may have jurisdiction under the Unruh Act or Business and Professions Code.

The Task Force on Family Diversity has several recommendations about improving the way cases involving lifestyle discrimination by insurance companies are handled by government agencies.

First, as mentioned above, the Insurance Commissioner should deem such discrimination to be an unfair practice and take action under the Insurance Code.

Second, the Insurance Commissioner should routinely refer cases to other agencies with possible jurisdiction.⁵⁵ If the Commissioner receives a complaint about lifestyle discrimination and declines to take action, the letter of complaint should be forwarded to the Attorney General for possible relief under the Unruh Act. Such referrals will enable the Attorney General to determine if a discriminatory pattern or practice exists. The Attorney General can then either take direct action, or refer the matter to the appropriate district attorney or city attorney.

Third, the Los Angeles City Attorney should specifically request that the Insurance Commissioner forward to the City Attorney copies of lifestyle discrimination complaints involving transactions occurring in the City of Los Angeles. This will enable the City Attorney to determine if unfair business practices are occurring in the city so that such patterns and practices can be enjoined.

Fourth, the City Attorney should convene an Insurance Task Force on Lifestyle Discrimination. Representatives of the Attorney General's

Office, the Insurance Commissioner's Office, the state Department of Fair Employment and Housing, civil rights groups, consumer protection groups, and the insurance industry should be invited to participate on the Task Force. The purpose of the Insurance Task Force would be to make recommendations for improving the ways in which lifestyle discrimination is handled by state and local agencies with apparent jurisdiction in this area.

INSURANCE: RECOMMENDATIONS

27. The Task Force recommends that the City of Los Angeles adopt a legislative policy statement on insurance to guide its legislative program in Sacramento and Washington, D.C. The policy should: support the repeal of current state and federal exemptions of the insurance industry from antitrust laws; oppose "redlining" practices; support the adoption of a "flex-rating" system of prior approval for property and casualty insurance; and support the creation of an insurance consumer advocate's office within the California Department of Justice.

28. The Task Force recommends that the Mayor and the City Council support a 1988 insurance reform ballot initiative containing strong provisions on rate regulation, antitrust protections, consumer advocacy, and conflict of interest. The measures which most closely would meet these goals are those proposed either by the Insurance Consumer Action Network (ICAN) or access to justice (voter's revolt).

29. The Task Force recommends that the state Insurance Commissioner declare various practices against unmarried couples to be "unfair practices," including the refusal to issue a joint renter's or homeowner's policy to an unmarried couple living together in a jointly owned or jointly rented residence, the denial of discounts to unmarried couples while granting such discounts to married couples, and the refusal to allow a life insurance applicant to name a non-spousal lifemate as a beneficiary.

30. The Task Force recommends that the Mayor and the City Council communicate to the state Insurance Commissioner their concern about lifestyle discrimination by insurance companies, asking the Commissioner to outlaw lifestyle discrimination as an unfair business practice.

31. The Task Force recommends that the Insurance Commissioner routinely refer complaints of lifestyle discrimination to other agencies with possible jurisdiction. If the Commissioner receives a complaint of lifestyle discrimination from an insurance consumer and declines to take action, the letter of complaint should be forwarded to the Attorney General for possible relief under the Unruh Act. Such referrals will enable the Attorney General to determine if a discriminatory pattern or practice exists. The Attorney General can then either take direct action or refer the matter to the appropriate district attorney or city attorney.

32. The Task Force recommends that the Los Angeles City Attorney specifically request that the state Insurance Commissioner forward to the City Attorney copies of lifestyle discrimination complaints involving transactions occurring in the City of Los Angeles. This will enable the City Attorney to determine if unfair business practices are occurring in the city so that such patterns and practices can be enjoined.

33. The Task Force recommends that the City Attorney convene an Insurance Task Force on Lifestyle Discrimination. Representatives of

the Attorney General's Office, the Insurance Commissioner's Office, the state Department of Fair Employment and Housing, civil rights groups, consumer protection groups, and the insurance industry should be invited to participate on the Task Force. The purpose of the Insurance Task Force would be to make recommendations to improve the manner in which lifestyle discrimination is handled by state and local agencies with apparent jurisdiction over arbitrary or unfair business practices.

Insurance: Notes

¹ Interview with Steve Miller, June 5, 1987, at the offices of ICAN in Los Angeles.

² *Ibid.*

³ Interview with Tom Vacar, June 2, 1987, at the offices of KCBS-TV in Los Angeles.

⁴ Reich, Kenneth, "State Insurance Department Found Far Behind on Complaints," *Los Angeles Times*, May 13, 1986.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Kan, Ada, "Insurance Discrimination," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-87L.

⁹ Letter from Lewis Keller, President of the Association of California Life Insurance Companies, dated March 26, 1987.

¹⁰ Miller, *supra*, at note; Vacar, *supra* at note 3.

¹¹ Testimony of Tony Melia, President of the National Business Insurance Agency, and Brendt Nance, Concerned Insurance Professionals for Human Rights, *Public Hearing Transcript*, pp. 189-202.

¹² Vopal & Verdugo, "Report of Research Team on Insurance Discrimination," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-563.

¹³ Miller, Steve, "Insurance Regulation Needs Accountability," published by Insurance Consumer Action Network, 1987.

¹⁴ Commission on California State Government Organization and Economy, "A Report on the Liability Insurance Crisis of California," July, 1986, p. 1.

¹⁵ *Id.*, p. 2.

¹⁶ *Id.*, p. v.

¹⁷ United States General Accounting Office, "Auto Insurance, State Regulation Affects Cost and Availability," GAO/OCE-86-2, August 1986, p. 3.

¹⁸ National Insurance Consumer Organization, "Insurance in California: A 1986 Status Report for the Assembly," October, 1986, p. II-1.

¹⁹ Congress exempted insurance companies from federal antitrust regulation when it passed the McCarran-Ferguson Act in the 1940s (15 U.S.C. Sec. 1101).

²⁰ The McBride-Gorunsky Act was passed by the California Legislature, also in the 1940s (Insurance Code Section 1850).

²¹ Testimony of Attorney General John Van de Kamp before the Assembly Judiciary Committee in support of A.B. 1190, May 20, 1987.

²² Assembly Bill 1190 by Assemblywoman Maxine Waters would have accomplished this result. After heated debate, it failed to pass the Assembly Ways and Means Committee during the 1987 Legislative session.

²³ Reich, Kenneth, "Shopping Around for Car Insurance: It's 'Potluck'," *Los Angeles Times*, June 24, 1987.

²⁴ "Anti-redlining Bill Dies in Senate Committee," *Mt. Washington Star Review*, May 14, 1986.

²⁵ Salisbury, Lois, "Who Will Pay for Brown's Auto Insurance Tinkering?" *Los Angeles Times*, May 4, 1986.

²⁶ "Van de Kamp Urges State Insurance Rate Regulation," *Los Angeles Herald Examiner*, May 19, 1987.

²⁷ Reich, Kenneth, "Insurance Bill Clears Hurdle in Assembly," *Los*

Angeles Times, May 20, 1987.

²⁸ Dresslar, Tom, "Alternative Insurance-Rate Measure Would Rely on Consumers," *Los Angeles Daily Journal*, June 29, 1987; "Insurance: Open the Books," *Los Angeles Times*, July 1, 1987; Dresslar, Tom, "Prospects Darken for Reform of State Insurance Laws in '87," *Los Angeles Daily Journal*, August 27, 1987.

²⁹ Braun, Gerry, "State's Insurance Storm Passes," *San Diego Union*, February 9, 1987.

³⁰ "Summary of Seven Measures on Insurance Reform," *California Political Week*, January 25, 1988.

³¹ *Ibid.*

³² *Ibid.* The measure sponsored by Access to Justice calls for a 20% automobile insurance rate rollback, elimination of antitrust exemption, rate regulation by the Insurance Commissioner, and rates based on driving records and not zip codes. The initiative offered by Insurance Consumer Action Network calls for similar reforms, but extends to all kinds of insurance coverage, with special senior citizen protections.

³³ *King v. Meese* (1987) 43 Cal.3d 1217; Carrizosa, Philip, "State High Court: Car Insurance is Now Mandatory," *Los Angeles Daily Journal*, October 27, 1987.

³⁴ Reich, Kenneth, "Three Officials Back Proposed Initiative on Car Insurance," *Los Angeles Times*, November 3, 1987.

³⁵ Interview with Wally Zelman, Common Cause, June 3, 1987.

³⁶ Testimony of Tony Melia, "Lifestyle Discrimination in Property/Casualty Insurance," *Public Hearing Transcript*, p. 189.

³⁷ Testimony of Brendt Nance, "Lifestyle Discrimination in Health/Life/Disability Insurance," *Public Hearing Transcript*, p. 196.

³⁸ Testimony of Leonard Graff, "Lifestyle Discrimination by Insurance Companies," *Public Hearing Transcript*, p. 114. See also, Freiberg, Peter, "Antigay Insurance Company Sued," *The Advocate*, June 10, 1987.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Interview with Peter Groom, Legal Counsel to the state Department of Insurance, March, 1987.

⁴² *Ibid.*

⁴³ Insurance Code Section 790 *et seq.*

⁴⁴ Insurance Code Section 790.06.

⁴⁵ Insurance Code Section 790.06(a).

⁴⁶ Insurance Code Section 790.06(b).

⁴⁷ Insurance Code Section 790.07.

⁴⁸ Insurance Code Sections 12921.3-12921.4; Section 790 *et seq.*

⁴⁹ Civil Code Section 51.

⁵⁰ *Rolon Kukwitzky* (1984) 153 Cal.App.3d 289; *Curran v. Mount Diablo Council of Boy Scouts* 1985 147 Cal.App.3d 712.

⁵¹ *Hess v. Fair Employment and Housing Commission* (1982) 138 Cal.App.3d 232; *Department of Fair Employment and Housing v. Boy Scouts of America*, Before the Fair Employment and Housing Commission, Precedent Decision No. FEP 78-709, filed August 6, 1981.

⁵² Government Code Sections 12948, 12960-12976; Civil Code Section 52(c).

⁵³ Business and Profession Code Section 17200 *et seq.*; *Perdue v. Crocker National Bank* (1985) 38 Cal.3d 913, 930.

⁵⁴ Insurance Code Section 12994.

⁵⁵ When the Insurance Commissioner receives information that an insurance company may be violating a statute from a code other than the Insurance Code, such as the Unruh Civil Rights Act or provisions of the Business and Professions Code, public policy contemplates that the Commissioner will refer the matter to the appropriate agency with authority to investigate and take action. (Cf. Insurance Code Section 12928).

CHILD CARE

Child care has become one of the greatest family concerns in the 1980s. The focus on child care has intensified as the "nuclear" family has been replaced by the single-parent family and the dual-career family as the dominant family forms. While parents are working, or looking for work, or going to school, someone must care for the children. Child care has become a major economic and social issue that has grabbed the attention of elected officials, public and private employers, unions and employee associations, and social service agencies.

Family situations giving rise to child care needs are varied.

Newborns. Parents with a newborn baby must give special care and attention to their child during the baby's first few months of life, thus, perhaps, requiring one of the parents to seek parental leave from school or work. California law partially responds to this need by giving new mothers the right to a four-month leave, with a guarantee of getting their jobs back. That law was recently upheld by the United States Supreme Court against a challenge by some employers.

The law has been criticized, however, because it does not provide for paternity leave.¹ In an attempt to eliminate the law's gender bias, the state Legislature passed a bill last year, sponsored by Assemblywoman Gwen Moore, that would have extended this benefit to parents of either sex. The bill was vetoed by Governor George Deukmejian.

This inequity still might be eliminated by a bill pending in Congress. The Family and Medical Leave Act would require firms with 15 or more employees to allow up to 18-weeks of unpaid, job-protected leave, for fathers as well as mothers, to care for newborns, newly adopted children, or seriously ill children.² However, the bill's failure to provide for paid leaves makes family leave an unrealistic option for low-income parents.³

Preschoolers. Combined 1985 statistics from the Census Bureau and the Department of Labor point to a record number of mothers of preschoolers — more than 50% — working outside of the home.⁴ In 1979, in the City of Los Angeles, there were about 80,000 women in the labor force with preschool children. These parents need safe and dependable child care services to look after their toddlers while they are at work. There is also a growing number of teenage mothers who depend on child care so they can complete high school.

Latchkey Kids. As of 1979, there were about 116,000 women in the labor force in Los Angeles with school-age children. Although these children are normally cared for during regular school hours, thousands of them lack supervision before school or after school while their parents are working. With the passage of Senator David Roberti's 1985 Latchkey Bill (SB 303), many before and after-school day care programs are available for children between the ages of 5 and 13.

Mildly-Ill Children. According to the general manager of a local city-employee union:⁵ "Most child care facilities will not take children who are ill, and for good reason. They do not want to risk spreading childhood illnesses, colds, etc. But what is a parent to do when their child care arrangements break down because of a sick child?" One private employer has provided an answer. Opening the first corporate pilot program of its kind in the country, the day care facility of Trans-america Life Companies was established to combat no-shows among

workers who would otherwise have to stay home with ill children.⁶

Seriously-Ill Children. When a child becomes seriously ill, the only option for a parent or relative may be to quit work to care for the child. The Family and Medical Leave Act pending in Congress would help alleviate this problem by mandating that employers give an unpaid leave of up to 18 weeks to parents in this predicament.

Although the need is great, there is a critical shortage of affordable and quality child care in the City of Los Angeles. According to a report submitted to the City Council last year, there are 1.5 million children in the city, of whom about 400,000 need child care.⁷ The study estimated a shortage of over 200,000 spaces. The need is so great that parents have demonstrated in the streets of Los Angeles demanding that public officials taken action to solve the problem.⁸

In response, Mayor Tom Bradley created an Advisory Committee on Child Care. Two years ago, the Mayor transmitted the Committee's report and recommendations to the City Council for its consideration. In doing so, the Mayor observed:⁹ "Affordable quality child care, which will nurture our children and ease the burdens of two-income and single-parent families, is a critical investment for our City's future. Economic planners in the City must take into account the need for child care."

Councilwoman Joy Picus also developed a comprehensive Child Care Policy for the city which was adopted by the City Council.¹⁰

Cognizant of the gap between the need and the availability of quality and affordable child care in the city, the Task Force on Family Diversity explored child care issues through its student research,¹¹ public hearing testimony,¹² and the independent research of its members.¹³

Policy Issues

Los Angeles is one of several cities that has developed an official position on child care. On February 24, 1987, the City Council adopted a policy statement for the city.¹⁴ Councilwoman Joy Picus spearheaded the movement behind the policy. According to Steve Lipman, Council Aide to Picus:¹⁵

The policy recognizes that there is a major problem in Los Angeles City, in Los Angeles County, and throughout the nation with respect to affordable, accessible, and quality child care. It calls upon the city to: act as a model for other jurisdictions and private concerns; act as an employer to provide child care for its employees; act as an educator, not only to provide data to other interested individuals but by the force of its status act as an educator to other individuals throughout the country; and, last, but not least, the city will act as a facilitator to actually provide assistance, either technical or gentle suasion to increase child care slots within the city.

Related to the adoption of the policy, the City Council agreed to create a new position of Child Care Coordinator to be placed in the city's Personnel Department. An 11-member Child Care Advisory Board will be created to assist the coordinator in his or her efforts. Six advisory board members will be appointed by the City Council and five by the Mayor.

The city's new policy statement focuses on 12 areas.¹⁶

Need. The city now recognizes and acknowledges the importance of affordable and accessible quality child care, and the detrimental impacts on the individual, the family, the workplace, and the community in the absence of such care.

Partnerships. The city will promote partnerships among itself, parents, developers, employers, businesses, community leaders to work toward the common goal of expanding accessible and affordable quality child care to working families in the City of Los Angeles.

Model. The city will work to become a model in the delivery of child care services to its employees.

Planning. The city will integrate, wherever possible, the child care needs of working families into the city's planning process.

Facilitator. The city will develop or improve procedures which seek to expedite the necessary approvals and permits for construction of child care facilities.

Review. The city will periodically review programs it has implemented to promote expansion of child care services and to determine their effectiveness.

Expertise. The city will create expanded child care expertise and underutilized capabilities within the Department of Community Development.

Resource. The city will utilize its information and referral capabilities to further child care services throughout the city.

Property. The city will, where appropriate, make available vacant or underutilized city-owned land or facilities to qualified non-profit child care providers.

Legislation. The city's State and Federal Legislation Program will include support of legislation that would provide assistance to the city in pursuing its child care policy.

Policies. The city will work toward a requirement that businesses have a stated child care policy.

Vendors. The city will consider encouraging child care among vendors contracting with the city by including child care policies as a consideration in awarding contracts.

Dr. Sandra Burud expressed concern with portions of the city's new child care policy.¹⁷ Under the policy adopted by the City Council, employers are merely *encouraged* to adopt a stated policy of child care; Dr. Burud proposed that employers be *required* to have a stated policy on this subject. She testified:¹⁸

This change would not mean that employers would have to provide child care assistance; it does mean that they would have to think about it enough to say, "No, we do not offer any child care assistance." Once they take a look at child care, however, many will decide to do it on their own.

The Task Force agrees with Dr. Burud's suggestion that employers be required to have a stated policy on child care, even if the policy ultimately adopted by an employer is not to provide child care. Benefit is derived from employers merely considering the issue.

Dr. Burud also suggested a change in the policy requiring vendors bidding on contracts with the city. Instead of giving preference to those vendors with stated child care policies, even though the stated policy might be not to provide child care services, preference should be reserved for contractors who actually provide child care assistance. The Task Force agrees. City regulations should be amended accordingly.

In her testimony to the Task Force, Dr. Burud called for the passage of an ordinance requiring developers of new commercial buildings to set aside space for child care. Under a proposal submitted to the City Council by former Councilman David Cunningham, developers in the city would be required to contribute space for child care facilities or contribute an amount based upon the size of their projects. The Cunningham proposal represents a synthesis of two similar ordinances in Concord and San Francisco.¹⁹ The proposal was sent to the Council's Planning and Environment Committee for further study. According to Council Aide Steve Lipman, the Cunningham proposal is still pending, in that once a Council file is opened, it remains alive until the City Council votes to kill it.

The Mayor's Advisory Committee also developed a comprehensive set of policies on child care, many of which were incorporated into the new policy adopted by the Council. In addition, the Mayor's Committee supported the Cunningham developer proposal, an item not included in the City Council policy statement.

Mayor Bradley also proposed a compromise to the Cunningham developer plan. The Mayor's proposed ordinance, introduced into City Council by Councilwoman Joy Picus, would give developers bonuses for setting aside areas for child-care centers.²⁰ Under the plan, developers who set aside 5,000 square feet for a child care center would be given permission to build a larger building. Additionally, such developers would get reductions in fees for building permits and other city services. Like Councilwoman Picus and Mayor Bradley, the Task Force on Family Diversity "prefers the carrot to the stick." The Task Force recommends that the City Council give speedy passage to the Bradley-Picus developer proposal.

Quality Issues

It must be remembered that child care is not a substitute for family care. It is a service that supplements the care that children receive from their families.²¹ Quality child care gives children a second resource from which to be nurtured. If the service is not nurturing, it is not quality care.

According to the National Association for the Education of Young Children, there are several essential ingredients to quality child care.²² Children must be safe and well nourished. Ample materials and equipment for learning must be provided. Children must have adequate space. Staff must be trained in child development and teaching methods so that there is good planning and organization of programs. Finally, parents and caregivers must create a communicating partnership. In other words, high quality care depends on a safe setting which stimulates emotional, social, physical, and intellectual growth.

Unfortunately, finding available and affordable child care is difficult enough. According to Vivian Weinstein, Chairwoman of the Mayor's Advisory Committee on Child Care, finding available, affordable, and quality child care in Los Angeles is "worse than getting into Harvard."²³

Noting how the issue of quality child care affects families of all income levels, the research of the Task Force team on Child Care revealed:²⁴

Many parents are so desperate to find an opening, they don't have the luxury of checking out the basic information about the place where they will be leaving their children. Higher income families, even with more options, find it just as difficult to find quality care that is affordable. While low income families and high income families have the best access to child care programs, for "middle income parents the problem is critical because they face both the economic and qualitative dilemma of finding child care."²⁵

Affordability

The correlation between cost and quality is notable. An evaluation of 100 child care centers in Los Angeles found that as quality increased so did the cost per child.²⁶ Increased costs are generally a reflection of greater personnel expenses — either higher salaries or greater benefits to employees.²⁷

Even now, with the present level of quality, child care costs are staggering. In her testimony to the Task Force, Dr. Sandra Burud explained:²⁸

The problems with the child care system are all related to the fact that the child care consumer — families — can't afford it at the very time in their lives when they need it. Child care costs \$6,500 per year for two children under 5 years-old in Los Angeles County. If you are a single mother earning an average salary of, say, \$11,000 or \$12,000, that amount will consume nearly your entire take-home pay. That's why kids are left home alone. Even for the average American family of four, earning about \$25,000 per year, it's too expensive. Families can afford to pay about 10% of their income for child care; that means that families with incomes over \$60,000 per year can afford the going rate.

Relationship Between Quality and Cost. Quality care can be achieved only by increasing salaries of child care personnel, reducing the caregiver/child ratio, and increasing the level of competence of workers.

More reasonable salaries will attract and keep competent staff working in the field. Child care workers — most of whom are women — are presently underpaid.²⁹ The average income of child care center employees is \$9,200 per year.³⁰

Another major factor in maintaining quality care is the caregiver/child ratio. The smaller the ratio, the more time workers have to spend with children. This, in turn, allows for a better quality of interaction.

Competence of the caregiver and the quality of interaction between adult and child is often related to the extent of formal training that workers have received. Greater training results in creation of a more considerate and sensitive environment. Studies have shown that untrained staff are more likely to create a more punitive environment, which can produce feelings of inadequacy and aggression in children.³¹

Last year, Governor Deukmejian sought to reduce salary benefits for child care workers and proposed that their educational requirements be relaxed, on the theory that these measures would create more child care spaces.³² Child care involves both qualitative and quantitative issues; the sacrifice of either will be detrimental to the children.

The Task Force on Family Diversity asserts that the care, protection, and socialization of children must become a local, state, and national priority. The development of affordable and quality child support systems will ease the plight of working parents and will help ensure the development of healthy children who will become thoughtful and responsible adults.

Last year, the city hired its first child-care coordinator. The new position coordinates activities relating to child care, working to increase quality, affordability, and accessibility. The Task Force recommends that the child care coordinator keep the City Council and the Mayor informed of pending state and federal legislation that will help make child care more affordable for lower and middle-income families.

CHILD CARE: RECOMMENDATIONS

Child Care Policies

34. The Task Force recommends that the city's new Child Care Policy be amended as follows: first, all employers located in the city should be required to adopt a stated policy on child care; second, vendors bidding for city contracts should be given preference only if they actually offer child care assistance. As amended, the new policy should be vigorously implemented.

35. The Task Force recommends that the city's legislative policy statements be amended to include support for: the Family and Medical Leave Act pending in Congress, the passage of legislation in Sacramento that would extend parental leave for newborns to working fathers as well as working mothers, and state legislation providing cost of living allowances to child care workers. The city also should oppose legislation to relax educational requirements for state Department of Education Children's Center employees.

Availability of Child Care

36. The Task Force recommends that the City of Los Angeles become a model employer by providing substantive child care assistance for the bulk of its workforce.

37. To allow more parents to provide care for their own children and lessen their dependency on child care services, the Task Force recommends that the city allow workers more flexibility in their work schedules.

38. As a means of creating more child care spaces in the city, the Task Force recommends that the City Council *adopt the Bradley-Picus*

proposal to give bonuses to developers who set aside space for child care centers in proposed new buildings.

Quality of Child Care

39. The Task Force recommends that the City Council direct the new Child Care Coordinator and the Child Care Advisory Board to evaluate CDD funded child care programs to assess the effectiveness of their delivery systems.

40. The Task Force recommends that the City of Los Angeles increase funding for CDD supported programs for the purpose of increasing wages and/or improving benefit packages for child care workers.

Affordability of Child Care

41. The Task Force recommends that child care benefits be included in any cafeteria style benefit program adopted by the city.

42. The Task Force recommends that the city's new Child Care Coordinator keep the City Council and the Mayor informed of pending state and federal legislation that will help make child care more affordable for lower and middle-income families.

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² Max, Steve, "Parental Leaves: U.S. Lags Far Behind Other Western Nations," *Los Angeles Daily Journal*, September 3, 1986.

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⁴ Beyette, Beverly, "Working Mothers and Career-Parent Conflicts," *Los Angeles Times*, December 12, 1986.

⁵ Letter from Walter Backstrom, General Manager of Service Employees International Union, Local 347, to Councilwoman Joy Picus, dated May 27, 1986.

⁶ "Day Care for Ailing Child," *Los Angeles Times*, April 20, 1986.

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¹¹ Morton, Julia, "Report on Childcare Needs in the City of Los Angeles," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-746.

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¹³ Kelly and Morton, "Report of Child Care Research Team," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-47.

¹⁴ Testimony of Steve Lipman, *supra*, note 12.

¹⁵ *Ibid.*

¹⁶ Morton, *supra*, at note 11, p. S-748.

¹⁷ Burud, *supra*, at note 12.

¹⁸ *Ibid.*

¹⁹ Morton, *supra*, at note 11, p. S-750.

²⁰ Boyarsky, Bill, "Bonus Urged for Buildings that Include Child Care Centers," *Los Angeles Times*, December 17, 1987.

²¹ League of Women Voters of Los Angeles County, "Child Care in Los Angeles County," 1986, p. 49.

²² Kelly and Morton, *supra*, note 13, at p. S-60.

²³ *Id.*, at p. S-62.

²⁴ *Ibid.*

²⁵ League of Women Voters, *supra*, note 19, at p. 33.

²⁶ Olenick, Michael, "The Relationship Between Quality and Cost in Child Care Programs," (1986), *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-98.

²⁷ "Good News For Mothers Who Work," *Parents Magazine*, October 1986, p. 105.

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²⁹ Mayor's Advisory Committee on Child Care, Personnel Committee, "Salary Benefit Survey," July 1986.

³⁰ League of Women Voters, *supra*, note 19, at p. p. 14.

³¹ Kelly and Morton, *supra*, note 13, at p. S-65.

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FAMILY VIOLENCE AND ABUSE

Violence within families is a major social problem. It manifests itself in many forms, ranging from battery to abuse to physical and emotional neglect to financial exploitation — all often secreted within the confines of the family home. Victims of family violence include spouses, domestic partners, children, and family elders.

Over the past two years, the Task Force on Family Diversity has explored issues involved in family violence and abuse. Information was provided to the Task Force in the form of student research,¹ public hearing testimony,² and an independent analysis by Task Force members.³

Family violence statistics are alarming. Research reveals that violence occurs in about one out of every four families in America.⁴ Such violence transcends all socioeconomic, age, ethnic, and religious groups. Statistics from the California Department of Justice indicate that in almost one-third of all willful homicides, the victim was killed by a spouse, parent, or child.⁵

Violent episodes among and between family members are not usually single incidents. Most frequently, family violence is an intense, recurrent problem that often escalates unless some external force intervenes to deter its progression.⁶

A large proportion of abusers are themselves survivors of abuse and abusive homes.⁷ Hence, the suggestion that violence is learned implies that tolerating family violence lays a foundation for its recurrence in later generations.

The California Commission on Peace Officer Standards and Training describes family violence dynamics in the following way:⁸

Family violence is often much more complex in causes and solutions than crimes committed by unknown attackers. To be abused by a spouse, a parent, a trusted adult, or by one's own child or to witness such abuse carries with it a particular agony. Victims wrestle with feelings of fear, loyalty, love, guilt and shame. In this they often face conflicts not experienced by those attacked by strangers. Adults will be torn between their desire to shield and help a loved one and their responsibility toward their own safety or others in the household. Children often face alone the terrible truth that those who should protect them are in fact a source of harm. Anyone who lives in a violent home experiences an essential loss. The one place on earth where they should feel safe and secure has become instead a place of danger. A victim of domestic violence is no less a victim than one set upon by strangers.

Due to the very broad nature of the subject of family violence, this chapter focuses on four main areas of concern. The first section involves child abuse. The second deals with violence between spouses or partners. The third section looks at family violence within immigrant families. The fourth examines the growing problem of elder abuse. Each section includes specific recommendations aimed at ending the ongoing cycle of family violence and abuse.

Child Abuse

Although the actual incidence of child abuse is difficult to determine

because so many cases go unreported, estimates suggest that 14% of all children in America are subjected to abuse each year.⁹ For purposes of this report, child abuse includes:¹⁰ physical injury inflicted by other than accidental means, sexual abuse, willful cruelty, corporal punishment resulting in injury, neglect, and abuse in out-of-home care.

Reports of child abuse have risen dramatically in Los Angeles in recent years. In 1985, the Los Angeles County Department of Children's Services (DCS), the agency responsible for the investigation of all reports of suspected child abuse in the county, received reports and conducted personal interviews with 39,783 families involving 79,655 abused children. Calls to its Child Abuse Hotline increased from 19,000 calls in 1981 to 50,000 in 1985. The number of dependency petitions filed on behalf of children believed to be in need of protection increased from 9,000 in 1981 to 18,000 in 1985.¹¹

In 1985 alone, the Los Angeles Police Department handled 10,000 radio calls on possible child abuse incidents in the city.¹² The number of actual investigations conducted by the police department's Abused Child Unit has risen steadily since the unit was first formed in 1974.¹³ Police investigated 927 cases in 1974, 3,346 cases in 1984, 3,855 cases in 1985, and 4,788 cases in 1986.

In 1985, the Los Angeles Unified School District had an enrollment of 562,793 students. According to one school district report, "based on conservative estimates . . . 20% of students are victims of abuse or neglect, while 10% are victims of *serious* abuse or neglect."¹⁴ Based on that estimate, 112,000 local students have been abused by family members — half of them seriously.

California's present system for child abuse reporting went into effect in 1981. The increase in reported cases has been attributed to improvements in the reporting system as well as increased public attention to the problem. However, much child abuse is still underreported because a substantial number of professionals are not reporting suspected cases.¹⁵

The Cycle of Violence and Its Costs. There is evidence that child abuse does not end when the child grows up:¹⁶

Children who have been abused and neglected provide the pool from which the next generation of neglecting, abusive parents are derived. We have repeatedly noted that nearly all those caretakers who maltreat their children have a history of similar treatment in their own earliest years.

Tremendous costs are associated with this cycle of child abuse. Early abuse has been linked with later delinquent behavior, including homicidal conduct. At least 80% of all people in prison, and virtually all those incarcerated for violent crimes, were abused as children.¹⁷

Not only does violence breed violence, but child abuse has other lingering effects, as well. In a national study of 1,000 adult survivors of child sexual abuse, 33% of respondents suffered from alcoholism, 33% had eating disorders, 75% experienced marked depression, 41% had attempted suicide at some time, and 31% were battered women.¹⁸ Seventy percent of runaway youth are fleeing from abusive families.¹⁹

The ultimate cost to society of social services, criminal justice, medical, mental health, and other intervention services for the untreated or undertreated victims of child abuse is enormous.²⁰

All local response and intervention systems dealing with child abuse — investigative, prosecutorial, and social services — are seriously overburdened at this point. As a result, most official responses are limited to after-the-fact damage control. Little effort has been invested in preventive services.

The Need for Prevention. From a public policy perspective, child abuse prevention is cost effective. Prevention is a sensible long-term approach to reducing demands on intervention and response systems.

Project CARE, "Child Abuse: Recognize and Eliminate," is a prevention program that has been operating for the past six years in the Los Angeles Unified School District for grades K through six. It was created to prevent abuse before it occurs and to intervene on behalf of children who already have been subject to abuse.²¹ Project CARE works toward these goals by: (1) improving the ability of classroom teachers to detect abuse among their students, (2) training a team of experts at each school to implement an effective system of reporting and follow-up on suspected cases of child abuse, and (3) providing all students with instructions in self-protection.

Schools participating in Project CARE have initiated significantly more child abuse reports (2% of students) than schools not participating (0.3% of students). Only two percent of all suspect cases reported by Project CARE schools were deemed unfounded by subsequent law enforcement investigation.²²

Despite evidence of its usefulness over the past six years of its operation, only 1,000 out of 23,000 local teachers have received training from Project CARE, and only 8% of the city's schools have participated thus far.

While expansion of Project CARE to other schools would be helpful, other agencies with jurisdiction over child abuse must also develop prevention programs. The school system can not carry the prevention burden alone.

Realizing that prevention is a legitimate law enforcement objective, the Los Angeles Police Department has proposed a Child Abuse Prevention and Education Program (CAPE).²³ The CAPE proposal emerged in 1985 from a report of the police department's Juvenile Division Task Force. The original proposal called for the establishment of a field referral unit and an education unit within the Juvenile Division.

The *field referral unit* contemplated: a 24-hour Advisement Desk to provide the department and the public with information; specially trained personnel to respond immediately to all child abuse calls on day and evening watches; coordination of referrals of families to child abuse prevention agencies when no crime had been committed but an "at risk" situation was assessed; assistance to patrol officers who came into contact with suspected child abuse cases; provision of a six-week follow-up with each family coming into contact with CAPE; and development of additional referral agencies to handle cases.

As originally envisioned, the *education unit* would serve as a catalyst for public and private child abuse prevention programs; would provide officers to give instruction on child abuse in high schools, colleges, hospitals, mass media, etc.; and would promote legislation for programs targeted at helping people avoid becoming abusive parents themselves.

The initial CAPE proposal — with a city-wide cost of \$1,839,674 — was approved unanimously by the Board of Police Commissioners in 1986 and was forwarded to the City Council for its consideration. In a report to the Finance and Revenue Committee of the City Council, the City Administrative Officer (CAO) recommended that the CAPE proposal be put on hold pending further analysis of whether the functions of the project more appropriately should be assumed by county agencies; the CAO's analysis suggested that the city might save money if it could find a way to shift prevention responsibility to county agencies. To date, the matter is still "on hold" and the council has not taken action on the CAPE proposal.

Since CAPE's funding was deferred because of questions regarding the appropriateness of city law enforcement personnel becoming involved in social problems that also might fall under the jurisdiction of county programs, it is important to examine the overlapping roles of city law enforcement and county child protective services. The Family Violence team report accurately noted the legitimate role of the police in preventing crime:²⁴

The involvement of a police officer in the referral of an "at risk" family for assessment and treatment or services, and the knowledge that the officer will return in six weeks to follow-up is very likely to be a powerful motivator to many families reluctant to acknowledge their need for change. Police participation in prevention programs aimed at children and young people enables children who are abused or at risk to realize and to trust that they can ask for and receive protection by the law, if needed. Police involvement in community education and prevention further serves as a constant reminder that child abuse is a *crime*, and that many still-commonly-practiced methods of physical discipline are not legally acceptable.

It has always been the responsibility of police — not DCS — to investigate LAPD injury reports. The CAPE program and proposed pilot project offer mechanisms to provide immediate investigations of such reports by highly skilled and experienced police personnel who can then make referrals to other agencies with overlapping jurisdiction.

Additional support for police involvement in the prevention of child abuse comes directly from the police department's own manual:²⁵

Peace in a free society depends on voluntary compliance with the law. The primary responsibility for upholding the law therefore lies not with the police but with the people. Since crime is a social phenomenon, crime prevention is the concern of every person living in society. Society employs full-time professional police to prevent crime, to deter it, and when that fails, to apprehend those who violate the law.

Child abuse is a crime whose victims often grow up to commit more crimes. Clearly, the prevention of child abuse must be an active concern of the Los Angeles Police Department, as well as other agencies, including schools, and each and every resident of the city.

At the request of the Task Force on Family Diversity, the Los Angeles Police Department has researched the possibility of a less costly version of the CAPE proposal. The department responded by submitting a

revised *CAPE Pilot Program* (CPP), to be implemented within the Investigative Control Unit (ICU), Child Protection Section of the Juvenile Division.²⁶ The Task Force on Family Diversity supports the CAPE Pilot Program and recommends its approval by the City Council and the Mayor.

Domestic Violence: Partner Abuse

Historically, the legal system explicitly authorized spousal abuse by its recognition of a husband's common law right to chastise his wife. Over 150 years ago, the Mississippi Supreme Court observed:²⁷

A husband should be permitted to chastise his wife moderately in cases of great emergency "without subjecting himself to vexatious prosecution for assault and battery, resulting in the discredit and shame of all parties concerned."

This "right" was acknowledged in many states and eventually became known as the "Rule of Thumb," allowing a husband to batter his wife as long as he did not use a rod thicker than his thumb.²⁸

During the twentieth century, the "Rule of Thumb" evolved into a policy of nonintervention by the criminal justice system. Battery in the home was considered a personal or family problem, best addressed, if at all, by the civil courts. When called to the scene, the police usually refused to arrest the batterer, even when the victim was seriously injured.²⁹

In recent years, due to education, community efforts, and political pressure, new domestic violence legislation has been enacted, giving police an explicit mandate to intervene and to make arrests.

Defining the Crime. The term domestic violence has traditionally been used to refer to violence between spouses. This definition has been expanded by the California Legislature to include violence between adults, presently or formerly cohabiting, whether married to each other or not, or who are parents of a child, or who have been in a dating or engagement relationship.³⁰

It is important to distinguish domestic violence from family disputes. "Disputes," which often include mental and emotional abuse, while extremely destructive to the family and particularly harmful to children, do not involve conduct that is identified as criminal.³¹ Conversely, "domestic violence" refers to conduct deemed criminal by the Penal Code — specifically, assault and battery against a family or household member.³²

Incidence of Partner Abuse. Domestic violence is among the most underreported of crimes.³³ As a result, documentation that would reveal the full extent of the problem is difficult to obtain. However, despite the paucity of accurate data, criminal justice experts consider domestic violence to be one of the most frequent crimes.³⁴

Some of the characteristics and estimated statistics of domestic violence are startling:³⁵ Over 98% of the victims are women; more than 50% of all women will experience domestic violence during their lifetimes; about 70% of assaults against women are committed by a present or former spouse or boyfriend; most domestic batteries take place in front of children; domestic violence escalates over time, both in

frequency and seriousness; and much domestic violence appears to be learned behavior, transmitted one generation to another.

Battery in gay or lesbian relationships is a form of domestic violence that has not received sufficient attention either in the gay and lesbian community or in the community at large. While there are no specific statistics to document the actual incidence of partner abuse in this community, same-sex domestic violence is very real.³⁶

The Los Angeles Police Department does not keep statistics on domestic violence within same-sex relationships.³⁷ Solid data is not available from local gay and lesbian community organizations either. Some documentation exists in Boston and New York, however. In Boston, a therapist with the Gay and Lesbian Community Services Center reported that "violence was an issue for as many as one fourth of the couples who called the center."³⁸ New York's Gay and Lesbian Anti-Violence Project estimated that 12% of the calls received during the first seven months of 1986, without any special outreach, related to same-sex domestic violence.³⁹

Evidence of the characteristics of violence in same-sex relationships reveals the same patterns as heterosexual battery. Alcohol abuse is a factor in a high percentage of cases.⁴⁰

The need for programs and services for gays and lesbians who are victims of domestic violence has not been filled, in part, because of the ignorance and fear and subsequent hatred often characteristic of society's reaction to this minority, so-called "homophobia." In addition, most social service agencies, such as the police, hospitals, and victim-assistance programs are prepared to deal only with heterosexual partners. There are no shelters in the city for abused gay men, and lesbians seeking help from battered women's shelters in Los Angeles often find that sexual orientation discrimination and anti-gay attitudes are common.

Legislative Reforms. Passage of the Domestic Violence Prevention Act (DVPA) was a major step forward in California's campaign to reduce domestic violence.⁴¹ The DVPA was designed to "prevent recurrence of domestic violence by the spouse of a household member and to provide a period of separation" through civil restraining orders. The act also adopts a broad definition of family — protecting spouses, blood relations, and other household members.

More recently, California law was amended to provide extra protection for opposite-sex cohabiting couples. Now, if a person inflicts even minor physical injury through the use of physical force on his or her spouse or opposite-sex cohabiting partner, the crime is a *felony* and the police must arrest the abuser.⁴² This law does not provide such protection for same-sex cohabiting couples. The Task Force on Family Diversity finds this inequity unjustifiable and strongly recommends that the protections afforded by Penal Code Section 273.5 be extended to all cohabitants, whether same-sex or opposite-sex.

Legislative reforms dealing with opposite-sex partner abuse have had dramatic results. In testimony to the Task Force, Sgt. Robert Canfield, head of Los Angeles Police Department's Domestic Violence Unit explained:⁴³

This has had a big impact on the city. For example, in 1985, in the entire City of Los Angeles, our Los Angeles Police

Department made approximately 550 such arrests. In 1986, we made just under 5,000 such arrests. It's about a 900% increase.

. . . just putting somebody in jail has an impact on their behavior, and all you have to do is look at how the law works historically — whether its the civil rights movement or any kind of other movement — and the way you get people to change behavior is by enforcing the law. If you don't enforce it, then you might as well not have it. So clearly today we are enforcing the law.

Sgt. Canfield estimated that in 1987, about 30,000 domestic violence incidents would be reported to the Los Angeles Police Department.

An arrest affords the victim some instant protection and it makes a clear statement to the perpetrator that his or her behavior is a crime and will not be tolerated. Also, an arrest may be the most effective deterrent. One scientifically-controlled study revealed that only 10% of those who had been arrested exhibited further domestic violence in the following six months, while 19% of those who merely received advice and mediation, and 24% of those who had been ordered from the house for eight hours, repeated their violent behavior within six months.⁴⁴

Recent Immigrants and Family Violence

Recent immigrants — foreign born persons who have moved to Los Angeles within the past five years — constitute a large and growing segment of the city's population. Between 1975 and 1980, an estimated 500,000 immigrants settled in the Southern California area, 80% of them in Los Angeles county.⁴⁵ As of 1980, an estimated 27.1% of Los Angeles city residents were foreign born.⁴⁶

Hundreds of thousands of undocumented Latino immigrants reside in the Los Angeles area, including an estimated 200,000 immigrants from El Salvador living within Los Angeles city limits.⁴⁷

Some estimates project that as many as 75,000 undocumented and 65,000 documented immigrants *per year* will move into Southern California between now and the year 2,000, mostly Latinos and Asians settling in Los Angeles County.⁴⁸

These immigrants face considerable problems as they attempt to adjust to life in Los Angeles. Many face language barriers. Estimates suggest that over 75% of Latino immigrants and nearly 40% of Asian immigrants are not fluent in English.⁴⁹ Most face economic barriers. Immigrants of all nationalities have significantly lower incomes than other residents. In 1980, for example, most immigrant households had annual incomes of less than \$15,000.⁵⁰ Housing problems abound in immigrant communities. About 44% of all recent immigrants live in overcrowded housing.⁵¹ In addition, Latino immigrants have a significantly lower educational level than either current residents or immigrants from other ethnic backgrounds, and thus are heavily concentrated in unskilled or low-skill jobs.⁵² Undocumented residents frequently live in fear of detection and possible deportation and so they may avoid the use of public or social services which they need.⁵³ Finally, immigrants bring with them their own deeply ingrained tradition of family life, including cultural notions that may differ significantly from prevailing norms in Los Angeles pertaining to appropriate behavior between spouses or between parents and children.⁵⁴ Some of these

cultural traditions may conflict with California's laws on child abuse or domestic violence.

Statistics are not available on the incidence of child abuse or domestic violence within recent immigrant families. However, local police recognize that undocumented persons experience more domestic violence — and crime generally — than does the community at large.⁵⁵

In theory, recent immigrants are afforded the full protection of existing domestic violence and child abuse laws. Also, in practice, it is the policy of the Los Angeles Police Department not to inquire about immigration status when responding to calls involving family violence. Unaware that the police do not report to the INS, however, many undocumented persons are haunted by fears of possible deportation. According to one local expert:⁵⁶

Undocumented people, who usually live in the shadows of this society, tend to seek help outside their established support systems only in very desperate situations. Thus, it is doubly difficult for an undocumented woman to make the decision to leave a violent home. About 37% of undocumented women have reported to us that the reason they stayed with their abuser was the abuser's unrealistic threats to call "imigre" and have her deported, never [again] to see her children.

Additionally, because of conditions in their countries of origin, many immigrant families may perceive law enforcement officials as enemies representing a threat of severe punishment or even death. Recent immigrants need education to realize that police can be supportive, that the laws are to be equitably administered, and that punishments are reasonable. The police officer's actions at the scene of domestic violence can help demonstrate to the victim that the criminal justice system can be supportive of her welfare and to the abuser that certain behavior is illegal and will not be tolerated.

Other cultural factors may also contribute to the victim's failure to report or press charges for domestic violence. Various cultures have different traditions of acceptable behavior between husbands and wives.⁵⁷ Clearly, law enforcement personnel intervening in such cases face a massive and sensitive educational task.

In the midst of a stressful domestic violence situation, language barriers can complicate the efforts of police to acquaint victims with legal procedures and available services. It is unusual to find culturally sensitive, multilingual information on domestic violence for foreign born residents.

Programs and Services. There is a shortage of programs and services providing assistance to recent immigrants or ethnic residents who are victims of family violence. For example, only two shelters in the greater Los Angeles area specifically target ethnic minorities and provide culturally sensitive and multilingual services to battered women and their children from these communities.⁵⁸

Su Casa, which specifically assists the Latino population, served 1,829 women through its crisis hotline, and 110 women and 172 children in its shelter program during 1986. It is the only program providing round-the-clock bilingual telephone crisis counseling and an all bilingual staff.⁵⁹ Another shelter served an equivalent number of clients who are

predominantly of Asian/Pacific origin.⁶⁰ These shelters are not adequate to meet the needs of increasing numbers of immigrant families. Although other shelters exist, they lack cross-cultural staff and language abilities, and they too are over-filled.

In order for any such program to be useful, it must be sensitive to the cultural mores, values, perspectives and experiences of its clientele, and it must be available immediately when needed.⁶¹

One tragic result of the failure to educate, protect and foster the welfare of immigrant women who are victims of domestic violence is the harm suffered by children; at least 50% of the children in those homes are themselves direct recipients of physical abuse, providing a reservoir of scarred and angry young people, potential participants in gang activity, and, later, adult crime.⁶²

Child Abuse. Although the problem of child abuse is pervasive in our society, affecting all classes, races, and religious groups, higher frequencies of child abuse and neglect have been reported among ethnically diverse populations.⁶³

The recent immigrant family is at higher risk for incidents of child abuse for several reasons. They tend to have lower incomes, overcrowded housing, lower educational levels, and problems caused by language and cultural differences. These factors all create a high level of stress and frustration. Additionally, various cultures have different standards for determining acceptable child-rearing practices, including physical interaction.

To accomplish changes, cultural differences in child-rearing standards must first be acknowledged. Then those affected must be taught how to change old harmful — and often illegal — patterns in a way that is understandable in the context of the particular culture. Again, culturally sensitive education is the key to transforming behavior.

Elder Abuse

Ours is a “graying” society. The over-85 age group is the most rapidly growing segment of the United States population. Yet, publicly-funded or subsidized services for the elderly do not include custodial care, and cut-backs in funds for hospital and nursing home care mean shorter stays for many elderly persons who are ill. As a result, seniors, usually older women, are bearing an increasing responsibility for caring for an even older generation in the home environments. As one gerontologist explained:⁶⁴

For every elderly person in a nursing home, at least four others with physical or mental problems that impair their ability to care for themselves survive in their local communities because of family members who pitch in as surrogate nurses, aides, housekeepers, gardeners, and even accountants.

As families have changed — geographically dispersed and with fewer children — there are fewer members in younger generations to take care of those in older generations. With more women employed outside the home, there are fewer women available to provide day-to-day care for aging relatives in need of custodial attention.

Many working adults with aging parents or relatives find themselves with two jobs. For example, in a recent survey of its 10,000 employees,

Travelers Insurance Company found that 28% of its employees cared for aging relatives for an average of 10 hours per week over a five-year time span.⁶⁵ The stress of the day-in and day-out responsibility of caring for an elderly person can take a serious toll on the caregiver: increased depression or chemical dependency (30% higher in adults caring for seniors), deterioration of job performance for those employed outside the home, trouble in relationships with spouses or other family members, and personal physical problems.⁶⁶ A recent study at Duke University found that adults providing care to the elderly with memory problems experienced eight times more stress-related symptoms than adults without such responsibilities.⁶⁷ When the stress becomes too great for the caregiver, the potential for neglect or abuse of the elderly increases.⁶⁸

For many seniors and their caregivers, there is virtually no relief from the continuous dependency and responsibility. There are only 25 day-care centers for the elderly in Los Angeles county, and they are not widely publicized.⁶⁹ There are no settings where frail seniors can be left overnight so that caregivers can temporarily be relieved of the responsibility for care.⁷⁰ In fact, even for seniors living in abusive situations, there are only three beds available in the entire county to provide temporary board-and-care services.⁷¹

While the dynamics of elder abuse are complex and variable, there is no question that the risk of abuse increases when caretakers become overwhelmed. Thus, abusers of the elderly are not typically heartless and cruel people. Rather, they are people who themselves feel abused by circumstances, drained of the resources they need to cope with the stress.⁷² It is imperative that the city immediately and rigorously address this problem.

Definition and Incidence. Elder abuse is the “intentional infliction upon an elder (65 and older) of one or more of the following types of mistreatment by any person who has the care or custody of, or stands in a position of trust with the elder: physical abuse, psychological abuse, neglect, financial abuse, or the violation of basic rights.”⁷³

It has been estimated that 4% of local seniors are victims of elder abuse.⁷⁴ However, experts believe that only one-sixth of the cases of actual abuse are likely to be reported.⁷⁵ Underreporting is attributed to the frail condition of many victims, their unawareness of sources of assistance, and, most significantly, the fear of retaliation or removal from the home to an institution should they seek outside help. Also, health professionals dealing with the elderly may be uninformed about their reporting duties, or simply neglectful in reporting their suspicions.⁷⁶

Most abused elders are at least close to being octogenarians (36% are over 80, 54% are over 75), with significant mental and/or physical impairment (75%), female (80%), living with the abuser (75%), who is usually a family member (84%), who abuses the victim on a recurring basis (78%).⁷⁷

While elder abuse does occur in institutional care settings, this report focuses on abuse of elders living in their own homes or living with relatives, since this is where most seniors reside. Also, since the Task Force is concerned with the City of Los Angeles, this section addresses city programs and mechanisms for dealing with elder abuse and will include recommendations for action that could be taken at the city level of government.

Los Angeles City Services. The systematic study of the problem of elder abuse is something new, following on the coattails of increased societal attention to other forms of family violence such as child abuse or partner abuse. As a result, there are no city government “experts” — specifically designated and trained personnel — or special programs or units designed especially to deal with elder abuse. No separate statistics are kept on elder abuse by city police or city prosecutors.

The City Attorney’s Office recently revived its Domestic Violence Unit, consisting of eight attorneys who handle all family violence misdemeanors, elder abuse included. However, staff attorneys receive no special training on elder abuse and there are no special procedures for handling such cases. No separate statistics are kept and no system for tracking such misdemeanors is in place. Some reported cases are prosecuted immediately while others are referred to the City Attorney’s Hearings Section, where, again, no special training, statistics, or tracking exists. The Hearings Office lacks a follow-up procedure to check on the well-being of the victim in cases where the victim does not press charges.

The Los Angeles Police Department also has a designated Domestic Violence Unit which is responsible for handling cases of elder abuse. According to the unit manager, cases of elder abuse are uncommon.

The discrepancy between the incidence of elder abuse estimated by experts (4%) and the extremely low number reported to the police, suggests that major problems exist with identification and reporting of such cases — not unlike the situation that existed in previous decades with partner abuse or child abuse. This discrepancy emphasizes the need for education of the public, of law enforcement personnel, and of professionals serving the elderly. Also, if appropriate authorities do not establish incentives to promote reporting, the problem may never be addressed properly because society will assume the problem is minimal.

The Task Force believes that the city’s Department on Aging might take the lead in pressing the Police Department and City Attorney’s Office to establish specialized training, statistics, and tracking mechanisms on elder abuse.

Although elder abuse shares some aspects of both child abuse and violence between partners, differences need to be explicitly acknowledged and addressed. For instance, like victims of child abuse, frail or disabled elders may be dependent and vulnerable to exploitation, without ability to withdraw or protect themselves. However, unlike abused children, abused but mentally competent adults cannot be removed from their abusive home situations. Shelters for battered women are generally not appropriate to serve the physical or psychological needs of abused elders. Also, there are no shelters in the area for abused men. Further, age, ill health, and financial considerations may make independent living impossible for many abused elders. Given these problems, continued dependence on the abuser may seem for some abused elders the only or best recourse. Therefore, intervention that focuses on the family as a unit may be preferable to standard law enforcement or legal proceedings which may result in further alienation of family members from one another.

Some experts believe that placing blame — an inherent characteristic of the criminal justice system — is generally counterproductive because it may antagonize the abuser and cause withdrawal of needed support from the elder.⁷⁸ At the same time, existing laws must be

equitably enforced. This problem might be solved, in part, by a *deferred prosecution program*. Under such a program all elder-abuse reports would be forwarded by the Los Angeles Police Department to the county’s Adult Protective Services (APS). APS would intervene and conduct an initial investigation. APS would then submit a report to the county District Attorney and to the Hearing Office of the City Attorney. If the matter were sufficiently serious, the matter would be prosecuted by the District Attorney as a felony. Otherwise, the City Attorney would consider misdemeanor prosecution, but defer the filing of a criminal complaint pending a hearing by the Hearings Office. If the hearing determined that the complaint was unfounded, prosecution would be rejected. If there was some basis for the complaint, the Hearing Office could refer the abuser to a rehabilitative program. The Hearing Office could review the abuser’s progress in six months. If progress was satisfactory, the case would be closed. If not, the Hearing Office could refer the case to the Criminal Division for prosecution. The Task Force suggests that the City Attorney develop a 2-year pilot program along these lines.

Finally, the Task Force commends the County Department of Public Social Services (DPSS) for creating an Elder Abuse Hotline. DPSS has developed eye-catching and informative brochures and a poster, printed in Spanish and in English, that define elder abuse, give guidelines for its detection, and include phone numbers for further information and assistance. The brochure, poster, and hotline represent important steps toward public and governmental recognition of the problem of elder abuse.

FAMILY VIOLENCE AND ABUSE: RECOMMENDATIONS

Child Abuse

43. The Task Force recommends that the City Council and the Mayor immediately review and approve the establishment of a three-year Child Abuse Prevention and Education Pilot Project (CAPE) in the Valley Bureau of the Los Angeles Police Department. During the third year of operation the effectiveness of the Pilot Project should be evaluated with a view toward expanding the CAPE Pilot Project city-wide.

Partner Abuse

44. The Task Force recommends that the City Attorney convene a one-year Task Force on Gay and Lesbian Family Violence, comprised of police personnel, city prosecutors, community agencies, shelter staff, and representatives from the lesbian and gay community, to examine the problem of gay and lesbian partner battery, to assess the needs that exist, and to make specific recommendations to improve the way in which domestic violence programs and services in the city handle same-sex partner abuse.

45. The Task Force recommends that the City Council and the Mayor urge the California Legislature to extend the protections afforded to victims of opposite-sex battery under Penal Code Section 273.5 to include victims of same-sex domestic violence as well.

Recent Immigrant Families

46. The Task Force recommends that the Los Angeles Police Commission adopt a policy requiring the police department to provide victims of domestic violence with materials in multiple languages; that

representatives of immigrant communities be solicited for input on content and format of such materials; and that such materials explicitly state that the police will not report to the Immigration and Naturalization Service the names of either the victims or batterers.

47. The Task Force recommends that the City Attorney establish a one-year Task Force on Immigrant Family Violence, consisting of local police officers, city prosecutors, service providers and organizations representing Latino and Asian/Pacific immigrant communities, to study the needs of immigrants for education and services relating to child abuse and partner abuse, and to make specific recommendations to the city regarding culturally-relevant, multilingual education and intervention programs.

Elder Abuse

48. The Task Force recommends that the Department on Aging convene an ongoing interagency Task Force on Elder Abuse, to include representatives from the Department on Aging, the City Attorney's Office, the Los Angeles Police Department, the County Adult Protective Services, the County District Attorney's Office, the County Department of Mental Health, as well as three seniors' rights advocates, to build upon the 1986 County Task Force Report on Elder Abuse, and to develop further recommendations: to develop the role of the Department of Aging in coordinating intergovernmental services dealing with elder abuse; to examine the feasibility of training specialists on elder abuse within the Domestic Violence Units of the police department and the City Attorney's Office; to evaluate current record-keeping, tracking, and referral systems of city and county agencies with jurisdiction over elder abuse; and to make other recommendations to improve municipal programs and services for victims of elder abuse.

49. The Task Force recommends that, as a two-year pilot project, the City Attorney implement an Elder Abuse Deferred Prosecution Program.

Family Violence and Abuse: Notes

¹ Castello, George, "Domestic Violence in Los Angeles," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-775.

² Brown, Detective James, "Child Abuse: The Need to Fund Project C.A.P.E.," *Public Hearing Transcript*, p. 107; Canfield, Sgt. Robert, "Police Response to Domestic Violence," *Public Hearing Transcript*, p. 97; Kerr, Susan, "Programs Dealing with Elder Abuse," *Public Hearing Transcript*, p. 41; Sexton, Dan, "Child Abuse and Alcoholism," *Public Hearing Transcript*, p. 230; Shelby, Colleen Gomez, "Family Violence and Undocumented Persons," *Public Hearing Transcript*, p. 4; Warshafsky, Lynn, "Violence within Gay and Lesbian Relationships," *Public Hearing Transcript*, p. 277; Weinroth, Lora, "Domestic Violence: Improving City Services," *Public Hearing Transcript*, p. 63.

³ Lisa Porche-Burke, Ph.D. and Elaine M. Wood, Ph.D., "Team Report on Family Violence," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-230. Major sections of this Chapter of the Task Force Report are taken verbatim from the team report.

⁴ *Id.*, p. S-236.

⁵ *Id.*, p. S-236.

⁶ *Id.*, p. S-237.

⁷ *Id.*, p. S-237.

⁸ Commission on Peace Officer Standards and Training, *Guidelines and Curriculum for Law Enforcement Response to Domestic Violence*, p. 1.

(Sacramento, 1985).

⁹ Mayhill, P. and Norgard, K., *Child Abuse and Neglect: Sharing Responsibility* (1983).

¹⁰ Penal Code Section 1165(g); Commission on the Enforcement of Child Abuse Laws, *Final Report*, Office of the California Attorney General (April, 1985).

¹¹ Inter-Agency Council on Child Abuse and Neglect (ICAN), *ICAN Data/Information Sharing System: Report to Policy Committee* (1986).

¹² Porche-Burke and Wood, *supra*, note 3, at p. S-241.

¹³ Testimony of Detective James Brown, *supra*, note 2, at p. 107.

¹⁴ *ICAN Report, supra*, note 11.

¹⁵ Besharov, D., "Deliverance: The Duty to Report Child Abuse," *Los Angeles Daily Journal*, September 4, 1986.

¹⁶ Steele, B., "Violence within the Family," in Heffner, R., and Kempe, C., *Child Abuse and Neglect: The Family and the Community* (1976).

¹⁷ *ICAN Report, supra*, note 11.

¹⁸ Porche-Burke and Wood, *supra*, note 3, at p. S-243; Testimony of Dan Sexton, *supra*, note 2, at p. 233.

¹⁹ *Ibid.*

²⁰ Commission on the Enforcement of Child Abuse Laws, *supra*, note 10, at p. 5-1.

²¹ Porche-Burke and Wood, *supra*, note 3, at p. S-244.

²² *Id.*, at p. S-245.

²³ Information about the CAPE Program and the CAPE Pilot Program were obtained from the following sources: LAPD Juvenile Division's "Child Abuse Prevention and Education (CAPE) Summary," 1986; LAPD Juvenile Division's "Revised CAPE Pilot Program," 1987; testimony of Detective James Brown; research by the Family Violence Team of the Task Force on Family Diversity. See Porche-Burke and Wood, *supra*, note 3, at pp. 246-252.

²⁴ Porche-Burke and Wood, *supra*, note 3, at p. S-250.

²⁵ *Manual of the Los Angeles Police Department*, Section 1/130.10.

²⁶ Revised CAPE Pilot Program, Juvenile Division, April, 1987, *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-302.

²⁷ *Bradley v. State* (1824) 2 Miss. (Walker) 156, 158.

²⁸ Prosser, W., *Handbook of the Law of Torts*, Fourth Edition (1971).

²⁹ Porche-Burke and Wood, *supra*, note 3, at p. S-253.

³⁰ Testimony of Lora Weinroth, *supra*, note 2; Penal Code Section 13700.

³¹ Testimony of Lora Weinroth, *supra*, note 2.

³² Code of Civil Procedure Section 542.

³³ Testimony of Lora Weinroth, *supra*, note 2.

³⁴ Goolkasian, G., *Confronting Domestic Violence: A Guide for Criminal Justice Agencies*, U.S. Department of Justice (1985).

³⁵ Testimony of Lora Weinroth, *supra*, note 2.

³⁶ Testimony of Lynn Warshafsky, Director of Counseling, Gay and Lesbian Community Services Center, *supra*, note 2.

³⁷ Porche-Burke and Wood, *supra*, note 3, at p. S-263.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Code of Civil Procedure Sections 540 et seq.

⁴² Penal Code Section 273.5.

⁴³ Testimony of Sgt. Robert Canfield, *supra*, note 2.

⁴⁴ Porche-Burke and Wood, *supra*, note 3, at p. S-260.

⁴⁵ Southern California Association of Governments (SCAG), *Southern California: A Region in Transition*, Draft Report (October 1984).

⁴⁶ *California Statistical Abstracts*, Table 56 — Summary of Social Characteristics: 1980 (1984).

⁴⁷ Testimony of Colleen Gomez-Shelby, *supra*, note 2; SCAG Draft Report, *supra*, note 45.

- ⁴⁸ Ibid.
- ⁴⁹ SCAG Draft Report, *supra*, note 45.
- ⁵⁰ Ibid.
- ⁵¹ Ibid.
- ⁵² Ibid.
- ⁵³ Testimony of Colleen Gomez-Shelby, Director of Su Casa, *supra*, note 2.
- ⁵⁴ Korbim, J., "What is Acceptable and Unacceptable Child-Rearing — A Cross-Cultural Consideration." In Oates, K., (Ed.), *Child Abuse: A Community Concern* (1982).
- ⁵⁵ Castello, G., *supra*, at note 1.
- ⁵⁶ Statement of Colleen Gomez-Shelby to Family Violence Team, see Porche-Burke and Wood, *supra*, note 3.
- ⁵⁷ Porche-Burke and Wood, *supra*, at note 3, p. S-274.
- ⁵⁸ Testimony of Colleen Gomez-Shelby, *supra*, note 2.
- ⁵⁹ Ibid.
- ⁶⁰ Ibid.
- ⁶¹ Acosta, Yamamoto, and Evans, *Effective Psychotherapy for Low-Income and Minority Patients* (1982).
- ⁶² Testimony of Colleen Gomez-Shelby, *supra*, note 2.
- ⁶³ Korbim, *supra*, at note 54.
- ⁶⁴ Testimony of Jay Westbrook, *Public Hearing Transcript*, at p. 269.
- ⁶⁵ Peterson, J. and Rosenblatt, R., "Care of Aged Takes Toll on Families," *Los Angeles Times*, April, 1986.
- ⁶⁶ Testimony of Jay Westbrook, *supra*, note 64.
- ⁶⁷ Peterson and Rosenblatt, *supra*, note 65.
- ⁶⁸ Ibid.
- ⁶⁹ Peterson and Rosenblatt, *supra*, note 65.
- ⁷⁰ Testimony of Jay Westbrook, *supra*, note 64.
- ⁷¹ Testimony of Susan Kerr, Adult Protective Services, County of Los Angeles, *supra*, note 2.
- ⁷² Peterson and Rosenblatt, *supra*, note 65.
- ⁷³ *Los Angeles County Elder Abuse Task Force Report*, June 2, 1986.
- ⁷⁴ Rawitz, B., "Seniors Issues," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-720.
- ⁷⁵ Gee, P., and Bailliet, S., *Domestic Violence Practice Manual*, State Bar of California, Voluntary Legal Services Program (1982).
- ⁷⁶ Rawitz, *supra*, note 74.
- ⁷⁷ Gee and Bailliet, *supra*, note 75.
- ⁷⁸ Ibid.

EDUCATION AND CITY SCHOOLS

Few would dispute the proposition that a well-educated public is the most critical requisite for the functioning of a representative democracy. Education, at a more basic level, is also necessary for the proper socialization of the individual into the structure of the family and community. The responsibility for early education falls first on parents and other family members. Then the enormous task is shared by schools, by religious institutions, and sometimes by the media.

This section of the Task Force report focuses on the public schools, particularly curricula and other school programs within both state and local jurisdictions. It is based upon student research,¹ public hearing testimony,² and the research of Task Force members.³

School Curricula

Sexuality — both homosexuality and heterosexuality, sexually transmitted diseases, pregnancy, bigotry and prejudice, suicide, alcohol and other substance abuse, and gang violence — all are matters of major concern to students today. In fact, these issues are so important and so sensitive that school officials do not give total discretion to individual teachers to decide what information, if any, will be explored in the classroom. Accordingly, various curriculum guidelines have been developed with express authorization from state or local school boards or administrators. The Task Force has examined some of these guidelines in several subject matter areas.

Family Life Education

Over the past few years, school officials have recognized the need to address critically important and yet sensitive issues in the area of family life education.

For example, last year, the State Board of Education adopted California's first specific guidelines for providing education about AIDS, contraception, homosexuality, and other sex-related issues.⁴ The guidelines — a result of compromise that left many advocacy groups unhappy — suggest an approach on each of the following topics:⁵

- * **marriage** — monogamous, heterosexual relationships should be affirmed throughout the program.
- * **contraception** — abstinence should be taught as the best method of avoiding pregnancy and sexually transmitted diseases.
- * **homosexuality** — should be discussed beginning in the seventh grade in a manner which neither encourages nor condemns the behavior.
- * **masturbation** — should be discussed in a way to dispel myths about it.
- * **abortion** — should be discussed as a medical act that terminates pregnancy, but should not be presented as a method of birth control, and should include both pro-choice and anti-abortion arguments.

While the debate over the state guidelines was taking place in Sacramento, the Los Angeles Unified School District implemented

revisions in its own family life education curriculum. The revised curriculum was adopted by the Los Angeles School Board in 1986. The revisions were suggested by a consultant and a panel of 22 individuals representing community groups with various ethnic, cultural and educational backgrounds. Beginning with the early grades, the new curriculum describes different kinds of families — traditional, extended, step-parent, interracial, same-sex parents, teenage parents, unmarried parents, and single parents. Students are taught to recognize and appreciate cultural and racial differences. Enhancement of self-esteem is a primary objective. Social, economic, cultural, and ethnic influences on family life are identified. Classes discuss the life cycle, birth control, parenting, homosexuality, sexually transmitted diseases, child abuse, friendship, dating, and marriage.

The Task Force commends the Los Angeles Unified School District for its efforts to make the local curriculum more relevant to the real problems experienced by students and their families. The Task Force also suggests that the district review several areas of the curriculum for possible revision.

The first area concerns the curriculum's treatment of homosexuality. One educator informed the Task Force that "the feeling among many gay and lesbian people is that there is too little mention of homosexuality in this guide, and that it comes too late in the curriculum."⁶ The subject of homosexuality should be introduced into the curriculum long before the junior high school level since children's prejudices are well formed by the age of ten.⁷ The Task Force on Family Diversity recommends that the Board of Education of the Los Angeles Unified School District examine the manner in which homosexuality is presently treated by the curriculum, with a view toward establishing clearer and more explicit goals and learning objectives about this topic.⁸ For example, more emphasis might be placed on the inappropriateness of prejudice and discrimination against people with a minority sexual orientation.

The second concern relates to teacher training in the area of family life education. There has been no significant program to train teachers in this regard for more than 10 years.⁹ The school district began a new teacher training program in 1986, but after one year, only 66 teachers had been trained.¹⁰ With more than 20,000 teachers in the school district, it could take decades to train all family-life educators in the new curriculum. The Task Force on Family Diversity recommends that additional resources be committed to the training program so that its completion can be accelerated. In addition, the expertise of gay and lesbian educators and other professionals should be used in appropriate parts of the training, which has not been the case so far.

A third concern to the Task Force is the effective and factual presentation of the consequences of teenage sexual activity. Studies show unequivocally that today's teens are sexually active. According to one expert in family planning, by the age of 19, 80% of all males and 70% of all females have had sexual intercourse.¹¹

One important consequence of teen sexual activity is pregnancy. The teen pregnancy rate in Los Angeles is alarming. In 1984, for example, 12% of all births and 26.2% of all abortions in Los Angeles County involved teens,¹² a reflection, at least in part, of the lack of effective family life education in the past. More than 75% of pregnant teens in Los Angeles schools drop out of school and never graduate.¹³

Since teens are often influenced more by their peers than by authority figures, family life education in the schools may be significantly improved by involving pregnant teens and teen parents more actively as part-time peer counselors in the family life program. The Task Force on Family Diversity recommends that each junior high school and each high school in the district develop a peer education and counseling program as a component of their family life education classes. This idea has been endorsed by the County of Los Angeles Task Force on Teenage Pregnancy.¹⁴ The county task force noted that panel presentations by teen mothers and peer counseling are "an effective means of communicating the realities of teen motherhood and supporting teens to delay sexual activity."¹⁵

Another, perhaps even more critical, consequence of teen sexual activity is the risk of AIDS and other sexually transmitted diseases. Since AIDS appears to be a deadly disease without a cure, and since many students are sexually active in their teens, immediate sex education is a life-saving necessity. The Task Force on Family Diversity recommends that throughout the 1988-89 and 1989-90 school years, the school district sponsor seminars and other educational forums on the subject of AIDS, utilizing films, print media, and public speakers, so that within the next two years, all administrators, teachers, counselors, students and parents in the district have heard the essential facts about AIDS, including the modes of its transmission and the means of its prevention.

Suicide Prevention Curriculum

A recent survey of school-age youth in California noted that "the number of experiences the subjects have had with suicidal behavior, whether among friends, their family, or their own, was disturbingly high."¹⁶ Most of the youngsters who had had such experiences reported living in two-income households.¹⁷ Fourteen percent had absent fathers and four percent had absent mothers.¹⁸

Contemplation of suicide is not uncommon for today's youth. The survey divided the youth into two age groups — the younger group (between ages 12 and 15) and the older group (between ages 16 and 19). Among the younger adolescents, 41% reported knowing friends who had been suicidal. The figure jumped to 60% in the older group.¹⁹

Youngsters are deeply affected by suicidal occurrences in the family. Three percent of the younger adolescents reported that someone in their family had attempted suicide. Twelve percent of the older teens reported a suicide attempt in the family.²⁰

A significant number of those responding to the survey had a personal suicide history. Twenty-two percent of the younger, and 41% of the older stated that they had thought of taking their own lives at one time or another.²¹ Fifty-two percent of the younger adolescents and 63% of the older teens who had experienced suicidal thoughts identified problems at home or with the family as the cause of their feelings. Over one-third in each group had gone so far as to develop a plan of action to carry out the suicide. Three percent of the younger adolescents and 5% of the older group actually had made a suicide attempt.²²

A separate sampling was done of 3,000 high school students throughout the state. More than one-third had known a young person who had committed suicide. Almost one-half indicated that they had contemplated suicide themselves. Thirteen percent stated that they had attempted suicide one or more times.²³

A diverse group of several hundred parents was also surveyed on the subject of suicide. Sixty-three percent of the parent-group were Anglo, 12% were Black, 11% were Latino, 13% were Asian and 1% were American Indian.²⁴ Seventy-seven percent of the parents were married, 11% were divorced, 4% were separated, 6% were single, 2% were widowed, and 2% lived with domestic partners.²⁵ About 22% of the parents had contemplated suicide. The parents also reported that 15% of their children had thoughts of suicide. More than 65% of the parents believed that young people think about or attempt suicide because they are abused or neglected by their families.²⁶

Service providers who were surveyed suggested several methods of dealing with the youth suicide problem, including early intervention programs, school-based educational programs for students, educational programs on youth suicide geared toward other family members, and implementation of programs designed to increase self-esteem and self-worth in young people.²⁷

The Task Force on Family Diversity found that some positive steps have been taken in California to address the school-age suicide problem. A Youth School Suicide Prevention Program was created by the Legislature in 1983. Pilot programs were set up in Los Angeles and San Mateo, and, after three years of experimentation and development, these pilot programs gave rise to a model curriculum proposal.²⁸ The proposal was revised, and a model curriculum on youth suicide prevention was published in 1987 by the California State Department of Education.²⁹

The new curriculum lists several categories of students at risk for suicide, including: students with little self-esteem; severely depressed students; teens in trouble with the law; abusers of alcohol or drugs; abused, molested or neglected children; perfectionists; gay and lesbian youth; and unnecessary risk takers.³⁰ The curriculum lists community resources, includes a high school lesson guide, presents a guide for staff awareness and in-service training, and suggests an approach for parent awareness meetings.

Unlike the curriculum draft proposed by Los Angeles and San Mateo which made no mention of gay and lesbian youth suicide, the final version approved by State Superintendent of Instruction Bill Honig did address this topic.³¹ For example, the manual informs teachers:³²

Young people excluded from groups, teased or otherwise singled out because they are gay or lesbian, disabled or afflicted with a catastrophic illness such as AIDS, are under additional stress that can lead to a suicidal crisis. Because they face rejection and are socially isolated, they don't have the safety valve of friendships as do more "socially acceptable" students.

The Task Force on Family Diversity recognizes that youth suicide is an important problem affecting thousands of young people in Los Angeles and their families. Families need help in dealing with this problem. The Task Force commends the State Board of Education and the State Superintendent of Public Instruction for developing an excellent curriculum guide on youth suicide prevention. The Task Force recommends that the Los Angeles Unified School District immediately implement all components of the model curriculum on youth suicide prevention — including teacher training, instruction and counseling of students, and parent awareness meetings — on a district-wide basis.

Prejudice, Violence, and Human Rights Education

As the demographics of this report have shown, the City of Los Angeles is a multi-cultural and diverse society with large numbers of racial, ethnic and religious minorities. Approximately ten percent of the city's population is gay or lesbian. About 14% of city residents are disabled. The demographics translate into a city with a majority of the population comprised of minorities.

Prejudice is generally something that is learned quite early in life. Studies have shown that attitudes toward minorities, such as racial, ethnic, and religious groups, can be formed at an early age — perhaps before the age of six.³³ Accordingly, the family is the social institution that is most fundamental in determining whether young people will become prejudiced or tolerant, violent or peaceful.³⁴

The role of the media in the development of prejudice and violent behavior should not be underestimated. Children spend more time watching television than pursuing any other single activity.³⁵ The content of television, including cartoons, is replete with depictions of violence. By the age of 18, the average youth has witnessed over 18,000 murders on television.³⁶ According to one study, children who watch violence on television are much less likely to stop other children from hurting one another than those who do not. Called the “desensitization effect,” this phenomenon may have considerable long-range anti-social consequences.³⁷

Youth violence, in the forms of name calling, bullying, and physical confrontation, has escalated far beyond what used to be considered tolerable, posing difficult problems for teachers, administrators, and counselors on school campuses. All too often these behaviors occur off-campus, with young students, particularly teenage boys, harassing members of racial, ethnic, religious and sexual minorities. Recent government studies have underscored the significant role of youth in violent attacks on religious and ethnic minorities, gays and lesbians, and disabled persons.³⁸ Bigotry, prejudice, ignorance, and fear, are often at the root of this dangerous and irrational behavior.³⁹

Referring to racially motivated crimes, women hating, and gay bashing, one anthropologist has noted that teenagers “have been in the forefront of bigoted and brutal attacks being reported in towns and cities across America.”⁴⁰ He warns:⁴¹

The implications should be clear. Our society cannot simply wait for bigoted attitudes to pass with the older generation, because these attitudes are being picked up by and perpetuated by their children. Young people must be educated about the historical struggle of blacks and other groups to gain their rightful place in American society. And ways must be devised to encourage more rather than less contact among racial groups beginning at an early age.

Right now, too many teen groups are instruments of terror, purveying the darker sides of American culture. Maybe it is too late to start an opening up process in the heated atmosphere of Howard Beach. But we must try to begin at an early age, so that when children become teens, the adolescent peer group might again become a center for more enlightened values.

In recent years, school officials have taken some action to deal with student prejudice, bigotry, and violence. For example, the State Board of Education recently approved a “Model Curriculum for Human Rights and Genocide.” Beginning this year, school districts are required to add “human rights, with particular attention to the inhumanity of genocide,” to the regular social studies curriculum of students in grades 7 through 12.⁴² The human rights curriculum has three objectives: (1) the study of the history of oppression of individuals and groups, (2) the study of ways that the government can prohibit abuses of human rights, and (3) the encouragement of our historical democratic values — including toleration and appreciation of pluralism — in order to foster respect for the differences among people and the rights of every individual.⁴³

The model curriculum addresses violence and prejudice focused at racial, ethnic, and religious minorities, as well as people with disabilities and gays and lesbians.⁴⁴ As adopted, the curriculum corrects problems with the original proposal, which made only token mention of people with disabilities and no mention at all of gays and lesbians.⁴⁵ This correction is especially important and significant, since these groups are among those most misunderstood and feared. Hate violence in these categories reaches even beyond its intended, albeit irrational focus; such actions are often based upon a perception of extremely superficial characteristics that may or may not accurately indicate the true physical or mental condition or sexual orientation of the victim. The very fact that inclusion of these categories prompted virulent opposition from some groups attests to the need for such education.

The Task Force on Family Diversity commends Superintendent Honig and members of the State Board of Education for developing and approving the Model Curriculum for Human Rights and Genocide. The Task Force recommends that the Superintendent of the Los Angeles Unified School District and the members of the Los Angeles Board of Education take steps to incorporate the new curriculum effectively into the district's history and social studies classes.

Some improvements in teacher training on human relations issues can be achieved at the state level. The Intergroup Relations Office of the State Department of Education provides training for school district personnel in areas related to understanding and accepting individual and cultural differences. That office has been effective in dealing with teacher and student prejudices against racial, ethnic, and religious groups, but has not developed methods for addressing “homophobia,” that is, prejudice based on the fact, or perception, that the target of the prejudice is gay or lesbian.⁴⁶ The Task Force on Family Diversity recommends that the State Superintendent of Public Instruction direct both the Intergroup Relations Office and the School Climate Unit of the State Department of Education, in consultation with experts on this subject, to incorporate the issue of homophobia into their programs.⁴⁷

On the local level, programs such as “Hands Across the Campus” are attempting to reduce racial, ethnic, and religious prejudice among students. “Hands Across” is a part of the district's “Humanities Approach to Culture” curriculum and is offered at 17 high school campuses in the Los Angeles Unified School District. The history, development, and operation of the program was described by the Governor's Task Force on Civil Rights:⁴⁸

Hands Across the Campus was developed by the American Jewish Committee with the cooperation of officials of

Administrative Area Seven of the Los Angeles Unified School District. The program merges a variety of approaches to combatting racial and ethnic hatred in the multicultural setting of the Los Angeles schools. It includes school forums, "theme days," and ethnic field trips, as well as a regular class on intergroup relations. It draws not only on school personnel but on resource persons from the AJC. The overall aim is to teach students a deeper appreciation of their own ethnic backgrounds as well as those of other groups. The program is implemented differently in each participating school. At one, Verdugo Hills High, Hands Across the Campus operates as a club, the school's largest, which has held a symposium on prejudice and discrimination with nine schools participating, *began a class dealing with different race and ethnic cultures*, and developed information booklets explaining American holidays to students from newly-arrived immigrant groups, among many other activities. Importantly, Hands Across the Campus places most decision-making authority in the youth themselves.

The Task Force on Family Diversity commends the American Jewish Committee and the Los Angeles Unified School District for initiating and implementing the Hands Across the Campus program. Educational efforts such as this are critical in a multi-cultural society such as the City of Los Angeles. Students must learn to appreciate diversity and understand the common roots that underlie most forms of oppression. The Task Force recommends that the American Jewish Committee and the Los Angeles Unified School District find ways to expand Hands Across the Campus beyond the racial-ethnic-religious model so that students also learn about oppression based on disability prejudice, "homophobia," and sexism.⁴⁹

Name calling among students is a problem in schools throughout the country:⁵⁰

Each day, dozens of names reverberate down our schools' corridors and explode in our classrooms. We have heard others being called names and have ourselves been called names. At these times we have felt pain, humiliation, fear, inferiority, and anger. You know the words . . . and they sting.

Insults take many forms; they all hurt. Racial, ethnic, and sexual slurs are particularly abusive because the history of oppression gives them more power to inflict damage. It reminds the ridiculed that s/he is a member of a sometimes hated class of people.

Unfortunately, some slurs don't always get recognized as being hurtful and may even be deemed socially acceptable. Many young people use terms such as *nigger*, *spic*, *faggot*, *lezzie*, *queer* . . . because they have learned the effectiveness of their hurtful nature.

In order to create a productive and nurturing learning environment in our pluralistic society, educators must teach young people that diversity is something to be celebrated rather than ridiculed. Name calling in school settings is counter productive to this educational objective.

Some school districts, such as San Francisco and Oakland, have taken action to put a stop to verbal harassment of minorities. Last year, San Francisco developed a new handbook on student behavior which informs students that racial, ethnic, and sexual orientation slurs are unacceptable.⁵¹

"Bullying" is another school-related problem which needs to be addressed. Results of a 22-year study show that bullying is far more pervasive than popularly believed — and has a profound effect on children.⁵² According to researchers, at least 10% of children are victims of bullies. In very extreme cases, a bullied child may kill the bully or attempt suicide.⁵³ Bullies also become victims of their own behavior, since aggressive children who unduly harass classmates often grow up to be inflexible adults, unable to fit in, ending up unemployed or in prison.⁵⁴

Two years ago, the Oakland School District was ordered to make schools safe from violence after a student was repeatedly harassed at a junior high school. A Superior Court judge ruled that the "Victim's Bill of Rights" protects students at school and that schools must be held responsible for students who are bullied.⁵⁵ In a different case, a fifth-grader sued the San Francisco district, claiming that a teacher and a principal failed to enforce his right to a safe, secure school. The ten-year-old boy alleged that five bullies ganged up to punch and intimidate him every day during the fall term of 1985.⁵⁶

In a "Schoolyard Bully Practicum" sponsored by the National School Safety Center, suggestions were made to help school officials control bullying:⁵⁷

First, assess the scope of the problem through a questionnaire answered by teachers and students; communicate clear and consistently enforced behavior standards; closely monitor playground activity and be visible on campus; and watch for symptoms of bully victims such as withdrawal, decline in study habits or grades, anxiety, cuts, bruises or torn clothing. The key, though, is for everyone — educators, parents, students and law enforcers — to better understand schoolyard bully-victim problems and work together to prevent this emotional and physical suffering among our youth.

The Task Force on Family Diversity recommends that the following actions be taken to deal with the problems of name calling and bullying:

1. The State Superintendent of Public Instruction should adopt a statewide anti-slur policy and disseminate that policy to every school district throughout the state.
2. The State Department of Education should sponsor a statewide practicum for educators, counselors, and teachers on schoolyard bullying to develop specific suggestions on dealing with this problem in California schools.
3. The Superintendent of the Los Angeles Unified School District should establish a "Code of Student Behavior" which, consistent with First Amendment principles, contains policies against harassment which often takes the form of bullying, as well as racial, ethnic, religious, or sexual slurs. The code should mention specific remedial and/or punitive consequences for such harassment.

4. Each teacher in the Los Angeles Unified School District should conduct a classroom exercise for establishing rules of acceptable classroom behavior. Students themselves could help determine the roots of intolerance and prejudice in name calling, and should be advised of the specific remedial and/or punitive consequences of verbal harassment.

School Programs

In addition to classroom instruction, the Los Angeles Unified School District provides students with counseling, medical and social services, and recreational activities. In many instances, these programs have a profound impact on students and their families.

The Task Force on Family Diversity focuses here on programs dealing with issues of particular concern and difficulty: teenage pregnancy and parenting, gay and lesbian students, and youth gangs.

Teenage Pregnancy and Parenting

Los Angeles has one of the highest teen pregnancy rates among major metropolitan areas throughout the nation. Health Department figures show that one-in-eight births recorded in Los Angeles county is to a teenage mother. Estimates indicate that over 7,000 teenage girls give birth each year in the City of Los Angeles.⁵⁸ Over 95% of these teens choose to keep their babies rather than give them up.⁵⁹ Thus, a direct numeric correlation may be made between teen births and teen parents. Most teen mothers, and about one-third of teen fathers, fail to complete high school.⁶⁰

The ideal solution to teenage pregnancy and parenting problems would be to prevent the teenager's first pregnancy at the outset. Comprehensive family life education, beginning in elementary school, is necessary to attain this goal. In addition to human reproduction, such a course should cover topics such as parenting skills, self-esteem, values, assertiveness, life planning and potential medical/health consequences of sexual intimacy. The use of peer educators and counselors in these classes is imperative. In addition to classroom instruction, the Task Force on Family Diversity supports the school board's decision to make contraceptives available to teenagers through the school-based clinics. This is a practical and realistic approach to deal with the skyrocketing teen pregnancy rate, an approach approved by 65% of the public and especially appropriate when contraception methods include use of disease-preventing devices.⁶¹ In some areas of the country, such school-based clinics have been successful in cutting the teen pregnancy rate by 40% and virtually eliminating repeat pregnancies.⁶²

Even with classes to teach responsibility in decision-making about sexual intimacy and with clinics offering contraception counseling, many teens still become pregnant. When that happens, the teenagers need encouragement and assistance to finish school.

Pregnancy is by far the main cause for teen girls dropping out of high school and society pays the price; a 10% increase in the number of mothers who graduate would save taxpayers nationally about \$53 million in welfare costs annually.⁶³ The lack of affordable child care is one of the main reasons that teen mothers drop out of school. In the Los Angeles Unified School District, only four high schools have state-funded on-site child care facilities.⁶⁴ Since on-site child care facilities are useful in parenting education and sometimes essential for infant health care, the Task Force on Family Diversity recommends that the

Board of Education for the Los Angeles Unified School District urge the Legislature and the State Superintendent of Schools to provide more funds for on-site school child care facilities. Also, the Task Force recommends that the Los Angeles City Council direct the city's Community Development Department to give high priority in awarding grants to off-site student child care facilities such as that operated by the Salvation Army's Hope Infant Center at Booth Memorial Hospital.

Health care, especially prenatal care, is also critical for adolescent mothers. The vast majority of pregnant teens receive no prenatal care during the first trimester. The incidence of low-birth-weight infants could be reduced with adequate prenatal care, nutritional counseling, and avoidance of medically unsound habits such as smoking. Two-thirds of low-birth-weight infants require neonatal care, which can cost up to \$5,000 per day. Also, low-birth-weight infants are at a much greater risk for developing disabilities. Adequate prenatal care is, thus, a cost-effective measure.⁶⁵ The Task Force recommends that the district's Board of Education adopt goals and timetables to establish school-based clinics on each high school campus.

Teen fathers also need attention. One major problem, of course, involves identifying who they are; out of fear, teen fathers often try to avoid detection. A program operated by the Lawndale Youth and Family Center goes into the high schools, enlisting the aid of athletic coaches and searching out soon-to-be fathers. Once they are identified, they can begin to learn how to establish a positive psychological relationship with the child soon to be born. In the meantime, they can learn to reinforce good health practices in their pregnant girlfriends, receive counseling and encouragement to complete high school, and obtain vocational training and job placement assistance. The Los Angeles Unified School District has not yet established a program for teen fathers. The Task Force on Family Diversity recommends that the district's Board of Education initiate a teen father program, using the Lawndale Youth and Family Center as a model.

Gay and Lesbian Youth

There are more than 350,000 students in the district's junior high and high schools. Although most of these children have not yet discovered their sexual orientation, experts believe that sexual orientation is developed long before a child reaches junior high school. Sociologists estimate that about 10% of the population is gay or lesbian. Accordingly, the school district probably has about 35,000 students who are, or will be, gay or lesbian.

Until recently, the school district offered no programs or services to assist gay and lesbian students cope with the stresses associated with perceiving themselves different from others. In fact, only within the past two years has any curriculum even mentioned the subject of homosexuality. Often rejected or shunned by their parents, siblings, peers, and even, sometimes, teachers, these youth have been left alone to grapple with problems inherent in growing up, problems difficult enough for heterosexual adolescents but often unbearably so for a gay or lesbian youth in what is perceived as — and is in fact — a hostile discriminatory society.

Children are aware early that society discriminates against homosexuals. Viewing homosexuality as incompatible with family religious beliefs, many gay and lesbian youth feel sinful because of who they are. They know their parents and their extended family idealize male/female

relationships and they are afraid to shatter the family image. They witness peers making jokes about, abusing and harassing other students perceived to be gay. They try to reconcile the clash between their personal feelings and social expectations, but often cannot do so. Some withdraw into themselves; others pretend to be heterosexual. Many turn to substance abuse to relieve the pain induced by oppression. Some attempt suicide. It takes little imagination to understand why gay and lesbian youth usually decide to stay invisible. These invisible youngsters pretend to be other than who they are in order to be accepted — a system of deception which only serves to continually lower their self-esteem and reinforce their belief in their own inferiority. Recent actions by some legislators and local ministers, voicing virulent opposition to counseling programs for gay and lesbian students, no doubt had the added effect of creating further psychological problems for many of these youngsters and their families.

One researcher who has studied the socialization of the gay adolescent has suggested some alternatives to the present prevailing destructive attitudes toward homosexual students:⁶⁶

Negative sensitization and the resulting disassociation can be changed only if young people are exposed to alternatives to the present prejudicial attitudes toward the homosexually oriented.

The young person must have access to accurate information about homosexuality and to the possibility of maintaining one's personal, social, ethical, and professional integrity with the homosexual attribute. Greater attention should be paid in sex education curricula to discussions of homosexuality as a normal variation of sexual orientation. In addition, suitable gay adult role models must be provided. To achieve this important need, those who are homosexually oriented must have the courage and strength to be open and public about their sexual orientation. In addition, all professionals must work against those discriminatory practices which make it necessary for the gay adult to hide.

Equally important, there must be a concerted effort to provide gay adolescents with the opportunity to have meaningful social environments in which they can develop their personal and social skills, free from fear of exposure and censure. These environments can range from rap groups to ordinary social activities.

Gay and lesbian students have few role models in the Los Angeles Unified School District. Gay and lesbian administrators, teachers, and counselors are generally reluctant to identify themselves as such for fear of job discrimination and social reprisals. Several years ago, the California Commission on Personal Privacy recognized this problem, recommending that the State Superintendent of Public Instruction "send notification to all school districts throughout the state reminding them that sexual orientation discrimination in employment is illegal and requesting them to update their equal employment opportunity policy statements accordingly."⁶⁷ A policy paper developed for the Privacy Commission on the subject of sexual orientation and the secondary school curriculum also suggested that each district board should use its governing power to include sexual orientation within the non-discrimination clause of its affirmative action/equal opportunity policy

and to take steps to insure that the policy works.⁶⁸ The Task Force on Family Diversity recommends that the State Superintendent of Public Instruction and the Los Angeles Unified School District Board of Education implement the recommendations made five years ago by the Privacy Commission with respect to nondiscrimination in the employment of teachers and other school personnel.

The Task Force on Family Diversity has examined the progress of one role model openly trying to address the needs of the district's gay and lesbian student population. Virginia Uribe, a teacher and counselor at Fairfax High School, described "Project 10," the school district's only counseling program for gay and lesbian youth:⁶⁹

[Project 10] is the only program for gay and lesbian youth, I think, not only in Los Angeles, but in the United States. I have not heard of any other program. Naturally, I feel that counseling programs for gay and lesbian teenagers in both high school and junior high school are extremely, extremely important. These children very often are high-risk children because of their stigmatization and the factors that go along with that. They are at great risk for suicide, for depression, for substance abuse, and, of course, for sexually transmitted diseases. Many times they have tremendous problems with their families, particularly if they tell their families of their sexual orientation. Many times these youngsters are thrown out on the street or they run away from home. So there are a great number of family problems that are associated with this issue.

Recognizing the value of Project 10, the school district has released Ms. Uribe from all but two of her regular classes, thus enabling her to expand Project 10 to other high schools in the district.⁷⁰ Ms. Uribe is now conducting seminars for principals, counselors, and teachers at junior high and high schools throughout the district.

In addition to Ms. Uribe's work to educate teachers, administrators and counselors about gay and lesbian issues, the Task Force on Family Diversity recommends that a seminar on homosexuality be offered for staff members employed at all school-based clinics. Clinic personnel might heed advice recently offered by one prominent health care researcher:⁷¹

[P]roviders should begin early to lay the groundwork of the necessary support for the adolescent and his or her family. It becomes important not to make the assumption that all persons are heterosexual, thereby not allowing for the homosexual adolescent. It is easy to slip into this assumption, even through casual conversation with patients.

Health care providers need to be aware of the sense of isolation, the process of hiding one's homosexuality and the conflicts that homosexual adolescents have regarding their lifestyle. To provide a supportive, therapeutic environment, we believe that open nonjudgmental communication needs to be established early in patient-physician relationship. Furthermore, the provider should be knowledgeable about the specific and unique medical and biopsychosocial concerns of the homosexual adolescent. A supportive referral network should be established with community resources such as peer support groups such as

Gay and Lesbian Youth, and family supports such as Parents of Lesbians and Gays.

A recent past-president of the International Federation of Parents and Friends of Lesbians and Gays explained to the Task Force on Family Diversity how sexual orientation discrimination in the schools affects a wide range of people:⁷²

In the schools, it is not only the gay or lesbian student who suffers. It is also the student who has a gay father or a lesbian mother and is afraid to tell any of his/her peers. It is the sister or brother of a gay or lesbian who is confused and cannot handle the situation. Even the well informed student, one who understands homosexuality, is afraid to speak out on behalf of a gay person for fear of alienation and harassment by peers.

The Task Force on Family Diversity supports the following recommendations suggested by the Parents and Friends of Lesbians and Gays, and strongly recommends that the Superintendent of the Los Angeles Unified School District convene a committee of administrators, counselors, teachers, and student body leaders to review and implement them:

- a. The district should institute Adult Education classes on homosexuality.
- b. The district should review literature in school libraries to ensure that each school library contains sensitive and relevant books, articles, and brochures on gay and lesbian issues.
- c. The district should publish a directory listing social service agencies and other resources related to gay and lesbian issues which are available to teachers, counselors, students and parents.
- d. The district should expand Project 10 so that specialized education and counseling services are available to gay and lesbian teens on every high school campus in the district.

Implementation of recommendations contained in this report will help to decrease the fear among gay and lesbian educators and the suffering experienced by gay and lesbian youth, their peers, and their families, at the same time teaching other students, educators, and parents about the value of respect for diversity in a pluralistic society.

Youth Gangs

Youth gangs are a major problem in the City of Los Angeles. In the first nine months of 1987, gang homicides in the city rose to 154 — nearly a 15% increase over the same period the previous year.⁷³ More than half of the homicides involve innocent bystanders, robbery victims, and others who do not belong to gangs.⁷⁴

Gangs are affecting Los Angeles families inside and outside the home. Some gangs burglarize residences in their neighborhoods. Fifty such incidents involving Vietnamese gangs were reported last year in Central Los Angeles and the San Fernando Valley.⁷⁵ Gangs also deprive families of recreational facilities and opportunities. In scores of city parks, especially those in poor neighborhoods, fear is high; gangs, drug dealers, and drunks are so pervasive that the sites have come to be known as “dead parks.”⁷⁶ Gangs are also turning innocent youngsters

into drug addicts and pushers. Drug trafficking by gangs is so common, and many children in gang neighborhoods begin using drugs at such a young age, that many are full-fledged dealers by the age of eleven.⁷⁷ Because street gangs traditionally claim identification with a neighborhood, residents of such neighborhoods may be condemned by their address; they face a chilling scenario — often played out in gang-related assaults — of being caught in another neighborhood and being challenged, “Where are you from?”⁷⁸

Gang membership, particularly among newer Asian and Latino immigrant groups, is on the rise. Officials estimate the existence of more than 500 street gangs with more than 50,000 members in Los Angeles county.⁷⁹

Gang activity is not only causing senseless deaths and destroying family life in many areas of the city, it is costing city taxpayers gigantic sums. For example, the Los Angeles Police Department spends about \$10 million per year on salaries and support services for nearly 200 sworn personnel employed in its gang activity section and Community Resources Against Hoodlums unit.⁸⁰ Each year, the City Attorney's Office spends hundreds of thousands of dollars in gang related prosecutions. The yearly expenditure for housing gang members at the county jail is staggering. With pre-trial jail costs at \$11,000 per year per inmate, not including court costs, taxpayers are spending nearly \$8 million per year to house more than 700 members of the city's two major Black gangs alone.⁸¹

According to Commander Larry Kramer, the police department's top anti-gang officer, at best police are engaged in a holding action. While law enforcement is essential in the fight against gangs, arrest and prosecution do not provide a solution. According to Commander Kramer, “For every gang member you put in jail, there are two or three replacements waiting in line to take their place.”⁸²

Prevention and intervention efforts are the only long range solution to the gang problem in Los Angeles. Putting money into such efforts can work. For example, East Los Angeles has experienced a sharp decline in gang-related deaths, benefitting from years of intense community work by Community Youth Gang Services, an East Los Angeles based-agency with an annual budget of about \$2 million. The organization offers a few sports programs, summer job placements, elementary school education programs, and gang mediation services.⁸³

In some areas of the city, police officers and merchants have teamed up to organize boxing clubs in an effort to divert teens from joining street gangs.⁸⁴ In the Northeast Division, information flyers sent to area schools drew more than 200 applications from youngsters who wanted to box.

Scouting is promoted as another alternative to gangs. Because of the multi-ethnic composition of Los Angeles, 62% of all Boy Scouts in the city are members of ethnic minorities.⁸⁵ Although enrollment in scouting is now at 63,000, the dropout rate for Latino youth is troubling to scouting officials. Also minority parents are difficult to recruit as scouting volunteers, since family economic struggles usually require both parents — in households with two parents — to work, allowing little time for the luxury of volunteer work.⁸⁶

Paralleling the steady increase in gang activity in recent years is a decline in sports activities at many city schools.⁸⁷ As more youth join in

gangs, fewer go out for sports. Gang membership can mean prestige, influence, and easy money from drug sales. Gangs not only skim potential school athletes, gang violence also interferes with athletic events, with shootings and rock throwing incidents.⁸⁸

According to Reggie Morris, Manual Arts High School basketball coach, "It's not just affecting athletics, its affecting education."⁸⁹ Because so much money can be made, gang drug trafficking has been called "the \$1,000-a-week alternative" to high school education.⁹⁰ Coach Morris gives his "There Must Be Alternatives" assemblies to student groups of all ages. He argues that sports must be promoted as an alternative to gang activities for children at an early age; otherwise, the imprinting of the gang mentality during the junior high school years is likely to override whatever "positive brainwashing" can be achieved later.⁹¹ The coach warns that gangs are now recruiting in the junior high schools,⁹² and once students become involved with gangs, it is nearly impossible to get them into athletics.⁹³ Again, his message is early prevention and early intervention.

There are some, although not enough, school programs designed to counter gang growth. One of the oldest school-related gang prevention programs, Alternatives to Gang Membership, was established in 1982 in the Paramount schools.⁹⁴ Other similar programs, sponsored by United Way, have been established since then. The Los Angeles Unified School District sponsors "Project Heavy." In some Los Angeles city elementary schools, students attend programs designed to point out the alternatives.

Noting the increase in school violence, truancy, and disorder across the state, Attorney General John Van de Kamp and Superintendent of Public Instruction Bill Honig have created a "School/Law Enforcement Partnership Cadre" to deal with such issues as youth gangs. The cadre coordinate the efforts of state and local school and law enforcement officials to reduce school-related crime. The Task Force on Family Diversity agrees with the wisdom of a coordinated approach to school crime and commends the Attorney General and the State Superintendent for instituting the School/Law Enforcement Partnership Cadre.

The Task Force believes that the school district should adopt a coordinated approach to dealing with the gang problem in Los Angeles. Although there exist several pilot programs in various schools in the district, no district-wide program addresses this problem. Some schools offer no classes or programs suggesting alternatives to gangs.⁹⁵ The Task Force recommends that the Los Angeles Unified School District Board of Education create a Commission on Youth Gangs. The Commission should be adequately funded and staffed. Its members should include representatives from United Way, Community Youth Gang Services, Boy Scouts of America, Project Heavy, the Los Angeles Police Department, the City Attorney's Office, as well as teachers, school counselors, and athletic coaches. The Youth Gang Commission should conduct public hearings and develop a long-term strategy for reducing or eliminating the effect of youth gangs on the city's schools. It should also develop district-wide anti-gang and anti-drug curricula to be implemented in every school.

The Task Force received testimony on youth gangs from Bruce Coplen, Deputy City Attorney in charge of that office's Gang Violence Unit. Mr. Coplen stressed the importance of prevention through education:⁹⁶

[W]e've got to have more resources and more strategies developed in the area of prevention. I don't think that law enforcement alone holds the solution. We're picking up the pieces after the war has already been lost. The problem has got to start with our young people in the ages of five to ten years old. We've got to educate them, we've got to find meaningful work for them, we've got to do something to reduce the alienation of immigrant communities. These are our long term solution areas. And only through cooperative efforts, through government, schools and the private sector, can we hope to do anything in this area.

Finally, the Task Force on Family Diversity recommends that the Mayor and the City Council create a permanent Commission on Street Gang Violence. There are now over 5,000 major felonies in the city every year that are related to gang violence.⁹⁷ The Task Force strongly asserts that failure to address this critical issue, in the strongest and most serious terms immediately, may result in life becoming unsafe for anyone in any part of the city in the near future. The argument for a Commission on Street Gang Violence was appropriately summarized by Mr. Coplen:⁹⁸

I think the City of Los Angeles should form a permanent Task Force or Commission specifically addressed to this issue. Currently we have a government coordination team participating: the sheriff's department, the police department, prosecution agencies, and so forth, but it is strictly government coordination. There needs to be something for the private sector; something where you can have church members, something where you can have political and community leaders, private businesses, and other groups sit down to coordinate their activities, to focus public attention on the problem, to encourage business groups to invest in areas which are going to assist in solving the problem, and which are also going to draw media attention to the group. I think this is something which is very, very valuable that can be done at a very minimal cost.

EDUCATION AND CITY SCHOOLS: RECOMMENDATIONS

Curricula: Family Life Education

50. The Task Force recommends that the Board of Education of the Los Angeles Unified School district examine the manner in which homosexuality is presently treated by the curriculum, with a view toward establishing clearer and more explicit goals and learning objectives about this topic. For example, more emphasis might be placed on the inappropriateness of prejudice and discrimination against people with a minority sexual orientation.

51. The Task Force recommends that additional resources be committed to the training program so that its completion can be accelerated. In addition, the expertise of gay and lesbian educators and other professionals should be used in appropriate parts of the training, which has not been the case so far.

52. The Task Force recommends that each junior high school and each high school in the district develop a peer education and counseling

program as a component of their family life education classes.

53. The Task Force recommends that throughout the 1988-89 and 1989-90 school years, the school district sponsor seminars and other educational forums on the subject of AIDS, utilizing films, print media, and public speakers, so that within the next two years, all administrators, teachers, counselors, students and parents in the district have heard the essential facts about AIDS, including the modes of its transmission and the means of its prevention.

Curricula: Suicide Prevention

54. The Task Force recommends that the Los Angeles Unified School District immediately implement all components of the model curriculum on youth suicide prevention — including teacher training, instruction and counseling of students, and parent awareness meetings — on a district-wide basis.

Curricula: Prejudice, Violence, and Human Rights

55. The Task Force recommends that the Superintendent of the Los Angeles Unified School District and the members of the Los Angeles Board of Education take steps to incorporate the new Model Curriculum on Human Rights and Genocide effectively into the district's history and social studies classes.

56. The Task Force recommends that the State Superintendent of Public Instruction direct both the Intergroup Relations Office and the School Climate Unit of the State Department of Education, in consultation with experts on this subject, to incorporate the issue of homophobia into their programs.

57. The Task Force recommends that the American Jewish Committee and the Los Angeles Unified School District find ways to expand Hands Across the Campus beyond the racial-ethnic-religious model so that students also learn about oppression based on disability prejudice, "homophobia," and sexism.

58. The Task Force recommends that the following actions be taken to deal with the problems of name calling and bullying:

a. The State Superintendent of Public Instruction should adopt a statewide anti-slur policy and disseminate that policy to every school district throughout the state.

b. The State Department of Education should sponsor a statewide practicum for educators, counselors, and teachers on schoolyard bullying to develop specific suggestions on dealing with this problem in California schools.

c. The Superintendent of the Los Angeles Unified School District should establish a "Code of Student Behavior" which, consistent with First Amendment principles, contains policies against harassment which often takes the form of bullying, as well as racial, ethnic, religious, or sexual slurs. The code should mention specific remedial and/or punitive consequences for such harassment.

d. Each teacher in the Los Angeles Unified School District should conduct a classroom exercise for establishing rules of

acceptable classroom behavior. Students themselves could help determine the roots of intolerance and prejudice in name calling, and should be advised of the specific remedial and/or punitive consequences of verbal harassment.

Programs: Teen Pregnancy and Parenting

59. The Task Force recommends that the Board of Education for the Los Angeles Unified School District urge the Legislature and the Superintendent of Public Instruction to provide more funds for on-site school child care facilities.

60. The Task Force recommends that the Los Angeles City Council direct the city's Community Development Department to give high priority in awarding grants to off-site student child care facilities such as that operated by the Salvation Army's Hope Infant Center at Booth Memorial Hospital.

61. The Task Force recommends that the district's Board of Education adopt goals and timetables to establish school-based clinics on each high school campus.

62. The Task Force recommends that the district's School Board initiate a teen father program using the Lawndale Youth and Family Center as a model.

Programs: Gay and Lesbian Youth

63. The Task Force recommends that the State Superintendent of Public Instruction and the Los Angeles Unified School District Board of Education implement the recommendations made five years ago by the Privacy Commission with respect to nondiscrimination on the basis of sexual orientation in the employment of teachers and other school personnel.

64. The Task Force recommends that a seminar on homosexuality be offered for staff members employed at the school-based clinics.

65. The Task Force recommends that the Superintendent of the Los Angeles Unified School District convene a committee of administrators, counselors, teachers, and student body leaders to develop plans to implement the following recommendations:

a. The district should institute Adult Education classes on homosexuality.

b. The district should review literature in school libraries to ensure that each school library contains sensitive and relevant books, articles, and brochures on gay and lesbian issues.

c. The district should publish a directory listing social service agencies and other resources related to gay and lesbian issues which are available to teachers, counselors, students and parents.

d. The district should expand Project 10 so that specialized education and counseling services are available to gay and lesbian teens on every high school campus in the district.

Programs: Youth Gangs

66. The Task Force recommends that the Los Angeles Unified School District Board of Education create a three-year Commission on Youth Gangs. The Commission should be adequately funded and staffed. Its members should include representatives from United Way, Community Youth Gang Services, Boy Scouts of America, Project Heavy, the Chamber of Commerce, the Los Angeles Police Department, the City Attorney's Office, as well as teachers, school counselors, and athletic coaches. The Youth Gang Commission should conduct public hearings and develop a long-term strategy for reducing or eliminating the effect of youth gangs on the city's schools. It should also develop a district-wide anti-gang and anti-drug curricula which should be implemented in every school.

67. The Task Force recommends that the Mayor and the City Council create a permanent Commission on Street Gang Violence. There are now over 5,000 major felonies in the city every year that are related to gang violence. The Task Force strongly asserts that failure to address this critical issue in the strongest and most serious terms immediately, may result in life becoming unsafe for anyone in any part of the city in the near future.

Notes: Education and City Schools

¹ Weddall, Dean, "Family Life Education," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-658; Movel, A.L., "Teen Pregnancy and Teen Parenting in Los Angeles: Gaps in Services," *Id.*, p. S-677.

² Becerra, Prof. Rosina, "Teen Pregnancy and Latina Teen Sexuality," *Public Hearing Transcript*, p. 28; Coplen, Bruce, "Gaining Control of Youth Gangs," *Id.*, p. 223; Kring, Thomas, "What Works in Teen Pregnancy-Prevention Programs," *Id.*, p. 17; Taylor, Mary, "Teacher Training in Family-Life Education," *Id.*, p. 149; Rosenkrantz, Barbara, "A Personal Experience and the Need for Education," *Id.*, p. 51; Uribe, Virginia, "Gay and Lesbian Issues in School Programs," *Id.*, p. 11.

³ Paula Starr-Robideau, Adele Starr, and Sandra Dyson, "Education and Counseling of Youth and Parents," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-327; Starr, Adele, "Report on Homosexuality," *Id.*, p. S-374; Diane Himes, David Link, and Linda Poverny, "Gay and Lesbian Couples," *Id.*, p. S-192.

⁴ "California's Board of Education OKs Safe-Sex Education Guidelines," *Los Angeles Herald Examiner*, March 12, 1987.

⁵ "State Adopts Sex Education Advisory Guide," *Los Angeles Times*, March 12, 1987.

⁶ Testimony of Virginia Uribe, *supra*, note 2, at p. 12.

⁷ Starr, Adele, "Report on Homosexuality," *supra*, note 3, at p. S-376; Weddall, Dean, "Family Life Education," *supra*, note 1, at p. S-659.

⁸ Some specific suggestions which might accomplish these results are contained in Dean Weddall's research paper, "Family Life Education," *supra*, note 1, pp. S-669-675.

⁹ Testimony of Mary Taylor, Training Coordinator, Family Life Education, *supra*, note 2, p. 149.

¹⁰ Himes, Link, and Poverny, *supra*, note 3, at pp. S-220-221.

¹¹ Testimony of Thomas Kring, *supra*, note 2, at p. 17.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ County of Los Angeles, Task Force on Teenage Pregnancy, *Report to the Board of Supervisors*, April 22, 1987.

¹⁵ *Id.*, p. 11.

¹⁶ "Youth Suicide in California: Report of Assessment Research," California Department of Mental Health, September, 1986, p. 14.

¹⁷ *Id.*, p. 13.

¹⁸ *Ibid.*

¹⁹ *Id.*, p. 14.

²⁰ *Id.*, p. 16.

²¹ *Id.*, p. 16.

²² *Id.*, p. 18.

²³ *Id.*, p. 40.

²⁴ *Id.*, p. 24.

²⁵ *Id.*, p. 25. The percentages add up to slightly more than 100% because some of those who were divorced or separated were living with a domestic partner.

²⁶ *Id.*, p. 26.

²⁷ *Id.*, pp. 33-39.

²⁸ "Teacher's Guide in Youth Suicide Prevention." San Mateo Office of Education.

²⁹ "Suicide Prevention Program for California Public Schools," prepared under the direction of School Climate Unit, California State Department of Education.

³⁰ *Id.*, pp. 49-50.

³¹ "Suicide Prevention Help Extended to Lesbian/Gay Teens," *San Francisco Sentinel*, October 23, 1987.

³² *Ibid.*

³³ M. Goodman, *Race Awareness in Young Children*, p. 183 (1952); H. Trager and M. Yarrow, *They Learn What They Live*, p. 151 (1952); W. Lambert and O. Klineberg, *Children's Views of Foreign Peoples*, pp. 6-6 (1967).

³⁴ "Ounces of Prevention: Toward an Understanding of the Causes of Violence," *Final Report to the People of California, State of California*, Commission on Crime Control and Violence Prevention (1982).

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ Ronald Drabman and Margaret Thomas, "Children's Imitation of Aggressive and Prosocial Behavior When Viewing Alone and in Pairs," *Journal of Communication*, Vol. 27, No. 3, pp. 199-205 (1977).

³⁸ *Report on Racial, Ethnic, and Religious Violence in California*, State of California, Governor's Task Force on Civil Rights (1982); "Ounces of Prevention," *supra*, note 34; *Report of the California Commission on Personal Privacy*, State of California (1982); *Report of the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence*, State of California (1986).

³⁹ *Ibid.*

⁴⁰ Freedberg, Louis, "Teen Peer Groups in U.S. Often Potent Fountainhead of Bigotry," *Los Angeles Daily Journal*, January 14, 1987.

⁴¹ *Ibid.*

⁴² Baker, Bob, "Students Will Be Learning Hard Lessons of Inhumanity," *Los Angeles Times*, January 26, 1987.

⁴³ "Model Curriculum for Human Rights and Genocide," California State Department of Education (1987).

⁴⁴ McDonald, Alex, "Board Okays Mention of Gays and Lesbians," *San Francisco Sentinel*, October 9, 1987.

⁴⁵ Coleman, Thomas F., "Genocide Curriculum: Schools Anger Activists," *Update*, July 22, 1987.

⁴⁶ Letter to Hank Wilson, Community United Against Violence, from James R. Smith, Deputy State Superintendent, Curriculum and Instructional Leadership, June 18, 1986.

⁴⁷ Equity Institute, Inc., P.O. Box 458, Amherst, Massachusetts 01004 / (413) 256-6902. Equity Institute is a multi-ethnic, national, nonprofit agency which teaches people how to interrupt racism, sexism, anti-

Jewish behavior, homophobia, classism, ageism, and disability prejudice. It is the only public service agency of its kind in the United States and Europe. The organization offers consulting services; produces curriculum books, brochures and videotapes; and offers retreats, seminars and workshops on all of the above issues.

⁴⁸ Governor's Task Force, *supra*, note 38, pp. 90-91.

⁴⁹ According to the testimony of Virginia Uribe, *Public Hearing Transcript*, p. 11, "Hands Across" does not presently include prejudice or discrimination on the basis of disability, sexual orientation, and sex.

⁵⁰ From "Name Calling," a brochure published by Equity Institute, Inc.

⁵¹ Linebarger, Charles, "S.F. Schools to Enforce Ban on Anti-Gay Slurs," *Bay Area Reporter*, June 18, 1987.

⁵² Keay Davidson and Katherine Seligman, "Bullies," *San Francisco Examiner*, July 2, 1987.

⁵³ Testimony of Barbara Rosenkrantz, *Public Hearing Transcript*, p. 51; *School Safety*, p. 21 (Spring 1987).

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

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⁵⁷ *School Safety*, *supra*, note 53. The National School Safety Center is located at 16830 Ventura Blvd., Suite 200, Encino, CA 91436 / (818) 377-6200.

⁵⁸ Movell, A., "Teen Pregnancy and Teen Parenting in Los Angeles: Gaps in Services," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-677.

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⁶⁰ Goltsofs, Paraskev, "Adolescent Pregnancy in Los Angeles County," document prepared by Los Angeles Regional Family Planning Council, Inc. (November 1986).

⁶¹ "School-Based Clinics Play Major Role in Teen's Health Care," *Sexuality Today*, Vol. 9, \$52, p. 1.

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⁶⁴ *Id.*, p. S-683.

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⁶⁶ Martin, A. Damien, "Learning to Hide: The Socialization of the Gay Adolescent," *Adolescent Psychiatry: Developmental and Clinical Studies* Vol. X, University of Chicago Press (1982), reprinted from the *Annals of the American Society for Adolescent Psychiatry*.

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⁶⁹ Testimony of Virginia Uribe, *Public Hearing Transcript*, p. 12.

⁷⁰ "Project 10 — Its Numbers Are Growing," *MECLA Newsletter*, Fall, 1987.

⁷¹ Paroski, Paul A., M.D., "Health Care Delivery and the Concerns of Gay and Lesbian Adolescents," *Journal of Adolescent Health Care*, Vol. 8, pp. 188-192 (1987).

⁷² Starr, Adele, "Family Life Education: Supplemental Report — Homosexuality," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-374.

⁷³ Feldman, Paul, "Youth Gang Wars Engulf Vast Efforts to Bring Peace," *Los Angeles Times*, November 12, 1987.

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⁷⁵ "Viet Neighborhoods Warned to Be Wary of Roving Gangs," *Los Angeles Times*, September 30, 1987.

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⁷⁷ Kline, Fred, "Action Needed to Crack Street Gang Violence," *Mt. Washington Star Review*, July 25, 1987.

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⁸⁴ Davila, Robert, "LAPD Tries to Box Out Gangs," *Los Angeles Times*, July 16, 1987.

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⁹³ Robert Yount and Elliott Teaford, "Coaches Fight Recruiting War of Different Nature," *Los Angeles Times*, June 25, 1987.

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SOME FAMILIES AND THEIR NEEDS

During the past two years, the Task Force on Family Diversity has studied changing family demographics and trends. By reviewing books and articles, consulting academics, and soliciting input from advocates and service providers, the Task Force has found that there is no single household arrangement that dominates the family scene in Los Angeles.

The characteristics of Los Angeles families vary greatly. In addition to a large number of one-person households, the city is populated by nuclear families, dual-career families, childless couples, racially or religiously mixed-marriages, single-parent families, blended or step families, families of color, extended families, immigrant families, families with elders, families with disabled members, families with gay or lesbian members, foster families, domestic partnership families, and people living in group homes or institutions.

Because of limited time and resources, the Task Force was not able to study each of these family structures in depth. However, the Task Force was able to focus on the problems experienced by four family populations: immigrant families, families with disabled members, families with elders, and domestic partnership families. The Task Force on Family Diversity believes that all varieties of family structures deserve similar attention. It was simply beyond the means of this Task Force to do so. In the concluding chapter of this report, the Task Force suggests ways in which city government can keep abreast of family issues in an ongoing and effective manner.

FAMILIES WITH ELDERS

In the United States today, about one out of every nine persons is elderly, and that number is growing with the fastest growth among those 80 and older.¹ These oldest Americans are predominantly women. Many need physical or financial supportive services or both. A significant number of older adults do not have immediate family members to care for them. When family members do provide such assistance, they often find themselves stretched financially and stressed emotionally by what is required of them. As more women, traditional caregivers for older adults, hold employment outside the home in greater numbers, the problem is exacerbated.

Referring to the number of older adults residing in the City of Los Angeles, the Family Demographics team reported:²

Elderly people (65 and over) make up 10.5% of the population but are counted in 21% of all households. Nearly a third of the elderly live alone — they accounted for 98,676 single-person households. Over 40% of the elderly live in multi-person family settings. The mean age of the population has been gradually rising and the proportion of persons over age 65 has also been increasing. That trend should continue. For the state of California as a whole, the percentage of persons over 65 advanced from 9.0% in 1970 to 10.2% in 1980, and it is projected that it will reach 11.4% by 1990. The city can expect to experience an increasing proportion of senior citizens. The proportion will rise gradually until the turn of the century, and then it will grow more rapidly as the “baby boom” generation begins to affect the statistics.

Some problems of seniors are addressed in other sections of this report; some concerns are explored below; and some, such as the needs of older lesbians and gay men, and transportation needs of older adults, will need to be treated in depth elsewhere, as constraints on time and resources prohibited their inclusion in this report.

Economic Concerns of Older Women

Although some older women are gaining a measure of financial independence with employment outside the home, large numbers have remained in the traditional role of homemaker. Most of these women outlive the husbands who had been their sole means of support.³

The average age at which women become widowed is fifty-six.⁴ Unless they are disabled, they are ineligible for any form of government support until they reach the age of sixty-two (for social security) or sixty-five (for SSI). Many of these women are not entitled to pension survivor benefits because their husbands die before the pensions vest. Most women lose medical insurance coverage until they qualify for Medi-Cal at age 65, and, even then, only a portion of their medical costs are covered. As a result of these conditions, many older women fall into deep poverty, ultimately losing their homes and other possessions.

When they become eligible for social security benefits, older retired women, who are statistically likely to be living alone, receive an average of \$399 per month, compared to \$521 for retired men.⁵ Since women earn about 60% of what men make, retired women have less savings and other financial resources to supplement social security benefits.⁶ Only

22% of all working women are covered by private or government pensions. The combination of these inequities has produced an impoverished “subclass” of elderly women.⁷

County Commissioner June Dunbar suggested five areas of need, reform of which would improve the quality of life for older women in Los Angeles:⁸

Pay Equity. One area of need involves pay equity and employment. When the woman with a college degree makes less than the high school male drop-out, you’ve got to do something and there is federal legislation right now to study pay equity. I hope that the L.A. City Council would support it. The business community also needs to be aware that older women need and can fill jobs other than the minimum wages paid in child care and clerical positions.

Divorce Law Reform. The divorce laws need to be changed. If you’ve read *The Divorce Revolution* you know that when there’s a divorce, the standard of living of the wife and children goes down 73% and the husband’s goes up 43%, so that we need to have career assets as part of community property.

Respite Care. Another area of need involves respite care. There are 2.2 million caregivers [in America] providing unpaid assistance to the elderly and the caregivers are primarily older women. This is probably the biggest role she plays. Many of these women become ill themselves from 24-hour, 7-day-a-week care for an ill in-law, husband or parent.

Housing. The average income of an older woman is \$399 per month. So housing is obviously a problem. In Los Angeles, we have the Evangeline and the Clark homes for young women, but we don’t have anything for older women.

Access to Health Care. There are about 4 million women in America with no health coverage. I think it’s extremely important that in the United States, Medicare should cover mammography. Older women are the highest risk for breast cancer. An older woman who has \$399 a month income is not going to pay \$100 for mammography. She’s just going to hope for the best.

If these five recommendations were implemented and women were employed and paid equitably, if divorce laws were fair to women, if women were given help with ill family members, if women could find affordable housing and had access to health care, the quality of their lives would be improved immeasurably.

The Task Force on Family Diversity finds that the problems experienced by older women are numerous and serious. The Task Force recommends that the city’s Commission on the Status of Women review what city officials and agencies can do, directly or indirectly, to improve the quality of life of older women, especially in the areas of pay equity, divorce law reform, respite care, housing, and access to health care.

Although the city may have limited jurisdiction to take direct action in these areas, it certainly can urge county, state, and federal officials and agencies to implement necessary reforms, such as:

1. Hiring older women in government positions;
2. Instituting pay equity at all levels of government employment;
3. Reforming divorce laws to equalize the economic disparity between husband and wife created by divorce; and,
4. Promoting the development of affordable housing for older women.

Foster Grandparent Programs

The Foster Grandparent Program was created over 20 years ago.⁹ The program has a laudable purpose — to create meaningful part-time volunteer opportunities for older persons with limited incomes. At the same time, the program provides supportive, person-to-person services to children with special or exceptional needs and who can benefit from stable relationships with caring adults.¹⁰ The types of children matched with foster grandparents include premature babies, as well as children who are abused, neglected, chronically ill, autistic, mentally retarded, physically handicapped, emotionally disturbed, developmentally disabled, and delinquent.¹¹

Most funding for the Foster Grandparent Programs come from federal grants. However, about 20% must come from local government or nonprofit sponsors.¹²

Any person who is sixty years of age or more and who meets low income requirements is eligible to participate in the Foster Grandparent Program. Foster grandparents must be physically and mentally able to serve, must no longer be participating in the regular work force, and must be willing to accept supervision. Each must participate in the program 20 hours per week.

There are only two Foster Grandparent Programs operating in the Los Angeles area. The Volunteer Center Program, sponsored in large part by United Way funding, provides more than 57,000 hours of attention and service to about 300 children. The other program is operated by Pepperdine University.

Ewa Tarwid, director of the Volunteer Center Program, stressed the need for expansion:¹³

What can the city do? My biggest dream for the city is for the city to once again sponsor one of these programs.

There are two foster grandparent programs to serve the entire Los Angeles area. I am funded for 75 foster grandparents, the other one is a similar number. That's not nearly enough. I could put 75 people in Pediatric Pavillion at U.S.C. alone. The drug-related problem is escalating to such a point that I could use an equal number on that. When you look at abused children, what is going on in the city today, the need grows and grows.

As noted, the the foster grandparent program benefits both the children served and the participating older adults. One foster grandparent gave the Task Force some insight into some of these benefits:¹⁴

I work now with adolescents. These are children — you've seen them on the streets — who think no one cares. They come into an institution and they think the staff work there only because they're paid. They don't realize the staff loves the children or they wouldn't be there; they could go someplace else and get paid. But they take a look at grandma and they know grandma is a volunteer. Grandma comes here because she wants to. I've had 17-year-olds crying on my lap and want to be rocked. I work with children who have been abused, children who have been into drugs, children who have been through anything you could name. I walk down Hollywood Boulevard and I see them — the ones that aren't institutionalized.

My loneliness is gone. I am useful. I can go home at night and look in the mirror and say I did something useful today. I am physically active. I think I'll live to be 100. I think people who stay busy, people who are using their experience from life to help someone else, can stay young. I know one grandmother in Denver, Colorado, who is 93 years old and still working five days a week, four hours a day. She's scared to quit. She says, "If I quit, I'll die." So help us. We need the money.

The Foster Grandparent Program is a model of intelligent and creative problem solving. The society benefits in that human potential is protected and nurtured, at the same time alleviating a great potential drain on public and private resources. The support, affection and role-modeling that foster grandparents provide to underserved children with special needs is invaluable in helping those children become productive, contributing, responsible adults and citizens; the elderly population is a rich resource for these children. The program also provides a sense of well-being, self-worth, and productivity that enhances the quality of life for participating seniors. Although the stipend that they receive is nominal and has been criticized by some activists as too low, it makes a difference for some participating seniors.

The Task Force on Family Diversity recommends that the City of Los Angeles sponsor a Foster Grandparent Program. The Intergovernmental Relations Committee of the City Council could initiate a proposal whereby the city and the county could jointly sponsor a Foster Grandparent Program. However, if joint sponsorship with the county cannot be accomplished in an expeditious manner, the Council and the Mayor should approve a city-sponsored Foster Grandparent Program to be implemented no later than the 1989-1990 budget year.

The Task Force commends the many senior volunteers who currently participate in existing Foster Grandparent Programs and who have given so much time, love and care to local children.

Latchkey Programs and Intergenerational Contact

Under the Child Care and Development Act, the state subsidizes day care for large numbers of students whose parents are employed outside of the home and who are unavailable when the normal school day ends, frequently resulting in children at home or elsewhere without proper

supervision. Two years ago, the California Legislature amended that law, acknowledging that these "latch key" programs could be improved through intergenerational contact. Amending Education Code Section 8463, the Legislature found and declared that:¹⁵

(1) The lack of adequate and affordable child care services to serve the growing number of working parents has resulted in "latch key" children who return and remain at home unsupervised after school.

(2) Senior citizens (grandparents) have in the past been a major provider of child care to their own grandchildren.

(3) In today's society, children and grandparents are often separated by long distances.

(4) Most parents need to work to support their families.

(5) Many senior citizens need to supplement their meager monthly social security stipends.

(6) It is the intent of the Legislature to allow senior citizens to provide working parents with child care in a well-supervised environment.

Intergenerational programs such as the Foster Grandparent Program and the inclusion of senior workers in Latchkey Programs can do a great deal to provide an increased sense of "community as family," with different age groups working and sharing together.

The Task Force on Family Diversity recommends that the City of Los Angeles create a time-limited Joint Task Force on Intergenerational Child Care. This should be a joint venture of the city's new Child Care Coordinator, the director of the city's Department of Aging, and the Superintendent of the Los Angeles Unified School District. These officials should convene such a task force by October, 1988. The task force should explore ways to promote intergenerational involvement in the delivery of day care services to school-age children in the City of Los Angeles. Within one year after it is convened, the task force should issue a report recommending ways to expand the participation of seniors in current day care programs. The report should also explore the possibility of developing intergenerational day care programs, such as those operating in New York City, which combine onsite child care programs with adult day care programs.

Mayor Bradley recently proposed city sponsorship of on-site after school "latch key" programs at every elementary school in the district. The mayor's office should find ways to incorporate older adults as staffers, thus creating an intergenerational model program. The city Department of Aging should be included immediately in the planning process.

Respite Care

As the proportion of older persons in our society increases, so does the number requiring some form of home care during long-term chronic illnesses. Current government assistance and health insurance policies do not provide reimbursement for in-home care. Thus, the burdens of care often fall on spouses, siblings, and children of the elderly. The caregivers, many of them also older adults, often find their own physical and financial well-being compromised by the often arduous routines of caregiving.

Home-care costs are lower than the alternatives for all but the most ill and, for the elderly, can promote greater dignity and quality of life than being institutionalized. Hospitals are adopting cost-containment policies in the form of "DRG's" — diagnostic related groups — wherein patients are released "quicker and sicker" than in the past, producing complex and time consuming regimens that home caregivers must follow.

As the elderly population is increasing, families are changing too, with older parents and fewer children. There is a parallel growth in non-nuclear families, such as single and divorced parents with children, and unmarried couples with children. Relocation of family members away from each other — for job opportunities and other reasons — is also commonplace. These trends have an impact on family caregiving; the elderly have fewer family resources to rely on for caregiving than they once had, and caregivers have a smaller pool of nearby relatives to share the tasks, further increasing the burden.

Women are attaining a more prominent place in the labor force, with approximately 70% of women between the ages of 35 and 44, and 60% between 45 and 54 currently employed.¹⁶ Many women, the traditional caregivers for both their own and their husbands' parents, are or will be faced with the triple dilemma of caring for late-life children and aging parents while trying to maintain a career. Many feel compelled to give up their employment, leading to personal frustration and financial loss for their families.

Families thus provide, albeit often with some difficulty, 80% to 90% of the needed care for the elderly.¹⁷ At critical times, respite services can be a source of welcome temporary relief. One expert addressed the issue of respite care at public hearings conducted by the Task Force, explaining what it is and why it is needed:¹⁸

Generally, a good respite program should in some way temporarily relieve not only the burden of caregiving but the responsibility of caregiving as well. That is, a caregiver should be assured that the person they normally care for is in good, safe, protective, nurturing and responsible hands during the period of respite, whatever form that respite may take — whether it's a few hours to go shopping, a weekend to go to the desert or the beach, to rejuvenate so that they can come back and again take on the burdens of caregiving.

There are many models by which respite services can be delivered. They include but are certainly not limited to adult day care programs, in-home support groups, short-term institutionalization and even short term foster home placement. But whatever form the respite takes, as long as it's healthy respite, it is desperately needed.

How desperate is it needed? Let me tell you. The level of prescription drug use is 350% higher in those caring for a relative with Alzheimer's disease than in the overall population — and that means prescription drugs, not street drugs. Depression is 300% higher in those caring for an aging relative — not with Alzheimer's — just an aging relative.

The Traveler's Insurance Corporation study indicated that 20% of their employees over the age of 30 are caring for

an aging parent and spending an average of 10 hours a week doing so. And a full 8% of those people spend 35 or more hours a week caring for aging parents. That is almost the equivalent of a second full-time job. Not surprisingly, tardiness and absenteeism is higher among those caring for an aging relative and productivity and quality of work often declines. Clearly, the ongoing burden of caring for an aging relative has tremendous cost for society and for the individual.

The Task Force on Family Diversity recommends that the city's Department of Aging assess the need for, and help develop and implement programs that would provide temporary respite for individuals caring for older persons. Specifically, the Task Force recommends:

- (1) The Department of Aging identify existing respite programs currently operating in the city which are of high quality and which address the needs of caregivers.
- (2) The department, in conjunction with senior multipurpose centers, should promote existing and develop new support groups for caregivers. These groups provide information on specific conditions and illnesses, and community resources, while serving as a forum for sharing feelings with others similarly situated.
- (3) The department should develop and distribute training guides in several languages for volunteer and paid respite care workers.
- (4) The department should sponsor or develop public service announcements (PSAs) to publicize respite services in the city. These PSAs should be formulated in several languages and be placed to reach various cultural and ethnic groups in the city.
- (5) The department should work with the County of Los Angeles in supporting and implementing the county's Master Plan for Respite Care Services.

Housing Alternatives for Seniors

Housing problems for seniors may arise in many different circumstances, including:¹⁹

- * An elderly family whose children no longer live with them may own and live in a home that is too large and costly to maintain.
- * An elderly widow or widower living alone may be in the same situation.
- * Young or middle-aged children may move in with elderly parent(s) or have parent(s) move in with them, creating crowding and conflict.
- * Seniors in apartments may find that the landlord is converting the building to condominiums, raising the rent above a level that is affordable, or moving everyone out to renovate or replace the building.
- * If a senior needs to share an apartment, the landlord may ask for a rent increase, although there was no decrease when the spouse died.

Janet Witkin, director of Alternative Living for the Aging, provided the Task Force with testimony offering insights and suggestions regarding seniors' housing needs:²⁰

We have developed several programs that create alternatives to living alone and alternatives to institutionalization.

Our first program is our roommate matching program. We have matched up over 2,000 older people in the Los Angeles area to share housing in their own apartments and houses. We match 35 to 45 people a month. These people gain companionship; they gain economic benefits; and they gain a greater sense of safety and security by sharing housing. . . .

We also have our co-op houses where 9 to 14 older people share large renovated houses. They really become like a family for one another. . . .

We also have 12 apartments, there are six singles and six one-bedrooms so that it is not our typical project of people sharing units. . . .

We broke ground in Santa Monica a couple of weeks ago and we're grading the lot and we're putting in footings for our first new construction project. We're building a three story building, ocean views for low income seniors — I love it! And this will be six two-bedroom, two-bath apartments, a community room and kitchen. . . .

The City of Los Angeles has adopted a "Policy Statement on Senior Citizens Issues" which addresses many of the housing needs of older persons.²¹ The city should promote that agenda in an aggressive manner.

The Task Force on Family Diversity recommended that the City Council:

- (1) establish an ombudsman's office for seniors' grievances regarding housing matters.
- (2) adopt an ordinance prohibiting landlords from increasing rents when a senior living alone decides to share his or her apartment with a roommate, unless the existing rent payment includes utilities other than water.
- (3) create a time-limited Interagency Task Force on Seniors' Housing Issues, comprised of staff members from the Department of Aging, Community Development Department's Home Program, Rent Stabilization Board, City Housing Authority, and one representative from each multipurpose center in the city, for the purpose of recommending improvements in the city's response to seniors' housing needs.

FAMILIES WITH ELDERS: RECOMMENDATIONS

68. The Task Force recommends that the city's Commission on the Status of Women review what city officials and agencies can do, directly

or indirectly, to improve the quality of life of older women, especially in the areas of pay equity, divorce law reform, respite care, housing, and access to health care. Although the city may have limited jurisdiction to take direct action in these areas, it certainly can urge county, state, and federal officials and agencies to implement necessary reforms, such as:

- a. Hiring older women in government positions;
- b. Instituting pay equity at all levels of government employment;
- c. Reforming divorce laws to equalize the post-divorce economic disparity between the parties; and
- d. Promoting the development of affordable housing for older women.

69. The Task Force recommends that the City of Los Angeles sponsor a Foster Grandparent Program. The Intergovernmental Relations Committee of the City Council could initiate a proposal whereby the city and the county could jointly sponsor a Foster Grandparent Program. However, if joint sponsorship with the county cannot be accomplished in an expeditious manner, the Council and the Mayor should approve a city sponsored Foster Grandparent Program to be implemented no later than the 1989-1990 budget year.

70. The Task Force recommends that the City of Los Angeles create a time-limited Joint Task Force on Intergenerational Child Care. This should be a joint venture of the city's new Child Care Coordinator, the director of the city's Department of Aging, and the Superintendent of the Los Angeles Unified School District. These officials should convene such a task force by October, 1988. The task force should explore ways to promote intergenerational involvement in the delivery of day care services to school-age children in the City of Los Angeles. Within one year after it is convened, the task force should issue a report recommending ways to expand the participation of seniors in current day care programs. The report should also explore the possibility of developing intergenerational day care programs, such as those operating in New York City, which combine on-site child care programs with adult day care programs.

71. The Task Force recommends that the city's Department of Aging assess the need for, and help develop and implement programs that would provide temporary respite for individuals caring for older adults. Specifically, the Task Force recommends:

- (a) The Department of Aging identify existing respite programs currently operating in the city which are of high quality and which address the needs of caregivers.
- (b) The department, in conjunction with senior multipurpose centers, should promote existing and develop new support groups for caregivers. These groups provide information on specific conditions and illnesses, and community resources, while serving as a forum for sharing feelings with others similarly situated.
- (c) The department should develop and distribute training guides in several languages for volunteer and paid respite care workers.

- (d) The department should sponsor or develop public service announcements (PSAs) to publicize respite services in the city. These PSAs should be formulated in several languages and be placed to reach various cultural and ethnic groups in the city.

- (e) The department should work with the County of Los Angeles in supporting and implementing the county's Master Plan for Respite Care Services.

72. The Task Force recommends that the City Council:

- (a) establish an ombudsman's office for seniors' grievances regarding housing matters.

- (b) adopt an ordinance prohibiting landlords from increasing rents when a senior previously living alone shares his or her apartment with a roommate, unless the existing rent payment includes utilities other than water.

- (c) create a time-limited Interagency Task Force on Seniors' Housing Issues, comprised of staff members from the Department of Aging, Community Development Department's Home Program, Rent Stabilization Board, City Housing Authority, and one representative from each multipurpose center in the city, for the purpose of recommending improvements in the city's response to seniors' housing needs.

Families with Elders: Notes

¹ Clark, Elizabeth O., Ph.D., and Seigel, Elaine, M.S.W., "Team Report on Seniors Issues," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-166. Much of this section is taken from this team report. The team report was based, in large measure, on student research and public hearing testimony. See: Rawitz, Brett, "Seniors Issues," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-720. Also see: Dunbar, June, "Employment Needs of Older Women," *Public Hearing Transcript*, p. 156; Henry, Ruth, "The Experience of Being a Foster Parent," *Public Hearing Transcript*, p. 16; Kerr, Susan, "Programs Dealing with Elder Abuse," *Public Hearing Transcript*, p. 41; Tarwid, Ewa, "Foster Grandparenting in Los Angeles," *Public Hearing Transcript*, p. 159; Westbrook, Jay, "Portrayal of Seniors on Television," *Public Hearing Transcript*, p. 74; Westbrook, Jay, "Respite Care for Caregivers," *Public Hearing Transcript*, p. 269; Witkin, Janet, "Alternative Housing for Seniors," *Public Hearing Transcript*, p. 293.

² Blackstone, Russell, and Ricchiazzi, Frank, "Family Demographics," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-24.

³ Clark, *supra*, note 1.

⁴ *Ibid.*

⁶ Dunbar, *supra*, note 1.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Welfare and Institutions Code Section 9543.

¹⁰ *Ibid.*

¹¹ Clark, *supra*, note 1.

¹² *Ibid.*

¹³ Testimony of Ewa Tarwid, *supra*, note 1.

¹⁴ Testimony of Ruth Young Henry, *supra*, note 1.

¹⁵ Stats. 1986, Ch. 1070, Sec. 1.

¹⁶ Clark, *supra*, note 1.

¹⁷ Testimony of Jay Westbrook, *supra*, note 1.

¹⁸ *Ibid.*

¹⁹ Clark, *supra*, note 1.

²⁰ Testimony of Janet Witkin, *supra*, note 1.

²¹ "Policy Statement on Senior Citizens Issues for 1987-1988," *1987-88 Legislative Policy Statements*.

FAMILIES WITH DISABLED MEMBERS

People with disabilities comprise a significant portion of the population, perhaps between 10% to 15%.¹ Some experts assert that every third family has a disabled child.² The Task Force on Family Diversity estimates that about 500,000 people with disabilities live in the City of Los Angeles.

As used in this report, the term "disability" refers to visible as well as invisible characteristics, including mobility disabilities caused by such factors as paralysis, weakness, pain, and amputation; sensory disabilities, such as blindness and deafness; emotional and psychological disabilities; and intellectual and cognitive disabilities, such as learning disabilities and mental retardation. Although the spectrum of these disabilities is broad, the people affected share a common experience in that society views them all as "different."

The terminology of disability is in a state of transition. The term "handicapped" is generally considered outmoded, limiting, and demeaning. Generally, it has been replaced by the term "disabled." However, the term "disabled" is by no means universally accepted. Many refer to people with physical disabilities as being "physically challenged." Others use the term "differently abled." The Task Force on Family Diversity acknowledges the power of labels and the need to use them with caution and respect. Because the terms "disability" and "disabled" have become legal terms of art and because the Task Force has focused largely on law and public policy, those terms have been chosen for the limited purposes of this report.

Defining Disability

Disability, of course, can be defined from a variety of perspectives. Statutes and court cases define disability from a legal perspective. Service providers may look at disability from a medical or psychological point of view. However, disability rights advocates say that, in the sociopolitical context, disability is "a human difference which is judged by society to be a significant disadvantage and to which society responds in some culturally characteristic manner."⁴ The Task Force's Disability Team noted:⁵

This definition takes into account the cultural relativity of disability labeling. It addresses the fact that diversity in physique, cognition, or sensory functioning may constitute an identified disability in some environments but not in others. It also addresses the fact that a person who is different physically, cognitively, or perceptually may or may not be handicapped in functioning, depending on the obstacles society places in that person's path. Finally, this view of disability emphasizes the importance of social attitudes and public policies in shaping the disability experience.

The Disability Experience

Based partially on testimony provided by witnesses at public hearings conducted by the Task Force,⁶ the Disability Team report indicates some of the frustration, discrimination, and alienation often inherent in the disability experience:⁷

As is true for many groups in our society, the experience of people with disabilities is dominated by day-to-day real-

ities of economic, social, and political oppression. Although adequate statistical measures have been long overdue in studying the problems of this population, recent reports yield compelling and alarming information. In the United States, it has been estimated that at least one-third of all people with disabilities live in poverty. Relative to all other groups, disabled people have the highest rate of unemployment, and they experience the most discrimination in hiring and training. Despite the passage of the Rehabilitation Act of 1973 and Public Law 94-142 regarding the education of all children, disabled Americans are shamefully undereducated due to inaccessibility and segregation in educational settings.

Discriminatory medical care has been particularly serious, sometimes life-threatening, problem for people with disabilities. Public policies providing low-cost or free medical services are becoming more conservative and exclusionary. . . . Also, California has led our nation in setting legal precedent in "right to die" cases involving disabled people, guaranteeing the right of severely disabled people to refuse life-sustaining treatment. In view of these two trends, it is not surprising that some disability leaders have observed that it is getting easier for disabled people to die but harder all the time for them to live.

One of the most revealing measures of social oppression versus freedom for any people is the ease with which they are permitted to move about in the general community. Such liberty is severely limited for citizens with disabilities. Again, despite regulations prohibiting architectural barriers, builders still construct hospitals, restaurants, hotels, banks, office buildings, apartment complexes, libraries, governmental structures, and other public buildings lacking access for millions of Americans with disabilities. Despite government mandates for accessible public transit, most transit systems across the nation require people with mobility disabilities to use inferior, limited modes of transportation which segregate them from nondisabled citizens.

Perhaps less tangible but equally disturbing to citizens with disabilities are the countless incidents of interpersonal discrimination experienced each day.

Prejudice against people with disabilities abounds. Sometimes prejudice is manifested in negative language used by members of the public, public officials, and the media. It is exemplified by serious underrepresentation in positions of leadership in our government and social institutions. Bias against those with disabilities is also expressed by individuals when they intentionally — or negligently — exclude people with disabilities from social functions. Because such prejudice is so rampant, much of the disability experience involves frustration, anger, and fear.

Disability and Family

Despite commonly held stereotypes that cast them as ill, dependent, incompetent, and perpetually child-like, in short, *burdensome to the family*, people with disabilities are family partners, spouses, parents,

and contributing children — integral and vibrant participators in family life.

The various family roles experienced by people with disabilities were described in the Disability Team Report:⁸

The types of families found in the disability community run the gamut. Many disabled individuals live in traditional nuclear families. Occasionally, they remain in their families of origin well into adulthood, relying on aging parents for assistance in living. More typically, people with disabilities leave their families of origin in adulthood to live independently or in a setting that provides assistance or supervision.

Many single people with disabilities live alone. However, sometimes single disabled people live with other disabled people as roommates or in groups, sharing resources such as housecleaning and attendant services as well as dividing household expenses. A very common situation is for a disabled person to live with an attendant or aide. Although the aide is a hired employee, some people with disabilities feel that their partnership with their aide constitutes a family. Also, for many people with disabilities, a major source of assistance is a specially trained pet, such as a guide dog or companion dog. These animals are permitted by law to accompany their disabled owners in public places, and many disabled people consider such pets an integral part of their family system.

As previously mentioned, despite their social devaluation and isolation, not all disabled people remain single. All types of partnerships are represented in the disability community, from platonic long-term commitments between friends to romantic cohabitations of all kinds to traditional marriages. . . .

Although society offers little support for the endeavor, either emotionally or financially, many people with disabilities have children. Limited research available on the subject suggests that, in general, people with disabilities are equal to nondisabled people in being effective parents. However, all environmental and attitudinal barriers to living faced by people with disabilities also have a negative impact on their family members, including their children.

While the last decade has been marked by the growth of the independent living movement for people with disabilities, many still live in institutions, particularly those with severe disabilities or extremely devalued disabilities, such as cerebral palsy. Also highly represented in this group are disabled people from low socioeconomic groups and those lacking family support.

Problems Affecting Individuals and Families⁹

The Task Force on Family Diversity is concerned with a variety of problems which are unnecessarily imposed on disabled people by society. Not only do these problems affect disabled individuals, but they also have an impact on their families.

When someone with a disability is given only second class, or no access at all, to the community, that person's whole family suffers. Without adequate access to school classrooms, if a child's mother uses a wheelchair, it may be impossible for that mother and child to share — along with other parents and students — those important activities designed to ensure parental participation in the child's school experience. The process of having a baby can be especially difficult, and the hospital experience particularly dangerous and emotionally distressing, for a deaf woman and her partner when no interpreters are available. The possibility of children going on an outing with a grandparent when one child has spina bifida can be effectively extinguished if the bus they would ride does not have a lift.

A review of the patterns of discrimination and prejudice faced by this minority reveals that people with disabilities are surrounded by disincentives not only to marriage, but to family life in general. Some of the major problems experienced by city residents who are disabled are summarized below; city agencies and officials should take action to alleviate them.

Public Transportation. As changes have occurred in the sources of funding for transportation, local jurisdictions have become responsible for the planning and delivery of public transportation services. Many jurisdictions, including the City of Los Angeles, are not planning systems that ensure equal access features for people with disabilities. For example, the downtown DASH system and the San Fernando-Sunland-Tujunga public dial-a-ride system were both originally designed without adequate access features, and there are no lifts on the Fairfax Trolley for dignified independent boarding by people with mobility disabilities.¹⁰

Disability rights advocates have expressed distrust about the city's commitment to equal access to public transportation.¹¹ They complain that the city is investing money in the expansion of inefficient, separate, and highly limited paratransit systems, perpetuating segregated and second-class transportation for people with disabilities.

Disability experts who have studied the city's transportation options have called for the development of a broader, more flexible approach, encompassing rail, fixed route, deviated route, feeder systems, and shuttles as needed by all segments of the community, including persons with disabilities.¹² Such a plan would stress practicality and convenience for everyone, at the same time recognizing that disabled people are, or can be, a significant part of the riding public. Under such a plan, those with disabilities would obtain the same options for spontaneity and freedom of movement as other residents of the city enjoy.

The Task Force on Family Diversity finds the concept of "separate but equal" public transportation services for people with disabilities to be inappropriate. The Task Force recommends that the city Department of Transportation develop multi-modal plans that provide flexible options to serve the needs of all city residents, disabled and nondisabled. The Task Force also recommends that during 1988, the Transportation Committee of the City Council hold public hearings concerning the feasibility of the city adopting a goal of 100% accessible public transportation by the year 1998. This proposed goal would include guidelines for selecting adequate access equipment and stringent procedures for their operation and maintenance. At the conclusion of the hearings, the Transportation Committee should report its findings and recommendations to the City Council.

Architectural Barriers. In buildings, businesses, and public institutions, barriers to access by persons with disabilities often act as barriers to their families as well.

During the past two years, the Los Angeles disability community has been particularly vocal in protesting building access law violations, specifically taking exception to the practice of some city departments in issuing certificates of occupancy for recently constructed buildings that fail to comply with such laws. After the County Commission on Disabilities and the California Attorney General intervened, the city agreed to take remedial action. The city Department of Building and Safety agreed to hire forty new staff people to work on access enforcement. The City Council approved a plan to hire disabled access specialists, to establish a new Disabled Access Commission, and to the appointment of a City Attorney Hearing Officer.

The Task Force on Family Diversity commends the County Commission on Disabilities and the California Attorney General for helping to bring about these changes. The response of the City Council was appropriate and helpful. The Task Force finds that further action is necessary. There is a need for more curb cuts on street corners in the downtown area, as well as improved parking and access to government buildings, including City Hall. The Task Force recommends that the City Council direct the appropriate city departments to create these curb cuts and other changes necessary to insure that disabled residents and their families have equal access to the center of our city and its government buildings.

Violence and Abuse. Persons with disabilities are grossly over-represented in the population of crime victims. Estimates of the occurrence of sexual abuse in children indicate four to ten times greater frequency among children with disabilities than among nondisabled children. Children with disabilities also have a greater incidence of other types of physical as well as emotional abuse and neglect, and they may be targets of hate violence perpetrated by other children or adults, and less frequently, objects of cult rituals.¹³

With one exception, existing crime reporting systems do not record information on the disability of crime victims, making accurate statistical information difficult to discern.¹⁴ Perpetrators of serious crimes sometimes escape prosecution because disabled victims and witnesses are often stereotyped as incompetent and unbelievable.

To correct some of these problems, the Task Force on Family Diversity recommends that the Los Angeles Police Commission adopt a policy requiring the city's police department to collect data on the disability status of crime victims. The department should compile annual reports on the victimization of people with disabilities and submit them to the Police Commission and the City Council for review. The Task Force also recommends that the Police Commission establish a Police Advisory Commission on Disabilities to advise the Police Commission and the Police Department on: (1) how to improve services to people with disabilities; (2) any needed revisions in the training of recruits at the Police Academy; and (3) any needed additions to in-service training of police officers on this subject. Further, the Task Force recommends that the Los Angeles City Attorney provide training to local prosecutors on disability and its relationship to criminal investigation and prosecution.

Education and City Schools. Education is one way to combat social prejudice against, and abuse of, people with disabilities. Although

children attending public schools in the Los Angeles Unified School District are exposed to a curriculum on cultural diversity, there is little or no acknowledgment of disability as a viable lifestyle or of disabled people as a large and important minority group.

The Task Force on Family Diversity recommends that the Board of Education of the Los Angeles Unified School District require that a strong teaching component on the nature and culture of disability be included in the K-12 mandatory cultural curriculum and that appropriate training be required of counselors and school administrators.

Advisory Council on Disability. Fourteen years ago, Mayor Tom Bradley formed an Advisory Council on the Handicapped, manifesting a desire to see disabled people achieve full access to municipal services. The group is now known as the Advisory Council on Disability. Some members are appointed by the Mayor, some are selected by City Council members, and others are self-appointed. Over the years, this group has addressed many problems affecting people with disabilities, including access, transportation, employment, housing, communications, and public attitudes.

The Task Force heard testimony regarding problems the Advisory Council has had in securing the cooperation of the Mayor's Office and the support of various City Council offices.¹⁵ Without such cooperation and support, the ability of the Advisory Council to represent the interests of disabled city residents is seriously undercut.¹⁶

The City Council recently established a formal city board to deal with access appeals. However, physical access to buildings is only one aspect of disability discrimination. The Task Force on Family Diversity recommends that the Mayor's Advisory Council on Disabilities be replaced with a City Commission on Disabilities created by city ordinance. The Task Force commends the Mayor for showing an interest in disability issues by creating the Advisory Council in 1974. The City Council and the Mayor can evidence the needed strong and consistent commitment to improving the quality of life for disabled residents and their families by supporting such an entity with a staff and with full commission status. One of the commission's initial tasks should be the development of the city's first legislative policy statement on disability issues.

FAMILIES WITH DISABLED MEMBERS: RECOMMENDATIONS

73. The Task Force recommends that the city Department of Transportation develop multi-modal plans that provide flexible options to serve the needs of all city residents, disabled and nondisabled.

74. The Task Force recommends that the Transportation Committee of the City Council hold public hearings during 1988 concerning the feasibility of the City of Los Angeles adopting a goal of 100% accessible public transportation by the year 1998. This proposed goal would include guidelines for selecting adequate access equipment and stringent procedures for their operation and maintenance. At the conclusion of the hearings, the Transportation Committee should report its findings and recommendations to the City Council.

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families have equal access to the center of our city and its government buildings.

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Families with Disabled Members: Notes

¹ Gill, Carol, Ph.D., "Disability Team Report," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-388; Testimony of Ann Finger, *Public Hearing Transcript*, p. 71.

² Abraham, Willard, Ph.D., "Every Third Family Has a Handicapped Child," *Mt. Washington Star Review*, May 17, 1986.

³ Gill, *supra*, note 1.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ Ann Finger, "Problems Impeding the Disabled in Family Living," *Public Hearing Transcript*, p. 70; Linda Knipps, "Marriage Penalties for Disabled Couples," *Public Hearing Transcript*, p. 165; Sue Ridenour, "Needed Improvements in Public Transportation," *Public Hearing Transcript*, p. 282; Richard Smith, "The City's Response to Disability Issues," *Public Hearing Transcript*, p. 238.

⁷ Gill, *supra*, note 1 (footnotes omitted from quote).

⁸ *Ibid.*

⁹ *Ibid.* Most of this section is taken from the Disability Team Report.

¹⁰ Testimony of Sue Ridenour, *supra*, note 6.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Final Report*, Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence (California Department of Justice, 1986).

¹⁴ The investigation form now used in California for child abuse cases requests information on whether the victim of child abuse has a developmental disability.

¹⁵ Testimony of Richard Smith, *supra* note 6.

¹⁶ Roderick, Kevin, "Group of Disabled Assail Bradley; 6 Quit as Advisers," *Los Angeles Times*, April 22, 1988.

DOMESTIC PARTNERSHIP FAMILIES

The 1980 census documented a marked increase in the number of unmarried-couple households.¹ Although the Census Bureau noted a "greater [public] acceptance of new living arrangements,"² the agency continued to designate such households "nonfamily."

This section of the Task Force Report focuses on local domestic partnership families — unmarried couples living together in the City of Los Angeles. They are functioning, it is apparent, as legitimate family units, and have special concerns about discrimination and improving the quality of life for themselves and their family dependents.

Estimating the Population

The exact number of unmarried couples in the population is difficult to determine. When the government gathers marital status data from the nation's households, couples are merely asked if they are married; no verification is required. Undoubtedly, some answer in the affirmative solely to avoid the social and religious stigma often associated with unmarried cohabitation. This tendency would result in higher numbers of reported marriages than actually exist.

However, despite inflated marriage statistics, national census figures show a tremendous increase in the number of unmarried couples living together. A 700% increase was reported between 1960 and 1970.³ A jump of 300% occurred between 1970 and 1980.⁴ The Census Bureau has estimated that 1.9 million unmarried-couple households existed in the nation in 1984, increasing to 2.2 million in 1986.⁵ Last year, the most comprehensive survey of families ever conducted by a nongovernment organization estimated that unmarried couples comprise 6% of all family units in the nation.⁶

Not surprisingly, the number is slightly greater in California, where unmarried couples comprised 7% of the 8 million California households counted in the 1980 census.⁷ That census also showed that a slightly higher percentage, 7.4%, of Los Angeles households contain unwed couples as cohabitants.⁸

Modifying this data with appropriate adjustments for growth in the city's population since the last census, the Task Force on Family Diversity estimates that there are about 100,000 unmarried-couple households in the City of Los Angeles in 1988.

Partnership Variations

There are a variety of reasons why couples decide to live together outside of marriage. For same-sex couples, there are legal obstacles to marriage. For young opposite-sex couples, "trial marriages" may be prompted by fear of making a wrong decision, a fear perhaps justified by the high divorce rates. Long periods, sometimes years, of cohabitation may provide an answer for divorcees trying to avoid renewing old mistakes. For elderly widows or widowers, unmarried cohabitation may be a matter of economic survival, since remarriage can trigger the loss of marital survivor benefits. Economic disincentives or so-called "marriage penalties" prevent many disabled couples from marrying.⁹

Opposite-Sex Couples. Over the past few decades, both law and societal attitudes have evolved relative to unmarried cohabitation. Twelve years ago, the California Legislature passed the "Consenting

Adults Act" — manifesting a policy decision to remove government from the bedrooms of consenting adult partners. Despite the fact that common law marriage is not recognized by California law,¹⁰ the state Supreme Court established a major precedent in *Marvin v. Marvin* — affirming that cohabiting partners may, during the course of their relationship, acquire property rights closely resembling the "community property" rights associated with marriage. The court refused to stereotype unwed couples, noting a wide range of motivating factors underpinning these living arrangements:¹¹

[A] deliberate decision to avoid the strictures of the community property system is not the only reason that couples live together without marriage. Some couples may wish to avoid the permanent commitment that marriage implies, yet be willing to share equally any property acquired during the relationship; others may fear the loss of pension, welfare, or tax benefits resulting from marriage. . . . Others may engage in the relationship as a possible prelude to marriage. In lower socioeconomic groups, the difficulty and expense of dissolving a former marriage often leads couples to choose a nonmarital relationship; many unmarried couples may also incorrectly believe that the doctrine of common law marriage prevails in California and thus that they are in fact married.

Same-Sex Couples. The Task Force on Family Diversity estimates that, as of 1987, about 264,000 gay and lesbian adults lived in the City of Los Angeles.¹² City demographics show that about 50% of adult residents pair off into couples, and recent studies suggest that gays and lesbians fit that general pattern — about half of the gay and lesbian population have lifemates.¹³ Based on this data, the Task Force estimates that about 132,000 lesbians and gay men living in the City of Los Angeles cohabit with a same-sex partner, thus creating 66,000 same-sex domestic partnerships.

No matter how long they live together, same-sex couples are excluded from marital benefits because the law specifically defines marriage in terms of opposite-sex relationships.¹⁴ Many witnesses informed the Task Force that discrimination against same-sex couples occurs in Los Angeles.¹⁵ A survey of recent periodicals confirms that such discrimination exists in all regions of the nation:

* A San Francisco newspaper prohibits surviving mates from being listed in death notices.¹⁶

* An Orange County photographer at a high school reunion refused to include the photo of a male couple in the reunion album.¹⁷

* Cousins of a deceased man in Louisiana challenged a provision in his will leaving part of the estate to his surviving lifemate.¹⁸

* New Hampshire recently began enforcing a new state law prohibiting homosexual couples from becoming foster or adoptive parents.¹⁹

* A Minnesota court refused to allow one partner in a four-year relationship to visit her severely disabled lesbian lover in the hospital.²⁰

* The City of Philadelphia rejected the attempts of a gay employee to name his seven-year lifemate as the beneficiary on his life insurance policy.²¹

Such widespread discrimination has stimulated the development of a national movement for couples rights. For example, last year thousands of same-sex couples staged a protest against unfair laws and policies outside Internal Revenue Service headquarters in Washington D.C.²²

Witnesses appearing before the Task Force enumerated systematic discrimination against same-sex couples in employee benefits, including sick leave, bereavement leave, health and pension plans;²³ insurance, including homeowners, renters, auto, life, and health policies;²⁴ health care services;²⁵ granting of special family membership discounts;²⁶ domestic violence victim protection;²⁷ and school curricula and counseling programs.²⁸

As the Task Force's Team Report on Gay and Lesbian Couples points out, a change in public policy, with participation in the process by lesbians and gay men, is needed:²⁹

Given all of this, what would constitute a responsible public policy which can balance the political realities against the legitimate needs of a significant and perhaps more-comfortably-ignored part of the population? While gays and lesbians have always existed in America, the Stonewall Riots of 1969 were the first signal that homosexuals would not accept their invisibility and second-class status any longer. The AIDS crisis has intensified that by making invisibility more difficult, and for many impossible. Homosexuality is now in the minds of Americans, as is the system that has for so long punished homosexuals for any measure of honesty regarding their orientation. Since the Gallup Poll first began surveying people on their feelings about homosexuality in 1977, there has never been a majority of people who favored criminalization of homosexual activity between consenting adults (compare this with the 25 states which still have such laws on the books), and the most recent study in 1986 found that acceptance had continued to increase despite widening public knowledge about AIDS. Given this increasing, but still not universal, tolerance and acceptance of homosexuals, what can be done to ease the discriminatory policies of the past, and address the issues that are only now arising?

That policy can no longer exclude the evidence, opinions, feelings and facts of homosexuals themselves. Any policy regarding homosexuality will, of necessity, affect the most fundamental aspects of the lives of millions of men and women who are gay and lesbian, and to formulate such a policy without their input would be unconscionable and inhumane, going against just about everything we as a society believe about the dignity and self-determination of the individual, and his or her position with regard to the state. For too long in this country laws have been passed against homosexuals, which depend on a mostly unstated understanding that homosexuals were, *de facto* criminals who had no place in society, no moral human worth, and no right to say anything to the contrary, particularly with respect to government.

A review of recent actions by the legislative, executive, and judicial branches of state government demonstrate a major shift in public policy regarding the rights of homosexuals *as individuals*. The finding of the California Commission on Personal Privacy that "it is the public policy of the State of California to protect and defend the personal privacy of all its inhabitants and to encourage the elimination of discrimination based on sexual orientation" is supported by the following events:³⁰

* Governor Jerry Brown signed an executive order prohibiting sexual orientation discrimination in state employment.³¹

* Attorney General Deukmejian published an opinion affirming the illegality of sexual orientation discrimination in state employment.³²

* The California Supreme Court ruled that private employers may not discriminate against openly gay men and women.³³

* Voters overwhelmingly rejected the "Briggs Initiative" which would have allowed schools to fire gay and lesbian teachers.³⁴

* Sexual orientation discrimination in housing was declared illegal by the Department of Fair Employment and Housing.³⁵

* Attorney General Van de Kamp published an opinion that private employers may not discriminate against lesbians and gay men.³⁶

* The Court of Appeal ruled that the Boy Scouts of America may not discriminate against members on the basis of their sexual orientation.³⁷

* The California Legislature affirmed right of lesbians and gay men to freedom from violence and intimidation.³⁸

* Governor Deukmejian signed legislation increasing penalties for hate crimes against lesbians and gay men.³⁹

Similar shifts in public policies concerning sexual orientation discrimination also have occurred locally in recent years:

* City Attorney Burt Pines issued a formal opinion that discrimination against lesbians and gays in civil service positions was illegal.⁴⁰

* The city Civil Service Commission removed "overt homosexuality" from civil service rules as a job disqualification factor.⁴¹

* The city Personnel Department eliminated a "homosexual tendencies" question from the pre-employment health questionnaire.⁴²

* Mayor Tom Bradley added "sexual orientation" to the city's equal employment opportunity policy.⁴³

* Police Chief Gates issued a policy statement declaring that the police department would not discriminate in employment on the basis of sexual orientation.⁴⁴

* The City Council adopted an ordinance prohibiting sexual orientation discrimination by private employers, landlords, and businesses.⁴⁵

The Task Force on Family Diversity commends these officials and agencies for taking decisive action to help eradicate decades of systematic discrimination against lesbians and gay men. The Task Force notes these actions have not addressed discrimination against same-sex couples, *as families*. The Task Force finds that discrimination against gay and lesbian, as well as other, domestic partnerships is widespread. It is also unjust and merits further attention.

Defining and Authenticating Relationships

California law recognizes that people who are not related by blood, marriage, or adoption, but who are living together in the intimate and mutual interdependence of a single home or household, may be considered a family.⁴⁶ As with the foster parent-child relationship,⁴⁷ or the step parent-child relationship,⁴⁸ the law does extend family rights and benefits to unmarried couples in some situations. However, the State of California does not have a uniform policy with respect to the rights and responsibilities of unmarried couples. Legal principles regarding the status of unmarried couples have developed on a piecemeal basis.

For example, unmarried couples have a constitutional right to live together as a single family.⁴⁹ But they are not automatically entitled to the same rights and benefits as married couples.⁵⁰ Although domestic partners may acquire property rights during the course of their relationships, they cannot use the Family Law Court to mediate disputes which often arise when they separate. Instead, they must take their controversies to Civil Court — the same as would business partners.⁵¹ In some situations the state specifically refuses to extend so-called “family benefits” to nonmarital couples,⁵² while in other situations such benefits are allowed.⁵³

Two practical problems must be solved before family benefits can be extended to unmarried couples on a larger scale.⁵⁴ The first issue is that of definition, determining which relationships qualify for family benefits and which do not. The second is authentication — giving the public notice as to what proof will be required to show that any given relationship qualifies under the chosen definition. Family law specialist Roberta Achtenberg addressed these issues at the public hearings conducted by the Task Force:⁵⁵

Now, when you talk about developing criteria for the definition of “family,” people say, “There’s no way to know. You want the city to be involved in trying to figure out which are legitimate and which are not legitimate relationships?” In terms of the way you analyze this problem . . . [I] believe the criteria will vary, depending on the . . . issues being addressed.

If we’re talking about family library privileges, for example, we’re talking about something that doesn’t cost the city money and where presumably it would be equally as legitimate for me to be able to designate someone who

would be entitled to what we often call a spouse-related privilege. I should be able to designate someone who the librarian would have identifying information about and who is probably no more likely to steal library books than my spouse would be if, in fact, he were someone of the opposite sex and I were married to him. So, if you are talking about library privileges, we don’t have to have a lot of criteria about whether or not people live together in the same household and the like — it’s just not relevant to whether or not you extend library privileges to the employee and his or her family partner.

On the other hand, if you’re talking about benefits that have a large price tag attached to them, and which places the City as an employer in some position of risk — like health benefits, for example — then you do need guarantees against something called “adverse selection.” Let me say that I do believe that it is possible to develop legitimate criteria that both include established, stable, nonmarital family relationships by definition and do protect the City as employer or the insurer or whomever we’re talking about against the problems of adverse selection. And it has been demonstrated. [Los Angeles] would not be the first entity — if you were to adopt a recommendation for the city as employer to provide health care benefits to its employees and its employees’ family partners as well as to its employees’ spouses — you would not be the first entity to do something like that. Certainly you could look to the experience of other entities to see how it is they avoided problems like adverse selection. There are a number of successful programs in operation now. You don’t have to reinvent the wheel and there are a number of ways of insuring against people choosing someone merely because they need the benefit rather than appointing someone who is in fact their family partner.

The flexibility suggested by Ms. Achtenberg is consistent with the approach adopted by existing state law. The criteria and proof required under present law usually depends on the financial interests at stake. Stricter criteria are used as the financial risk increases to a third party, such as the government or an employer. When nonfinancial interests are at stake, the couples are permitted to deem themselves a “family” without undue restriction by the state. For example, unmarried couples are afforded an absolute right to live in a single family residential area.⁵⁶ They also have the absolute right — without regard to their living arrangements — to designate each other as “next of kin” for purposes of rendering consent in a medical emergency.⁵⁷ On the other hand, when financial interests are implicated, the state may insist that some indicia of a family relationship exist. For example, the couple must reside in the same household before the state government will afford a state employee paid bereavement leave upon the death of a nonmarital partner.⁵⁸ To obtain worker’s compensation survivor benefits even more is required. Survivors must prove not only that they resided with a worker at the date of death, but also that they were at least partially dependent upon the worker.⁵⁹ Again, stricter criteria are used to screen family partners as the financial risk to a third party increases.

Several years ago, a state commission recognized the need for government to develop methods of authenticating nonmarital and nonblood family relationships in order for unmarried couples and their depen-

Health Care. Health care becomes, at least some time during a long-term relationship, a major concern to domestic partners. As a result of its examination of this critical area, the Task Force found that the law has progressed in many ways to eliminate discrimination against unmarried couples in medical or mental health care settings.

When one partner is hospitalized, will the medical facility grant the other partner the same type of visiting privileges granted a spouse? If one partner is temporarily incapacitated, will the other partner be treated as next-of-kin for purposes of medical decision-making as would a spouse or blood relative? If the couple has executed a durable power of attorney for health care, then the answer to these questions is yes; under these circumstances, domestic partners are treated no differently than are married couples or blood relatives.⁷⁷

Under other circumstances, treatment is not the same. If one or both partners have a need to live for extended periods of time in skilled nursing, continuing care, or community care facilities, they often find that these facilities develop ways to accommodate the intimate needs of spouses but not domestic partners. For example, spouses may be allowed private conjugal visits when the other spouse is institutionalized. A double bed may be provided when both spouses are hospitalized.

Several years ago, the California Commission on Personal Privacy studied these issues and recommended revisions in several state regulations to protect the freedom of intimate association of adult residents of health care facilities. The Task Force agrees. Further, the utility of such intimate association can be great; the love, touching, and intimacy of one's partner-in-life may be important factors in renewing one's sense of well-being, one's determination to fight, one's connection with the outside world, and, in some cases, one's will to live. To the extent such rights as conjugal visits or shared sleeping arrangements are afforded married couples, they should, therefore, also be extended to domestic partners. The Task Force on Family Diversity recommends that the state departments of Health Services, Social Services, and Mental Health promulgate regulations amending Title 22 of the California Administrative Code to prohibit discrimination based on marital status and sexual orientation in connection with conjugal visits or shared sleeping quarters for adults in licensed health care facilities.

Discounts for Consumer Couples. Business establishments, such as credit card companies, travel clubs, car rental companies, or health clubs, often provide price discounts to married couples. For example, Holiday Spa Health Club, which runs facilities in several areas of Los Angeles, has four basic membership programs, including a financially advantageous "husband/wife option." An unmarried couple would pay \$207 more than would a married couple, given current rates.⁷⁸ Such pricing disparity appears to be a form of marital status discrimination.

The Automobile Club of Southern California (AAA) presents another example. The club provides a wide range of services to its members, including road service, free maps, travel advice, free travelers checks, and license renewal services. Basic membership is \$34 per year, and a member's spouse can join as an associate member for an additional yearly \$12. Under the club's by-laws, two unmarried adults living together must pay two master memberships, or \$68 per year.⁷⁹ Last year, as the result of input from members, the club formed an internal management task force to review membership practices with a view toward possible reform.⁸⁰

California's Unruh Civil Rights Act prohibits any form of arbitrary discrimination by any business that provides goods, services, or accommodations to the public.⁸¹ Granting discounts to married consumers while denying them to unmarried consumers appears to be arbitrary discrimination. The Task Force recommends that business establishments discontinue the practice of extending consumer discounts on the basis of marital status. The Task Force also recommends that the City Council request an opinion from the City Attorney regarding the legality of such pricing disparity under current municipal and state civil rights laws that prohibit marital status and sexual orientation discrimination. If current law prohibits businesses from extending discounts to consumer couples on the basis of their marital status, then associations such as the Chamber of Commerce should educate members regarding their obligations under the law. If such pricing practices are not presently illegal, then the City Council should adopt an ordinance to prohibit such discrimination by businesses operating in the City of Los Angeles. Of course, businesses would be free to continue general discounts such as "two-for-the-price-of-one," so long as any two consumers would qualify regardless of marital or cohabitation status.

Victim and Survivor Rights. While the law often gives crime victims and their families civil recourse against wrongdoers, serious gaps in the law have the effect of excluding certain families from the legal process. A few examples demonstrate the inequities.

If a drunk driver runs into a married pedestrian, causing severe injuries, including irreversible paralysis from the waist down, the relationship of the husband with his wife would be altered dramatically in many ways, from financially, to socially, to sexually. Under such circumstances, the husband or wife can sue for his direct damages, and the law allows the other spouse to recover for the injury to the relationship, so-called "loss of consortium." Notwithstanding the importance of the victim's rights movement, this remedy has not yet been extended to unmarried couples who are living in a "stable and significant relationship."⁸² Public policy should not favor the drunk driver over domestic partners who are victimized by the driver's negligence.

If a drunk driver strikes a pedestrian whose sibling witnesses the event, that sibling, emotionally traumatized by the experience, could sue the drunk driver for "negligent infliction of emotional distress," based on the closeness of the relationship with the injured person. A spouse can also recover under this theory. However, no matter how long they have lived together and no matter how close the relationship, neither an unmarried heterosexual couple,⁸³ nor a homosexual couple,⁸⁴ have such redress.

Finally, if the home of a young interracial married couple is fire-bombed by a racist neighbor, killing the husband or wife, the law allows the surviving spouse to sue the wrongdoer for "wrongful death." He or she can recover damages for loss of companionship in addition to lost wages the deceased partner would have contributed to the relationship over the years. If the victimized couple was comprised of two men who had lived together as domestic partners for ten years, given the same facts, the survivor could not sue the arsonist for wrongful death; unmarried couples are not within the class of persons who may bring wrongful death actions.⁸⁵ Public policy should not favor the perpetrator of a hate crime over the victim's surviving domestic partner.

The Task Force on Family Diversity has noted the irrational inequity that results when cohabiting adults living in stable and significant

dents to fully participate in family rights and responsibilities.⁶⁰ Ultimately, the answer may rest in the adoption of a Domestic Partnership Act by the State of California, and, perhaps, a Uniform Domestic Partnership Act by states generally. Until a comprehensive policy is adopted delineating the rights and responsibilities of domestic partners, experimentation with different criteria and proof is continuing at the municipal level of government, in private employment, and with labor unions.

Eradicating Discrimination

The Task Force finds that the family as an institution functions to provide to its members important societal values, economic stability, and emotional and psychological bonds, all of which benefit the entire community. For these and other reasons, society needs to promote and encourage the formation of long-term committed relationships.⁶¹ Discrimination against those in domestic partnerships has the contrary effect, and such discrimination should be discouraged and, ultimately, eradicated.

Although several recommendations concerning domestic partners are directed to the City of Los Angeles, the Task Force on Family Diversity is mindful that most reforms affecting these families must occur at the state level, through either legislation, judicial decisions, or administrative regulations. The Task Force recommends that the Legislature's Joint Select Task Force on the Changing Family recognize the diversity in the relationships of contemporary couples, whether married or unmarried, and suggest ways in which the state can strengthen these important family bonds.

Employee Benefits. Several municipalities have adopted measures in recent years to extend benefits to employees and their domestic partners. The Task Force team on Employee Benefits surveyed some of these plans.⁶² A comprehensive study was recently conducted by the American Civil Liberties Union.⁶³

The A.C.L.U. study revealed that some employers and insurance companies provide economic benefits, such as health or dental coverage, to employees and their domestic partners.⁶⁴ For example, the National Organization of Women holds a group policy with Consumer's United which requires 90 days of cohabitation before a partner is covered. The American Psychological Association offers domestic partnership coverage through Liberty Mutual which has a one-year cohabitation requirement. The City of Berkeley has provided employees with health and dental coverage for domestic partners since 1984. About 6% of the city's 1,300 employees participate in this coverage. Cohabitation, plus other indicia of mutual family responsibilities, must be demonstrated under the Berkeley plan. Blue Cross underwrites domestic partner medical coverage for employees of the Berkeley Unified School District. A self-insured domestic partner benefit plan is operating in the City of Santa Cruz, California.

The A.C.L.U. also reported that several small employers who could not offer group coverage to domestic partners overcame this obstacle by purchasing individual health or dental policies for the family partners of their employees.⁶⁵ Other employers, such as the State of California, the City of West Hollywood, and the Service Employment International Union, provide "noneconomic benefits" such as sick leave, bereavement leave, and parental leave to employees and their domestic partners.⁶⁶

For a number of other cities and unions, an examination of domestic partnership benefits is reported to be "in process."⁶⁷ In New York City, such benefits are being sought by employees at New York's Museum of Modern Art, by the Communication Workers of America (CWA) AFL-CIO Local 1180, and the American Federation of State, County, and Municipal Employees, District Council 37. In Philadelphia, the executive board of the Federation of Teachers has approved a resolution to seek domestic partnership benefits in upcoming negotiations with the school system.⁶⁸ In Madison, Wisconsin, the Institute for Social Legislation has been guiding an Alternative Families Ordinance through city government. The ordinance's definition of family partner includes a mutual support clause and a six month cohabitation requirement. Two proposals are being considered by the San Francisco Board of Supervisors.

The Task Force on Family Diversity commends those employers, unions, and insurance companies who currently offer domestic partnership benefits, as well as those who have initiated negotiations intended to achieve more equitable treatment of domestic partners. The Task Force recommends that public and private employers, unions, and insurance companies in Los Angeles phase such coverage into employee benefits programs for local workers.

Specific proposals regarding domestic partnership benefits for employees of the City of Los Angeles are found elsewhere in this report.⁶⁹

Housing. State law prohibits discrimination against unmarried couples in public housing.⁷⁰ Fair housing statutes also prohibit private landlords from discriminating against cohabiting couples.⁷¹ Additionally, a local ordinance makes such discrimination against same-sex couples illegal in the City of Los Angeles.⁷²

Despite the existence of such fair housing laws, landlords continue to discriminate against unmarried couples. In the San Fernando Valley, for instance, discrimination against unmarried couples is reported to be the third highest type of fair housing complaints.⁷³

Housing discrimination of this sort can be reduced through the education of both consumers and landlords and through aggressive enforcement of fair housing laws. The Task Force on Family Diversity recommends that literature prepared by, and educational programs conducted by, the state Department of Fair Employment and Housing and local fair housing councils specifically mention that state laws prohibit housing discrimination against unmarried couples. The Task Force also recommends that the Los Angeles Apartment Owners Association periodically communicate this message to their members.

Insurance. The Task Force examined the problems experienced by unmarried couples because of discriminatory insurance practices. For example, unmarried couples are often required to pay double what married couples pay for the same coverage, especially in the areas of auto, homeowners, and renters insurance.⁷⁴ Some life insurance companies refuse to allow policy holders to designate a domestic partner as beneficiary.⁷⁵ Often underlying these problems are inherent ambiguities in the law as to the extent to which insurance companies may engage in such discrimination.

The subject of insurance and specific recommendations to deal with lifestyle discrimination are addressed elsewhere in this report.⁷⁶

relationships are legally ineligible to sue wrongdoers for loss of consortium, negligent infliction of emotional distress and wrongful death. The Task Force on Family Diversity recommends that the Joint Select Task Force on the Changing Family bring this inequity to the attention of the Legislature so that rights of domestic partners as victims and survivors may be more adequately protected by California law.

Marriage Penalties. Despite the professed public policy promoting the establishment of marital relationships, for some segments of the population — particularly disabled adults and elderly widows or widowers — significant disincentives to marriage exist, so-called “marriage penalties.”

Often an elderly widow or widower receives survivor benefits from social security or pension plans based on the deceased spouse’s earnings during the marriage. If the survivor finds a new mate and falls in love, remarriage may be economically unfeasible because of the rule ending survivor benefits upon remarriage. Thus, out of economic necessity, many seniors cohabit with, but never marry, their new mates. Recognizing this reality, the Legislature has taken steps to protect the right of unmarried elders to cohabit together in dwelling units reserved for seniors.⁸⁶

The Task Force on Family Diversity recommends that the Joint Select Task Force on the Changing Family review the legal and economic barriers that impede elderly widows or widowers from remarrying. The decision of seniors to live in unmarried cohabitation instead of marriage should be founded upon free choice rather than coerced economic necessity. The California Legislature might enact a “Vesper Marriage Act” to cure this problem.⁸⁷

Disabled adults are economically penalized whether they marry or whether they merely cohabit with a person of the opposite sex. Building upon testimony provided to the Task Force on this subject,⁸⁸ the Team on Disability Issues addressed the problem of marriage disincentives in its report.⁸⁹

Many Los Angeles residents with disabilities rely on government aid programs to help them meet basic survival needs. Four of the most commonly used programs are: (1) Supplemental Security Income (SSI) — Social Security cost-of-living payments for people who are too disabled to work (funded by state and federal sources); (2) In Home Supportive Services (IHSS) — funding administered through the county for personal attendant services; (3) MediCal — state health-care funding; and (4) Section 8 Rent Subsidy — supplemental rent funding available under the Aftercare Program (federally funded and county administered).

Eligibility for these programs is determined through means testing, that is, the determination of the applicant’s income and resources. Unfortunately, when a disabled person gets married, all of the income and resources of the spouse are “deemed” available to the disabled spouse. This immediately raises the officially determined means level of the disabled person, resulting in funding cuts or even termination of benefits. In essence, this procedure imposes a harsh penalty on any financially solvent person who falls in love with and wishes to marry a disabled

person. As it stands, the law requires both partners to give up their means of financial security so they may sink together (and possibly with their families) into poverty. This brutal practice transforms marriage into the assumption of a burden.

Sadly, this law destroys the possibility of a much brighter and pragmatic alternative, for it is a widely known fact of medicine and sociology that people who are part of a love relationship or family tend to live longer and are healthier throughout life. . . . The laws regarding benefit eligibility and deeming are vicious because instead of supporting the possibility of increased independence, physical health, and emotional well-being for disabled people, they insure poverty, isolation, and demoralization. . . .

Consequently, people with disabilities and their loved ones suffer greatly. In some cases, the individuals involved try to ignore religious convictions and values about marriage, deciding to live together unmarried. Needless to say, this often puts another strain on an already challenging commitment. Also, it does not solve the difficulty, in that the law allows such couples to be considered married in practice if not by law, if they hold themselves out to the community as husband and wife. In other cases, couples marry but keep it a secret. Such couples are not only deprived of the social and emotional benefits of expressing their marital commitment openly, but they also must live in realistic fear of exposure and severe financial penalty for their deception. These stresses threaten happiness and integrity of countless relationships.

The Task Force on Family Diversity recommends that the Legislature’s Joint Select Task Force on the Changing Family study the issue of marriage penalties for disabled people, finding ways to eliminate discrimination against cohabiting disabled couples and remove economic disincentives that discourage disabled persons and their mates from marrying.

DOMESTIC PARTNERSHIP FAMILIES: RECOMMENDATIONS

81. The Task Force recommends that the Legislature’s Joint Select Task Force on the Changing Family recognize the diversity in the relationships of contemporary couples, whether married or unmarried, and suggest ways in which the state can strengthen these important family bonds.

82. The Task Force recommends that public and private employers, unions, and insurance companies in Los Angeles phase domestic partnership coverage into the employee benefits programs of the local workforce.

83. The Task Force recommends that literature prepared by, and educational programs conducted by, the state Department of Fair Employment and Housing and local fair housing councils specifically mention that state laws prohibit housing discrimination against unmarried couples. The Task Force also recommends that the Los Angeles Apartment Owners Association periodically communicate this message to their members.

84. The Task Force recommends that the state departments of Health Services, Social Services, and Mental Health promulgate regulations amending Title 22 of the California Administrative Code to prohibit discrimination based on marital status and sexual orientation in connection with conjugal visits or shared sleeping quarters for adults in licensed health care facilities.

85. The Task Force recommends that business establishments discontinue the practice of extending consumer discounts on the basis of marital status. The Task Force also recommends that the City Council request an opinion from the City Attorney regarding the legality of such pricing disparity under current municipal and state civil rights laws that prohibit marital status and sexual orientation discrimination. If current law prohibits businesses from extending discounts to consumer couples on the basis of their marital status, then associations such as the Chamber of Commerce should educate members regarding their obligations under the law. If such pricing practices are not presently illegal, then the City Council should adopt an ordinance to prohibit such discrimination by businesses operating in the City of Los Angeles.

86. The Task Force recommends that the Joint Select Task Force on the Changing Family study and propose revisions in laws regulating causes of action based on wrongful death, loss of consortium, and negligent infliction of emotional distress, so that the rights of domestic partners as victims and survivors may be more adequately and equitably protected by California law.

87. The Task Force recommends that the Joint Select Task Force on the Changing Family review legal and economic barriers that impede elderly widows or widowers from remarrying. The decision of seniors to live in unmarried cohabitation instead of marriage should be founded in free choice rather than coerced economic necessity. The California Legislature might enact a "Vesper Marriage Act" to cure this problem.

88. The Task Force recommends that the Legislature's Joint Select Task Force on the Changing Family study the issue of marriage penalties for disabled people, finding ways to eliminate discrimination against cohabiting disabled couples and remove economic disincentives that discourage disabled persons and their mates from marrying.

Domestic Partnership Families: Notes

¹ Nelson, Bryce, "Census Reports 300% Increase in Unmarried Living Together," *Los Angeles Times*, October 26, 1981.

² "Marital Status and Living Arrangements: March, 1980," *Current Population Reports: Population Characteristics*, Bureau of the Census, U.S. Department of Commerce (October, 1980).

³ *Marvin v. Marvin* (1976) 18 Cal.3d 660, 684, fn. 1.

⁴ Nelson, *supra*, note 1.

⁵ "The Nation," *Los Angeles Times*, September 16, 1985.

⁶ "American Families in 1987," *Philip Morris Family Survey*, conducted by Louis Harris and Associates (1987).

⁷ Dembart, Lee, "Census Compares State with Nation," *Los Angeles Times*, May 23, 1982.

⁸ See "Table 2: Household Patterns — Living Arrangements," in the section of this report on Family Demographics.

⁹ Gill, Carol, Ph.D., "Disability Team Report," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-382; Knipps, Linda, "Marriage Penalties for Disabled Couples," *Public Hearing Transcript*, p. 165; "Rights of Disabled: Marriage Penalty in Benefits Pro-

grams," *Report of the Commission on Personal Privacy: Supplement Four (Public Hearing Transcript)*, State of California (1982).

¹⁰ *Marvin*, *supra*, at p. 676, fn. 11.

¹¹ *Id.*, at p. 683.

¹² See the chapter on Family Demographics, "Estimating the Gay and Lesbian Population," *supra*.

¹³ San Francisco AIDS Foundation Survey, reported in *Gay Life*, Nov. 22, 1984; Chicago "Social Issues Survey" reported in *Windy City Times*, Oct. 2, 1986.

¹⁴ California law recognizes only opposite-sex relationships. (See California Civil Code Section 4100 as amended by A.B. 607 [1977]); The federal government does not recognize marriage between same-sex partners. (See *Adams v. Howerton* (9th Cir. 1982) 673 F.2d 1036). Same-sex partners do not have a constitutional right to marry. (See *Baker v. Nelson* (Minn. 1971) 191 N.W.2d 185, appeal dismissed, 409 U.S. 810). In fact, no nation formally recognizes same-sex marriage on the same par with opposite-sex marriage. The closest any nation has come to such recognition is Sweden. Last year the Swedish Parliament passed a law giving gay and lesbian couples the same rights as "common law" opposite-sex couples. *Lesbian News*, Aug. 26, 1987. That law stopped short of legalizing same-sex marriage, per se. Two years ago, the A.C.L.U. became the first major national organization to formally endorse the legalization of same-sex marriage in the United States.

¹⁵ Achtenberg, Roberta, "Gay and Lesbian Couples/Families," *Public Hearing Transcript*, p. 253; Conger, Jean, "Domestic Partnerships and Other Lesbian Concerns," *Public Hearing Transcript*, p. 287; Graff, Leonard, "Lifestyle Discrimination by Insurance Companies," *Public Hearing Transcript*, p. 114; Melia, Tony, "Lifestyle Discrimination in Property/Casualty Insurance," *Public Hearing Transcript*, p. 189; Moore, Sue, "Maintaining Stable Gay and Lesbian Relationships," *Public Hearing Transcript*, p. 263; Nance, Brendt, "Lifestyle Discrimination in Health/Life/Disability Insurance," *Public Hearing Transcript*, p. 196; Nordquist, Joyce, "Employee Benefits for Domestic Partners," *Public Hearing Transcript*, p. 185; Rosencrantz, Barbara, "A Personal Experience and the Need for Education," *Public Hearing Transcript*, p. 51; Uribe, Virginia, "Gay and Lesbian Issues in School Programs," *Public Hearing Transcript*, p. 11; Warshafsky, Lynn, "Violence Within Gay and Lesbian Relationships," *Public Hearing Transcript*, p. 277; Weinberger, William, "Employee Benefits for Domestic Partners," *Public Hearing Transcript*, p. 185; Taylor, Mary, "Teacher Training in Family-Life Education," *Public Hearing Transcript*, p. 149.

¹⁶ For example, the policy of the San Francisco Chronicle is to publish the names of spouses and immediate blood relatives as survivors.

¹⁷ "Gay Couple Sues Over Reunion Photo," *Los Angeles Daily Journal*, Sept. 8, 1987.

¹⁸ *The Advocate*, March 3, 1987.

¹⁹ *The Advocate*, Sept. 1, 1987.

²⁰ *Lesbian/Gay Law Notes*, October, 1986.

²¹ *The Advocate*, March 3, 1987.

²² "The Nation," *Los Angeles Times*, Oct. 11, 1987.

²³ Testimony of Roberta Achtenberg, Joyce Nordquist, and William Weinberger, *supra*, note 15.

²⁴ Testimony of Leonard Graff, Brendt Nance, and Tony Melia, *supra*, note 15.

²⁵ Testimony of Jean Conger, *supra*, note 15.

²⁶ Testimony of Leonard Graff, *supra*, note 15.

²⁷ Testimony of Lynn Warshafsky, Lora Weinroth, and Robert Canfield, *supra*, note 15.

²⁸ Testimony of Virginia Uribe, Barbara Rosencrantz, and Mary Taylor, *supra*, note 15.

²⁹ Diane Himes, David Link, Linda Poverny, "Report of the Research Team on Gay and Lesbian Couples," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-192.

³⁰ *Report of the Commission on Personal Privacy*, State of California (1982).

³¹ Executive Order B-54-79 (April 4, 1979).

³² 63 *Ops. Cal. Atty. Gen.* 583 (1980).

³³ *Gay Law Students Assn. v. Pacific Telephone Co.* (1979) 24 Cal.3d 458.

³⁴ *Privacy Commission Report*, *supra*, note 30, at p. 422.

³⁵ *Id.*, p. 431; *Hubert v. Williams* (1982) 133 Cal.App.3d Supp. 1.

³⁶ 69 *Cal. Atty. Gen. Ops.* 80 (1986).

³⁷ *Curran v. Mt. Diablo Council* (1983) 147 Cal.App.3d 712.

³⁸ Civil Code Section 51.7, as amended by Stats. 1984, ch. 1437.

³⁹ Stats. 1987, ch. 1277, approved by the Governor on Sept. 28, 1987.

⁴⁰ Opinion No. 74-174 (May 9, 1975).

⁴¹ *Privacy Commission Report*, *supra*, note 30, p. 411.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ *Id.*, at p. 412.

⁴⁵ Los Angeles Municipal Code, ch. IV, art. 4, Sec. 49.70 et seq.

⁴⁶ *Moore Shipbuilding Corp. v. Industrial Accident Commission* (1921) 185 Cal. 200, 207.

⁴⁷ *In re B.G.* (1974) 11 Cal.3d 679; *Katzoff v. Superior Court* (1976) 54 Cal.App.3d 1079.

⁴⁸ *Loomis v. State* (1963) 39 Cal.Rptr. 820.

⁴⁹ *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123.

⁵⁰ *Hinman v. Employment Development Department* (1985) 167 Cal.App.3d 516.

⁵¹ *Marvin v. Marvin* (1976) 18 Cal.3d 660.

⁵² *Norman v. Unemployment Insurance Appeals Board* (1983) 34 Cal.3d 1.

⁵³ *Donovan v. Workers Comp. Appeals Board* (1983) 138 Cal.App.3d 323.

⁵⁴ *In re Cummings* (1982) 30 Cal.3d 870 (see concurring opinion).

⁵⁵ Testimony of Roberta Achtenberg, *supra*, note 15.

⁵⁶ *Adamson*, *supra*, note 49.

⁵⁷ California Civil Code Section 2430 et seq.

⁵⁸ California Government Code Section 19859.3.

⁵⁹ *Donovan*, *supra*, note 53.

⁶⁰ *Privacy Commission*, *supra*, note 30, p. 127.

⁶¹ Among the many reasons for promoting long-term commitments is the not insignificant medical risk resulting from having multiple partners. According to the *Surgeon General's Report on Acquired Immune Deficiency Syndrome*: "The risk of infection increases according to the number of sexual partners one has, male or female. The more partners you have, the greater the risk of becoming infected with the AIDS virus. . . . Couples who maintain mutually faithful monogamous relationships (only one continuing sexual partner) are protected from AIDS through sexual transmission. . . . This is true for both heterosexual and homosexual couples."

⁶² Michelle Buehler, Diane Goodman, and Katherine J. Hamilton, "Team Report on Government Employee Benefits," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-450.

⁶³ Green, Richard, "A Report on the Status of Domestic Partner Benefits," (Draft Report prepared by the Lesbian and Gay Rights Project of the A.C.L.U., dated June 25, 1987).

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *The Advocate*, July 21, 1987.

⁶⁹ See *infra*, "Institutional Influences — The City As Employer."

⁷⁰ *Atkisson v. Kern County Housing Authority* (1976) 59 Cal.App.3d 89.

⁷¹ *Hess v. Fair Employment and Housing Commission* (1982) 138 Cal.App.3d 232.

⁷² L.A.M.C., *supra*, note 45.

⁷³ Testimony of Kelly Brydon, Coordinator of the Fair Housing Council of the San Fernando Valley, *Public Hearing Transcript*, p. 89.

⁷⁴ Testimony of Leonard Graff, Legal Director of National Gay Rights Advocates, *Public Hearing Transcript*, p. 114; Tony Melia, President of National Business Insurance Agency, *Public Hearing Transcript* p. 189; Brendt Nance, President of Concerned Insurance Professionals for Human Rights, *Public Hearing Transcript*, p. 196.

⁷⁵ *Ibid.*

⁷⁶ See section of this report, *supra*, "Insurance — Lifestyle Discrimination."

⁷⁷ California Civil Code Section 2430 et seq.

⁷⁸ An interview with a staff member on December 23, 1987 confirmed the following rates: *individual rate* of \$18 per month for 23 months = \$414; *married couple rate* of \$27 per month for 23 months = \$621.

⁷⁹ The Auto Club of Southern California is not alone in its discriminatory pricing. The Chevron Travel Club, for example, charges \$36 per year for basic membership. A spouse can be added for only \$3 more per year. Thus, an unmarried couple would pay \$33 more per year than would a married couple.

⁸⁰ Bush, Peggy, "Discrimination Wars," *Los Angeles Weekly*, March 6, 1987.

⁸¹ Civil Code Section 51; See also, "Unlawful Discrimination: Your Rights and Remedies," *Civil Rights Handbook*, California Department of Justice.

⁸² *Edlen v. Sheldon* (1985) 164 A.C.A.3d 745, hearing granted by California Supreme Court, 2 Civ. No. B006873; but see, *Butcher v. Superior Court* (1983) 139 Cal.App.3d 58.

⁸³ *Kately v. Wilkinson* (1983) 148 Cal.App.3d 576.

⁸⁴ *Coons v. Joseph* (1987) 237 Cal.Rptr. 873; also see pending appeal in *Crabtree v. Spradlin*, Fifth District Court of Appeal, No. F004959.

⁸⁵ *Ledger v. Tippit* (1985) 164 Cal.App.3d 625.

⁸⁶ California Civil Code Section 51.3.

⁸⁷ The Virgin Islands adopted a Vesper Marriage Act in 1981. This unique form of marriage is limited to persons aged 60 and older. Although the parties are considered legally married, for the purpose of "taxation and the receipt of pension benefits, parties to a vesper marriage shall be considered and treated as single persons as though they had not entered into the marriage contract." See, V.I. Code Ann., tit. 16, Sec. 81-86. (Supp. 1982-1983).

⁸⁸ Testimony of Linda Knipps, *supra*, note 9.

⁸⁹ Gill, *supra*, note 9.

IMMIGRANT FAMILIES

Sometimes called the "new Ellis Island," the City of Los Angeles becomes home to more than half of all immigrants arriving in California each year.¹ Most of these immigrants come without proper documentation.² About 74% of recent immigrants from Mexico and about 54% of recent non-Mexican immigrants to Los Angeles are not registered with the U.S. Immigration and Naturalization Service.³ However, lawful immigration to Los Angeles is also sizeable. Each month, an average of 3,000 legal immigrants — most from Mexico, the Philippines, Korea, and Iran land at Los Angeles International Airport.⁴

One researcher has estimated that among recent immigrants to the state, about 30% are Latino, and more than 40% have come from Asian countries.⁵

Although the city's Latino population is diverse, about 80% Los Angeles Latinos are of Mexican descent.⁶ Other countries of origin include Cuba, Puerto Rico, El Salvador, Dominican Republic, Columbia and Venezuela.

The city's Asian population is also diverse. About 25% of local Asians have Japanese origin, 20% have Filipino roots, 20% are of Chinese heritage, and about 8% are Vietnamese.⁷

A large number of immigrants are successful in assimilating or learning how to balance the old traditions in a new cultural context. The old traditions often emphasize the values of interdependence and harmony, while life in the United States is often exemplified by rugged individuality, independence, and competition. Many immigrant families lack the resources, support systems, and education necessary for a smooth transition.

Even with the diversity among immigrant families, many of the problems faced by such families are the same or similar. In this section of the report, the Task Force briefly explores some of those problems.⁸

Cultural Differences

The Task Force notes that a degree of cultural adaptation is necessary for immigrants desiring to live in consonance with the mainstream life in their new home. Such adaptation may be very difficult for many reasons; sometimes notably for Asian families, the old discipline and the new freedom appear irreconcilable, especially in the context of the economic realities.

For example, traditional Korean families often consist of three generations, with elders and children cared for by the wife of the family's male income producer. In such an arrangement, obviously, the wife stays at home. Once in California, Korean families find that apartments are seldom large enough to accommodate three generations. Many women must give up the traditional home/caregiver role for out-of-home jobs that are necessary for the family's economic security, thus making care for elders an extra burden. Rifts often develop between easily adaptable and assimilated children and their more tradition-protecting parents and grandparents.

For some, these cultural conflicts — putting old discipline against new freedom, youth against elders, traditional family roles against the need for economic security — can lead to intra-familial strife, self-

identity crises, divorce, drug dependency, child and elder abuse, and even youth gangs.

The same problems — generational rifts, culturally appropriate housing, caring for elderly dependents, and educating children to balance disciplined tradition with new-found freedom — are replicated among many immigrant communities, always in the context of severe language and communication barriers. Ms. Irene Kwan-Chu, representing the Chinatown Services Center and the Asian/Pacific Planning Council, provided the Task Force with an excellent overview of the needs of Asian/Pacific immigrant families.⁹ She surveyed leaders within the five major Asian communities in Los Angeles — Japanese, Chinese, Korean, Filipino, and Southeast Asian — and reported on eight common areas of need:¹⁰

The first one was in cultural conflict in immigrant adjustment. Whereas the Asian Pacific values, such as family, stresses interdependence and maintenance of harmony, their newly adopted homeland in the U.S. stresses individuality, independence, and competition, thereby causing some problems for families in adapting to this new culture. . . .

The second problem that faces them are intergenerational conflicts. Many of the families — with children usually adopting the new values at a much faster rate than the parents — have conflicts in communications. . . . Many of these problems result in the disengaging of the family unit. . . .

The third problem that faces this community is marital conflicts and domestic violence. As more stresses are placed on the family, marital disharmony and conflict often arise. . . .

With all of these problems facing the immigrant family, the number four problem is the emotional disorder that faces a lot of these families. There is a great underutilization of the mental health system because of the lack of knowledge of the mental health system in the U.S., as well as not enough culturally relevant services that are available to serve the Asian Pacific population.

A fifth problem is elderly support. When both husband and wife must work in order to minimally provide for their families, a lot of the elderly parents become burdensome to the couple and their children. . . . Many are not eligible for government assistance, medical aid or housing, so they really do become a burden to the family.

The number six problem is child guidance or school adjustment. Because of economic survival, many of the immigrant parents must necessarily work very long hours to meet their survival needs; therefore, their children go unsupervised and without guidance. . . .

The number seven problem arises from the number six problem, which is delinquency and youth gangs. . . .

The last problem . . . is substance abuse. From all the

above stated problems, a lot of times the youngsters take the easy way out, which is to escape by going into the drugs.

Ms. Chu suggested several ways in which the city could help its immigrant families:¹¹

The city should study the needs, and research available services currently in existence to deal with the immigrant family problems. *Secondly*, document the needs unmet by the city, private sources, and other concerned entities. . . . *Thirdly*, encourage private/public partnership development to address these problems. *Number four*, use the community development block grant and other general revenue administered by the city to search for ways to fund organizations that serve the Asian Pacific groups. *Five*, encourage the school system to develop a relevant orientation in educational material to educate both youngsters and parents about the new culture and the new system. *Six*, encourage the federal government to fund more low-income and elderly housing in the various Asian Pacific concentrated areas. *Number seven*, provide mandatory cultural awareness training to all public service employees and encourage the same in the private sector. . . . *Lastly*, sponsor local legislation and encourage state and federal governments to develop the same to protect immigrant rights.

The individual immigrant communities often work to solve some of these problems internally. For example, for Japanese immigrants living in the downtown area, the Little Tokyo Services Center provides seminars on social security, Medi-Cal, Medicare, health issues, aging, and legal matters for the non-English speaking population. The Center also helps families with disabled persons, including stroke victims and developmentally disabled children. The need continues to be great for translation of essential consumer and human services documents, ethnically-sensitive care for the elderly and disabled persons, and emergency resources for families that are destitute or in crisis.

Other organizations helping immigrant communities include the Asian/Pacific Alcoholism Council, the Asian/Pacific Planning Council, the Child Abuse Prevention Assistance Project, the Filipino American Services Center, the Chinatown Services Center, Su Casa Family Crisis Support Center, Clinica Legal del Pueblo, El Centro de Accion Social, El Centro Community Mental Health Center, and the Community Youth Gang Service Project, to name a few.

Those who enter the country as actual or de facto refugees — whether from Indochina or from Central America — often experience additional problems including a sustained period of grief and emotional destabilization, much of which could be dissipated with appropriate counseling and support systems. However, both economic and cultural barriers keep many from seeking or finding assistance. Again, the communities themselves attack these problems to some extent at such organizations as the Indochinese Counseling and Treatment Center.

Language and Discrimination

Michael Eng, co-chair of the Coalition for Harmony in Monterey Park, addressed how the recently adopted "English Only" initiative is likely to affect immigrant families in cities such as Los Angeles:¹²

The impact I think will be threefold. I think there will be resolutions, court challenges, and bills that will seek to deny funds for bilingual services. . . . There is also going to be litigation that will demand more funds for literacy programs for people who are bilingual or who are not fluent in English. . . .

I think secondly, there will be tremendous psychological, emotional and sociological fallout from the racial tensions that gave rise to the English-Only movement. Racial tensions hurt families; racial tensions hurt children. . . .

Third, I think there will be the political implications that immigrants or foreigners can be easy targets or scapegoats during elections.

Mr. Eng's first prediction has come to fruition. In October, 1987, several public interest law groups filed suit against the Los Angeles Unified School District seeking an injunction to force the district to provide English classes to all non-English-speaking adults who want to take them.¹³ The waiting list for English classes had reached an all time high of 40,000 by the end of 1986. The waiting list was expected to exceed 60,000 by the end of 1987. Despite the large numbers of unserved immigrants, the district does accommodate over 200,000 adults in its English classes each year. Currently, more than half of the district's \$67 million annual adult education program is devoted to English classes for non-English speakers. Superior Court Judge Jerry Fields refused to issue an injunction.¹⁴

The Task Force on Family Diversity finds that there are too few adult English (ESL) classes available to city residents. With the passage of the English-Only initiative, the voters have placed a high priority on the teaching of English. Elected officials should respond by allocating more resources to erase the backlog of the thousands of adults who are on waiting lists for ESL classes. The Task Force recommends that the City Council give priority to this issue by insuring that more community block grant funds are awarded to privately operated ESL programs. The Task Force also recommends that the City Council adopt a resolution urging the Board of Education to allocate more resources to the school district's adult ESL program.

The second concern expressed by Mr. Eng — increased anti-immigrant prejudice — also has become a reality in Los Angeles in recent years. Four years ago, the Los Angeles County Human Relations Commission reported an increase in anti-Asian vandalism and violence in the county, noting that recent Asian immigrants and refugees were more likely to suffer discrimination and bigotry than Asians who have lived here longer, primarily due to language and cultural differences.¹⁵ In 1986, the Commission reported a 400% increase in racially motivated violence over the previous year, with about 25% of the incidents being directed against Asian/Pacific Americans.¹⁶

Hate violence is a problem not only for the immigrant community, but for many minority communities in the city. The Task Force recommends that the City Commission on Human Relations investigate the problem of hate violence and submit a report to the City Council and the Mayor outlining what role city officials and agencies can play in eradicating this evil.

Documentation and Amnesty

Stewart Kwoh, Legal Director of the Asian/Pacific American Legal Center, estimated that the Asian Pacific population in the City of Los Angeles is about 400,000 strong.¹⁷ About 25% of this community are undocumented.¹⁸ Only 10% of the undocumented Asians will qualify for amnesty under the provisions of the Immigration Reform and Control Act of 1986. Even in situations where an undocumented resident does qualify, there will be reluctance to apply for amnesty because of the possibility that other family members will not qualify. Mr. Kwoh explained that in many Asian immigrant families, some members qualify for amnesty while others do not. He cautioned:¹⁹

Indeed, the effect on the family will be most severe because many families, legally speaking, will be split apart and there will be a major question as to whether even the one who qualifies should attempt to legalize because of possible exposure of the whole family.

The fear that the amnesty program will cause families to split up has been expressed by numerous community activists, religious leaders and elected officials. A survey of 50 private groups counseling potential amnesty applicants conducted by the National Association of Latino Elected and Appointed Officials confirmed that many people are worried about family unity.²⁰ The Mexican American Legal Defense and Education Fund has called for the Immigration and Naturalization Service to issue a national policy on family reunification.²¹ INS Commissioner Alan C. Nelson initially resisted adopting such a national policy, insisting that regional officials would consider family separations on "a case by case basis."²²

Contending that 30% or more of the applicants for amnesty face the prospect of family separation when they apply, Roman Catholic Archbishop Roger Mahony urged immigration officials to adopt a "humanitarian approach" in dealing with the issue.²³ Archbishop Mahony and about 100 priests and nuns from the Los Angeles Archdiocese called upon INS Western Regional Director Harold Ezell to defer deportation of immediate family members who do not qualify for amnesty or to grant them extended voluntary departure, a special status that would allow them to remain in the country.²⁴ Last September, Los Angeles district director Ernest Gustafson granted a short extension in the first family separation case that came to his attention.²⁵

Assemblywoman Lucille Roybal-Allard, chairperson of the Assembly Labor and Employment Committee's subcommittee on Immigration, proposed that the Legislature adopt a resolution urging Congress and the President to clarify the intent of the 1986 Immigration Reform and Control act to ensure against the breakup of family members who are seeking legal residency. In addition, the resolution urged the INS to defer deportations for family members of amnesty applicants pending such clarification.²⁶

Apparently responding to mounting pressure, last October the INS issued guidelines designed to keep families from being separated under the amnesty law.²⁷ The guidelines call for administrators to exercise some discretion in allowing disabled or ill spouses not eligible for amnesty to stay in the country with their husbands or wives who are eligible. The guidelines would also allow ineligible children to stay if both parents qualify under the law. Several members of Congress criticized the guidelines and proposed their expansion so that children

could remain in the United States even if only one parent qualifies for amnesty. The Task Force on Family Diversity agrees with this suggestion. The Task Force recommends that the Los Angeles City Council adopt a resolution urging the INS to expand its family unity guidelines so that all children of immigrant families are allowed to remain in the country even if only one of their parents is qualified for amnesty under the Immigration Reform and Control Act of 1986.

Housing

A housing regulation proposed by the federal Department of Housing and Urban Development would have a major impact on immigrant families.²⁸ Under the regulation, the federal government would deny rent subsidies to any family that cannot prove that each household member is a lawful resident of the United States.²⁹ A lawsuit filed in federal court to stop the regulation estimates that 500,000 families nationwide live in federally subsidized housing with an undocumented family member.³⁰ The lawsuit predicts that families in Los Angeles will suffer the most if the rule is enforced.³¹

The Task Force on Family Diversity finds that this federal regulation is overly punitive. There are less drastic alternatives available to the government. For example, those not eligible because of their undocumented status could pay their pro-rata share. That is what happens with food stamps when parents are not citizens and the children are. The Task Force recommends that the City Attorney monitor the progress of this litigation. If the case is appealed, the City Council should authorize the City Attorney to file a friend-of-the-court brief in the appellate court challenging the regulation.

According to the Bureau of Census, approximately 83% of recent immigrants settled in Los Angeles county.³² Of these, one percent were Black, 24% were non-Hispanic Whites, 32% Asian, and 43% Hispanic.³³ Of all immigrant households with five or more persons per household, 86% were Hispanic or Asian.³⁴

The census also found that only 17% of recent immigrants to the Los Angeles area were homeowners and the other 83% were renters. These figures were significantly different from the total number of non-immigrant owners and renters, which were 43% and 47% respectively.³⁵

Both of these factors — size of household and type of housing — significantly impact the immigrant family. In the 1984 Southern California Association of Government (SCAG) report, researchers found that . . . about 15% of all households living in overcrowded conditions were recent immigrants — mostly Hispanic and Asian — although recent immigrants made up only 3% of the regions households. Overall, 44% of recent immigrant households were overcrowded compared with 8% for households in general.³⁶

Hispanics were three times more likely to live in overcrowded conditions than the other minority groups, and 15 times more likely than Anglos.³⁷

Education³⁸

According to 1980 data, the Los Angeles Unified School District was able to identify more than 80 different languages spoken within its student body. Spanish, Asian languages, and Armenian are the most

prominent languages spoken by students. Five percent of the total student population is comprised of immigrant children. Of these, more than 49% are Latino, 36% are Asian, 13% are non-Hispanic White, and about one percent are Black.

Today, the Los Angeles public school system is comprised of 56% Latino students and 8.2% Asian students, many of whom are children of recent immigrants.

As in the housing issue, overcrowding in inner city, minority dominated schools in Los Angeles contrasts with declining enrollments in outlying communities.

Adult education is also an issue for the immigrant family. Although only 37% of the immigrant population has completed a secondary education, and 56% of recent adult immigrants are not fluent in English, the demand for adult English education classes within the public school system has reached an unprecedented high.

Contrary to public opinion, immigrant families view education as a key to their occupational and social progress. For example, studies have shown nationwide that Latino immigrants are switching to English at about the same rate as German, Italian, and Polish immigrants who preceded them to the United States, and that the language shift is occurring faster among Hispanic origin youth than in previous eras. Nationwide, data on reading scores has shown increased competence among Latino school children since 1975.

According to the SCAG report, the following factors are current barriers in the educational process of immigrants: (1) a high level of overcrowding in inner city, minority dominated schools in Los Angeles which has contributed to a high dropout rate of 50%, particularly among students of Mexican origin; (2) a low number of English as a Second Language (ESL) classes for both adults and students; and (3) lack of sufficient funding of bilingual educational programs.

City Task Force on Immigration

On February 7, 1986, the City Council established the Los Angeles City Task Force on Immigration.³⁹ The Task Force is comprised of one member from each council district. The City Council requested the task force to address "the City's problems due to an increasing number of residents from a multitude of backgrounds into a way of life that expands the social and economic opportunities and well being for all."⁴⁰ The mandate of the task force is to review issues of housing, health and welfare, employment, education, law enforcement, and inter-governmental cooperation.⁴¹ The task force was directed to "develop a comprehensive immigration policy for the City of Los Angeles and report its findings and recommendations to the City Council."⁴²

The City Task Force on Immigration initially held meetings once a month during May through August, 1986. Virtually all members were present during the first three meetings,⁴³ but then participation decreased until a bare quorum was present when the task force adopted its Interim Report on March 27, 1987.⁴⁴ The Interim Report was submitted to the City Council on April 10, 1987.

The Interim Report was referred to the City Council's Grants, Housing, and Community Development Committee for review, and there has been no further action since then.

The Task Force on Family Diversity finds that the needs of immigrants living in Los Angeles are not being adequately addressed by the City Task Force on Immigration as it is presently constituted. Accountability and diversity of membership is lacking since there is no central appointing authority. The function intended for the immigration task force is a laudable and important one. However, the mechanism created to fulfill the function needs reorganization. The Task Force on Family Diversity recommends that the City Council reconstitute the Task Force on Immigration, making the following changes: (1) the task force should have a limited lifespan, with a sunset clause disbanding the task force by June, 1989; (2) the task force should consist of 15 members; (3) each council member should nominate potential task force members; and (4) since immigration problems are intergovernmental in nature, the authority to appoint members to the task force should be vested in the council's Intergovernmental Relations Committee. The Task Force on Family Diversity further recommends that before formulating a comprehensive immigration policy for the city, the newly constituted Task Force on Immigration review relevant sections of this report as well as various background papers dealing with immigrant issues contained in the public hearing transcript and supplements to this report.

IMMIGRANT FAMILIES: RECOMMENDATIONS

89. The Task Force recommends that the City Attorney monitor the case of *Yolano-Donelley Tenant Association v. Secretary of H.U.D.* (federal district court number 86-0846), in which federal housing regulations (51 Fed. Reg. III98) propose to end rent subsidies to households which cannot prove that all household members are documented residents. If the case is appealed, the City Council should authorize the City Attorney to file a friend-of-the-court brief in the appellate court challenging the regulation as overly broad and unnecessarily punitive.

90. The Task Force recommends that the City Council give priority to the shortage of adult English classes, by insuring that more community block grant funds are awarded to privately operated ESL programs. It is also recommended that the City Council adopt a resolution urging the Board of Education of the Los Angeles Unified School District to allocate more resources to the district's adult ESL program.

91. The Task Force recommends that the City Commission on Human Relations investigate the problem of hate violence and submit a report to the City Council and the Mayor outlining what actions city officials and agencies can take to more effectively eradicate this behavior.

92. The Task Force recommends that the Los Angeles City Council adopt a resolution urging the INS to expand its family unity guidelines so that all children of immigrant families are allowed to remain in the country even if only one of their parents is qualified for amnesty under the Immigration Reform and Control Act of 1986.

93. The Task Force recommends that the City Council reorganize the City Task Force on Immigration in the following ways: (1) there should be a limited lifespan, with a sunset clause disbanding the task force by June, 1989; (2) the task force should consist of 15 members; (3) each council member should nominate potential task force members; and (4) since immigration problems are intergovernmental in nature, the authority to appoint members to the task force should be vested in the council's Intergovernmental Relations Committee. It is further recommended that before it formulates a comprehensive immigration

policy for the city, the newly constituted Task Force on Immigration should review relevant sections of this report, as well as various background papers dealing with immigrant issues contained in the public hearing transcript and supplements to this report.

Immigrant Families: Notes

¹ Mario Perez and Terry Gock, "Report on Immigrant Families," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-144.

² Muller, T., "The Fourth Wave: California's Newest Immigrants," Urban Institute Press (1984), p. 5.

³ *Id.*, p. 6.

⁴ Baker, Bob, "For Today's Refugees, Pain is Gone," *Los Angeles Times*, July 3, 1986.

⁵ Muller, *supra*, note 2, p. 6.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ The issues examined herein are developed more fully in: (1) the student research paper, see Opel, John, "Immigrant Families," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-703; (2) the team report, see Perez and Gock, *supra*, note 1; and, (3) the public hearing testimony, see Chu, Irene, "Asian/Pacific Immigrant Families," *Public Hearing Transcript*, p. 22; Eng, Michael, "Immigrant Families: 'English Only' and Its Impact on Cities," *Public Hearing Transcript*, p. 215; Kwoh, Stewart, "Asian/Pacific Immigrant Families," *Public Hearing Transcript*, p. 140; Shelby, Colleen, "Family Violence and Undocumented Persons," *Public Hearing Transcript*, p. 4.

⁹ Testimony of Irene Kwan Chu, *supra*, note 8.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² Testimony of Michael Eng, *supra*, note 8.

¹³ Hernandez, Marita, "Groups Lose Demand for Mandatory English Class," *Los Angeles Times*, December 1, 1987.

¹⁴ *Ibid.*

¹⁵ "The New Asian Peril," *Report of a Hearing on Rising Anti-Asian Bigotry*, Los Angeles County Commission on Human Relations (May, 1984).

¹⁶ Testimony of Stewart Kwoh, *supra*, note 9.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ May, Lee, "Slow Alien Registration Tied to Fear of Splitting Families," *Los Angeles Times*, July 16, 1987.

²¹ *Ibid.*

²² *Ibid.*

²³ Hernandez, Marita, "Mahony Opposes Amnesty Separations," *Los Angeles Times*, June 9, 1987.

²⁴ *Ibid.*

²⁵ Becklund, Laurie, "First Amnesty Split-Up of Family is Stayed," *Los Angeles Times*, September 10, 1987.

²⁶ "Immigrant Family Unity Backed by Roybal-Allard," *Mt. Washington Star Review*, August 26, 1987.

²⁷ "New INS Directives Criticized in House," *Los Angeles Daily Journal*, October 22, 1987.

²⁸ Opel, *supra*, note 8, p. S-719.

²⁹ 51 Fed.Reg. 11198.

³⁰ Cox, Gail, "Deadline Nears for HUD Cutoff of Illegal Aliens," *Los Angeles Daily Journal*, Sept. 22, 1986.

³¹ *Ibid.*

³² Perez and Gock, *supra*, note 1.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ Council File No. 85-1948.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ Minutes of the City Task Force on Immigration.

⁴⁴ *Ibid.*

INSTITUTIONAL INFLUENCES

Family life is influenced by institutional forces. Media, religion, and government are three major institutions which profoundly affect families. The study conducted by the Task Force has revealed numerous ways in which these institutions have had an impact on families.

MEDIA

The print media, television and radio broadcasters, and the film industry all affect families in very significant ways. With its limited time span and resources, the Task Force on Family Diversity was not able to study each media form in depth. It concentrated primarily on television because the impact of television on families appears to be significantly greater than that of any other single media form.

Print Media

Nationally, the Task Force has noted the emergence of a variety of non-traditional family magazines during the past two years. Publishers, aware of public interest in the many aspects of family, now produce such periodicals as *Parenting*, *Fathers*, *Child*, *Children*, and *Grandparents*.¹

Locally, the Task Force has been impressed with excellent reporting by the *Los Angeles Times* on issues of concern to families. Scores of such articles are cited in the notes to most sections and chapters of this report. The Task Force commends the *Los Angeles Times* for continuing excellence in the coverage of family issues.

Television and Families

Building on student research,² testimony presented at public hearings,³ and a team report on this subject,⁴ the Task Force bases its recommendations concerning television and families on three major contentions:

- (1) Media, specifically commercial television, is a powerful and pervasive force in our society;
- (2) Portrayal of family diversity — variable family groups such as single-parent families, foster families, unmarried couples, gay or lesbian couples, families with senior or disabled members, or families of color — has improved, but is still lacking in quantity and quality on commercial television; and
- (3) As the city of origin for most television shows, the City of Los Angeles is uniquely situated to take an active and responsible role in working with the media.

The Power and Pervasiveness of Television. Twenty years ago writing about the influence of television was a simple task; television had not yet achieved its complex integration into all aspects of our lives and culture. The pervasiveness of television in contemporary society is documented by the following statistics:⁵

- * 96% of households have a television.
- * Each TV is on about 6.5 hours per day.
- * Over 1,100 non-cable stations exist.
- * 80% of households get at least 7 stations.

No one seriously doubts the social power of television. It has the power to inform and misinform; to shape attitudes, both positive and destructive; and to influence the self-image of individuals and groups. Television provides companionship to the lonely, especially the elderly. It forms the basis for shared experiences, from soap operas to great

cultural and historical events. Television teaches us directly and indirectly; it plays a major role in our socialization process. Its depiction of families and the diversity of family relationships can greatly affect the form and structures of families in the future by molding attitudes in the present.

Experts stress that co-viewing — parents watching television with their children — is crucial to translating television's messages into a positive educational rather than a negative and destructive influence. A parent's input and perspective can clarify misunderstandings, correct negative or stereotypical portrayals, and provide continuing examination of an issue long after the show is over.⁶

Television fills divergent needs of many diverse viewers.⁷ For example, television families sometimes serve as surrogate families for those who are separated by long distances from their loved ones.

Marketing considerations play an important role in determining — and sometimes dictate — the content of television shows. Just as programming affects families, marketing affects programming. Mass media that is shaped around commercial interests obviously must appeal to the largest possible audience; program content is then usually formulated so as to avoid controversy and not to offend.⁸ Program content is also directed toward those who have the power to consume and, thus, against those whom broadcast researchers consider to be “non-viable demographic groups,” such as the elderly, very young children, and certain minorities that do not have significant economic power. For example, even though television has great potential to educate young children, the exploitation of this potential often becomes subservient to the economic goal of selling toys, candy, and cereal.⁹

The impact of television on the subconscious mind is another critical concern to those monitoring the long-term affects of television on families. Whereas television was once a mere novelty or form of entertainment, today many viewers see television as a significant part of reality itself. Television has come to represent the viewer's instant connection to the “outside world”; its seamless format and fluid nature take on the attributes of real life, a dangerous proposition considering the inevitable fact that television depicts reality as being much simpler than, and often very different from, what it really is. As a surrogate for life, television may have the psychological effect of undermining the viewer's existential base or self awareness. The consequence of such prolonged passivity may be increased susceptibility to outside manipulation.¹⁰

Television is uniquely powerful for all of these reasons. In order to maximize the positive and minimize the negative effects of television, media consumers must: (1) become conscious of this power and the affect of the media on their lives, and (2) learn how to “read” the media — how to decipher its messages and images.

The Task Force finds that local government can take a more active and responsible role in promoting media literacy for adults and children.

The Task Force recommends that the Los Angeles Unified School District develop and implement a media education curriculum for use in elementary, junior high, and high schools. Just as children learn to read words in print, they also can learn to read the audio-visual images of today's mass media, learning the subtle influences of this technology.

In the opinion of the Task Force, such a media education program is not a "luxury curriculum" but a necessity. Resources on the subject are readily available to the school district.¹¹

The Task Force recommends that the Los Angeles County Department of Children's Services encourage family and social service systems to be aware of the media and its connection to dysfunctional home situations. For example, advertising that popularizes junk foods and sweets can contribute to the undernourishment or malnutrition of many children. The person who does the family grocery shopping can be educated to be aware of and resist persuasion techniques aimed directly at the family pocketbook. The Department of Children's Services could commission the development of a "media awareness checklist" or conduct conferences and workshops to educate "influence leaders" — including family counselors, social workers, scout and youth leaders, and librarians — about the media and its impact on families with dependent children.

The Task Force on Family Diversity also suggests that local government agencies and officials take a more active and responsible role in promoting the positive use of commercial television.

The Task Force recommends that the Mayor encourage department heads to develop more public service announcements (PSAs) about the social, employment, housing and cultural programs and services available to local families. These PSAs should be placed around shows that are watched by the population for whom the services are directed.

The Task Force commends the CBS Broadcast Group for promoting the positive use of television by developing the first "Television Worth Watching Awards" honoring educators who use commercial television to enrich the education of their students. The Task Force also commends KCET Television and KFWB Radio for airing programs of exceptional quality involving changing family demographics and issues.

Portrayals of Family Diversity. With the exception of the depiction of seniors, which has improved tremendously over the years, the portrayal of family diversity is still lacking in quantity and accuracy on commercial television.

In the 1950s, minorities were almost totally absent from television, often at the insistence of sponsors. The civil rights movement of the 1960s paved the way for a few Blacks in feature roles, but Latinos, Asians and American Indians were still absent from the tube except in the form of unflattering and inappropriate stereotypes. The 1970s saw more minorities, usually Blacks, in situation comedies. In the 1980s, the imbalances continue, especially considering the disproportionate number of minority viewers.¹²

Women and girls have also been underrepresented on television. While females comprise over 50% of the population, they consistently take only 25 to 30 percent of the film and television roles. The latest Screen Actors Guild statistics confirm the underrepresentation. A recent study by the Center for Media and Public Affairs reported that women are still too frequently cast as "housewives, secretaries and damsels in distress." Last year, the Los Angeles City Commission on the Status of Women held public hearings on this problem.¹³

There are many discrepancies between television families and current family demographics.¹⁴

* On television, 100% of single-mother families are middle class or higher; in real life, 69% of all families headed by women are poor.

* On television, 80% of all Black children are upper-middle class or higher; in real life, 50% of all Black children live in poverty.

* On television, more than 50% of all children in single-parent households live with their fathers who experience no economic difficulty raising them; in real life, 90% of all children in single-parent homes live with poverty stricken mothers.

These statistics also imply that lower-class and blue-collar families are underrepresented on television. A 1981 study concluded that not only is the depiction of poverty avoided, but television presents a glamorized vision of economic deprivation omitting or minimizing hardship, idealizing the supposed benefits of a meager existence, and depicting the affluent as amoral.¹⁵

Although a few programs have depicted homosexuals or persons with disabilities in a positive light, families with members who are gay, lesbian, or disabled are also notably underrepresented on television.

Behind the camera, underrepresentation of minorities translates to underemployment. Last year, several lawmakers and union representatives complained that the Federal Communications Commission had failed to enforce its affirmative action guidelines. They called for new legislation to insure that women and minorities are more fairly represented in the broadcast industry. Statistics show that in 1986, women held 37.4% of all commercial broadcast jobs and 42.5% in public broadcasting, up from 35% and 39.5% respectively in 1982. Employment for minorities increased from 15.1% to 16% in commercial broadcasting and 14.8% to 15.7% in public broadcasting over the same time span.¹⁶ The tradition of "last hired, first fired" also has a disproportionate impact on minorities, as evidenced last year during the KNBC layoffs.

Improved minority employment practices are important not only from an overall employment perspective, but also because of the likelihood that, with more varied backgrounds among directors and writers, increased diversity would find its way to the screen.

The Task Force on Family Diversity suggests that the City of Los Angeles take a more active and responsible role in promoting family diversity and social responsibility in commercial television and radio.

The Task Force also notes the power of timely criticism by public officials of works that demean or devalue diversity through insensitive, inaccurate, or absence of portrayal. For example, Councilman Michael Woo's public comments about the "Year of the Dragon" resulted in the distributor issuing a disclaimer to the film.

Finally, the Task Force recommends that the City of Los Angeles, through the Office of Contract Compliance of the Board of Public Works, and through other appropriate officials, encourage networks to hire more diverse staff in positions of authority.

MEDIA AND FAMILY: RECOMMENDATIONS

94. The Task Force recommends that the Los Angeles Unified School District develop and implement a media education curriculum for use in elementary, junior high, and high schools.

95. The Task Force recommends that the Los Angeles County Department of Children's Services encourage family and social service systems to be aware of the media and its connection to dysfunctional home situations. The department could commission the development of a "media awareness checklist" or conduct conferences and workshops to educate "influence leaders" — including family counselors, social workers, scout and youth leaders, and librarians — about the media and its impact on families with dependent children.

96. The Task Force recommends that the Mayor encourage department heads to develop more public service announcements (PSAs) about the social, employment, housing and cultural programs and services available to local families. These PSAs should be placed around shows that are watched by the population for whom the services are directed.

97. The Task Force recommends that the City of Los Angeles, through the Office of Contracts Compliance of the Board of Public Works, and through other appropriate officials, encourage networks to hire more diverse staff in positions of authority.

Media and Family: Notes

¹ Horovitz, Bruce, "Family's the 'In' Thing — and Publishers Know It," *Los Angeles Times*, May 26, 1987.

² Jones, Michael, "Family Diversity and Television," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-909.

³ Thoman, Sister Elizabeth, Executive Editor of *Media and Values*, "Families and Media Literacy," *Public Hearing Transcript*, p. 248; Westbrook, Jay, Media Coordinator, American Society on Aging, "Portrayal of Seniors and Families on Television," *Public Hearing Transcript*, p. 74.

⁴ This section of the Task Force report is either paraphrased from or taken verbatim from the following topical report: Ishizuka, Karen, Director of Development for Pacifica Foundation, "Media Report," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-179.

⁵ Testimony of Jay Westbrook, *supra*, note 3.

⁶ Myers-Wallis, Judith, "Media's Message Can Fool Kids," *Media and Values* (Spring, 1986). Also, taped interviews with: Dr. Rene Cohen, child psychologist; Dr. Jack Wetler, psychological consultant to television shows.

⁷ Taped interview with Nicholas Van Dyke, National Council on Television and Families.

⁸ Grunwald, David, "Network Nexus: TV's Guardians of Taste," *Popular Culture: Mirror of American Life* (1977).

⁹ Hague, Barth, "Audience for Sale," *Media and Values* (Spring, 1986).

¹⁰ Birkerts, Sven, "Television: The Medium in the Mass Age," *Michigan Quarterly Review* (1984).

¹¹ The Media Action Resource Center (MARC), 475 Riverside Drive, #1370, NY, NY 10115 offers comprehensive media awareness programs and materials. MARC also offers an eight-unit course for teachers and parents. *Media and Values*, a quarterly review of media issues and

trends is published locally at 1962 S. Shenandoah, Los Angeles, CA 90034. The Washington Association for Television and Children (WATCH), P.O. Box 5656, Washington, D.C. 20016 has developed a *WATCH Critical Viewing Guide* to help pre-school and elementary school children learn about media. The National Council for Families and Television, 20 Nassau St., #200, Princeton, NJ 08542 publishes *Television and Families*, a quarterly review featuring research and industry reports. Other groups can offer assistance: Action for Children's Television, 41 Austin St., Newtonville, MA 02160; National Telemedia Council, 120 E. Wilson St., Madison, WI 53703; National Coalition on Television Violence, P.O. Box 647, Decatur, IL 62521.

¹² Jason-Beck and Sobal, "The Social World of Heavy Television Viewers," *Journal of Broadcasting* (Winter, 1980).

¹³ "Hearings on Women in Media Open," *Los Angeles Times*, March 25, 1987.

¹⁴ Jones, Michael, *supra*, note 2.

¹⁵ Gould, Stern, and Adams, "TV's Distorted Vision of Poverty," *Communication Quarterly* (Fall, 1981).

¹⁶ "Lawmakers Say FCC Lags in Affirmative Action," *Los Angeles Times*, March 26, 1987; Corporation for Public Broadcasting, *Policy Development and Planning Report*, (February, 1987).

RELIGION

A study of the changing family would not be complete without acknowledging the fact that families and religious institutions have significant, and often profound, influences on each other.

The Task Force on Family Diversity received information reflecting several viewpoints on the subject of religion and contemporary families. A Jewish rabbi, an Episcopal priest and a Roman Catholic priest testified at the public hearings.¹ Two clergymen served as members of the Task Force.² Two essays were submitted on religion and families.³ The reports of two research teams also addressed religious issues.⁴ These views, of course, are only a sampling of the wide range of divergent views on the subject of religion and family.

In deference to the constitutional mandate of Separation of Church and State, and out of respect for differing personal and organizational philosophies, this report has reserved its factual findings and policy recommendations to the secular arena. However, the Task Force believes that some of the testimony provided at its public hearings illustrate how the changing family is affecting most social and economic institutions, religious and secular alike.

Some Religious Responses to the Changing Family. At its public hearings, the Task Force on Family Diversity heard from religious leaders regarding some institutional responses to changing family demographics and structures.

Rabbi Daniel Bridge testified about how the Pacific Southwest Council of the Union of American Hebrew Congregations — a council of about 65 congregations — is attempting to meet the needs of contemporary family forms. Several new programs are operating, including a revised family-life education curriculum for the schools, a daycare program to meet the needs of dual-career or single-parent families, seminars and counseling on topics such as divorce or gay and lesbian relationships, and conducting a survey of the family needs of congregants and all member congregations. Rabbi Bridge explained how these new programs resulted from the Council creating a Task Force on the Changing Family:⁵

By 1980, it had become fairly obvious that a growing percentage of Jewish families didn't fit into the traditional, and I'm using that term advisedly for lack of knowledge of a better one, or nuclear-family image — two parents and two or more children and perhaps a grandparent or two, housed under one roof. And at that time to most of the leaders of the community the fact that families were changing was obvious mostly because of divorce. Children were falling behind in religious school because a noncustodial parent sometimes would not bring them to school. On the weekends, our Rabbis began to see a number of ritual ceremonies with just one parent present. Then single-parent families, and even recently-divorced singles began disappearing from congregational life and congregational participation. The theories are that they either were uncomfortable in their new roles because the synagogue wasn't making them feel at home anymore or because of financial burdens, they would not pay membership fees. Then, all of a sudden, when leadership began to open its eyes to these issues, we began to see all

kinds of new family units — unmarried couples, gay and lesbian Jews, seniors that were feeling alone, and the list goes on and on.

In 1980, the Pacific Southwest Council established the Task Force on the Changing Family. Initially, and for a number of years, the task force focused on raising consciousness in the congregations, particularly with the Rabbi, support staff, and congregants. And the formats that were used were primarily two. One was seminars for professionals and also lay leaders. Another was a speakers bureau that went out and spoke at the congregations. During the last two years, we've moved out of the realm of consciousness-raising to helping congregations meet the needs of changing families in their congregations.

Father John Bruno, pastor of the Episcopal Church of St. Athanasius and St. Paul, discussed the variety of families in his parish, and made several recommendations to the Task Force:⁶

Let me talk about the reality of family life in Echo Park. As a priest, I come in contact with all sorts and conditions of human beings. I come into contact with people of every nationality and race, people of every sexual persuasion, and people who have all sorts of needs. In my congregation, I have single-parent families, with male single parents or female single parents, gay single parents, either lesbian or male gay. I have couples who are families, both heterosexual and homosexual couples. I have young families and old families. I have married families and nonmarried families in my congregation. I have two-parent families with children, and single people looking for some kind of family involvement, who are bonding in communities with other married couples. So it's obvious to me that the definition of the family that we've known in the past is no longer applicable, at least not in my congregation. . . .

The Task Force is mindful that not all religious congregations have undergone such significant changes in family demographics and structures as those described by Rabbi Bridge and Father Bruno. However, these two accounts do show that issues involved in family diversity extend beyond the secular domain.

Religion and Families: Notes

¹ Bridge, Rabbi Daniel, Union of American Hebrew Congregations, "Task Force on Changing Family" *Public Hearing Transcript*, p. 135; Bruno, Father John, Church of St. Athanasius and St. Paul, "Response of the Episcopal Church to the Changing Family," *Public Hearing Transcript*, p. 170; Fleck, Father James, Roman Catholic Priest, "Response of the Roman Catholic Church to the Changing Family," *Public Hearing Transcript*, p. 178.

² Rabbi Allan Freehling, President, Board of Rabbis of Southern California; Father Robert Brown, St. James Episcopal Church.

³ Brown, Father Robert, "The Family in the Judaeo-Christian Tradition," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-552; Duncan, Father David, "On Church Recognition of Homosexual Household Relationships," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-555.

⁴ Donovan, E.H. Duncan, "A Report on Religion and the Family," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-547; Himes, Line & Povern, "Report on Gay and Lesbian Couples," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-192.

⁵ Testimony of Rabbi Daniel Bridge, *supra*, note 1.

⁶ Testimony of Father John Bruno, *supra*, note 1.

CITY GOVERNMENT

The government of the City of Los Angeles has a powerful institutional influence on local family life. The city passes ordinances, adopts policies, collects and spends revenues, manages programs, lobbies other branches and levels of government, and employs tens of thousands of workers. These government activities directly and indirectly affect families throughout the city.

This portion of the Task Force report focuses on how the City of Los Angeles, in its various administrative and legislative capacities, can better serve the needs of local residents and their families.

The City as Employer

The City of Los Angeles, through its various agencies and departments, employs about 40,000 workers.¹ The primary civilian workforce of city government consists of about 20,000 employees. An additional 10,000 sworn personnel work for the Police Department and Fire Department. Another 10,000 people are employed by the Department of Water and Power. As an employer, the city can assure respect for family diversity and ensure that family status or household composition is not used as a basis for discrimination.

Minimum Wage

Research by the staff of the California Industrial Welfare Commission indicates that it would be necessary to raise the minimum wage to \$5.01 per hour to lift minimum wage workers to the standard of living they had in 1967.² Statistics show that about 30% of minimum-wage workers are heads of households, a majority of them being women or minorities.³

Last year, attempts by the state Legislature to raise the minimum wage from \$3.35 per hour resulted in a governor's veto after receiving strong opposition from groups such as the California Chamber of Commerce.⁴ Other local organizations such as the Mexican Chamber of Commerce, United Neighborhoods Organizing Committee, and the East Valleys Organization asserted the need for an increase.⁵

The state Industrial Welfare Commission recently approved an increase in the minimum wage to \$4.25 per hour. While any increase will help workers with dependents, a higher minimum wage is still needed. The Task Force on Family Diversity commends the City of Los Angeles for increasing the pay of its own minimum-wage workers to \$5.01 per hour.⁶ The Task Force recommends that the City Council and the Mayor continue to press Congress, the California Legislature and the Industrial Welfare Commission to increase the minimum wage for all workers to \$5.01 per hour in 1989.

Flexible Scheduling

Because of extraordinarily dense freeway traffic, commuting to and from work is already a major problem for many employees. Unless some innovative actions are taken, work-related commuting will only become more time consuming. Between now and the year 2000, the greater Los Angeles area is expected to experience the nation's largest overall population growth.⁷ The region will also gain some 805,000 new jobs in that period.⁸ Demographers predict that the labor force also will become older and more diverse by the turn of the century.⁹

Shifting workers away from the standard 9-to-5 work schedule could help ease transportation problems.¹⁰ Not all work needs to be done during these hours, not all work needs to be done at the jobsite, and not all employees must work fulltime.¹¹ Rearranging work schedules to allow for more flex-time, part-time, and home-based work could also fit the lifestyle needs of workers with dependent children,¹² and those who care for elderly parents.¹³ The city encourages ridesharing and has adopted some flexibility in scheduling; much more is necessary.

For several years, Councilwoman Joy Picus, chair of the council's Personnel and Labor Relations Committee, has suggested ways to bring the workplace into line with the needs of today's family. She has called for revised employment practices, such as dependent care, "cafeteria-style" benefits packages, and flexible work hours. The Task Force on Family Diversity commends Councilwoman Picus for her leadership in developing and promoting a "Family Economic Policy" for the City of Los Angeles.

Child Support Payments

Councilwoman Ruth Galanter and City Controller Rick Tuttle have proposed that the city help collect child support payments from city employees with support obligations.¹⁴

Under the plan, the city controller's office would provide the names of all city employees to the district attorney's office to be cross-referenced against names of parents who are delinquent in child support payments. City employees with child support obligations, whether delinquent or not, could also request that the city withhold the monthly payment from their paychecks and forward it to the custodial parent.

Two years ago, the controller exchanged names with the district attorney, identifying 185 city employees who together owed more than \$1 million in past due child support.

The Task Force on Family Diversity commends Councilwoman Ruth Galanter and Controller Rick Tuttle for their leadership in developing and promoting the child support payroll deduction program. The Task Force recommends that the City Council and the Mayor approve the plan.

Employee Benefits

The structures and demographics of local families have changed over the years. A recent survey of the civilian workforce demonstrates that city workers and their families have been a part of this change.

Last year, the Personnel Department sent a questionnaire to 20,000 civilian workers, 8,000 of whom responded.¹⁵ The results show that the city has a diverse workforce:¹⁶

- * About 11% have a "traditional" marital arrangement with one employed spouse and one homemaker spouse.
- * About 49% are part of a dual-income household, with both spouses employed outside the home.
- * About 5% live with a domestic partner.
- * About 35% are single.

The city's present employee benefits package favors employees with homemaker spouses over all other living arrangements; about two-thirds of those responding to the survey predictably favored the city switching to a flexible benefits plan.¹⁷

The Task Force has studied existing and proposed benefit programs involving family sick leave, family bereavement leave, health and dental plans, and dependent care. The findings and recommendations of the Task Force are based on student research,¹⁸ public hearing testimony¹⁹ and research done by Task Force members,²⁰ as well as information provided by the City Personnel Department, the City Administrative Officer, and the Office of the Chief Legislative Analyst.

Historical Background. The terms "employee benefits," or "fringe benefits," have been used interchangeably to refer to the extra payments, services, and insurance that, together with salary, comprise an employee's total compensation. Health insurance, sick leave, leaves for personal purposes such as maternity or bereavement, pension plans, and vacation benefits are traditional components of employee benefits programs. However, in today's competitive employment marketplace, the purpose and point of employee benefits is often overlooked or ignored; in the context of the city, as elsewhere, a circumspect examination reveals that the traditional benefits package no longer meets the needs of most current employees.

Years ago, the paycheck or weekly wage represented the total remuneration for an employee's services. During the Industrial Revolution, pension plans, with long deferred vesting and strict employee controls, were introduced in an attempt to keep an employee tied to a particular job.²¹ During the World War II labor shortages, salary alone was no longer a sufficient inducement to attract the desired personnel; something more had to be offered. Since wages and salaries were subject to the federal stabilization rules that had been enacted during the Depression, employers were compelled to offer different kinds of employee benefits in order to compete for the limited labor supply.²²

Benefits were originally designed, in other words, as a tool to attract and hold the desired type and number of employees. Contemporary analysts still acknowledge that benefits plans "should aid (or at least not impede) the hiring of desired people."²³ After the employee has been attracted to a particular employer by the offer of certain types of benefits, the agreement by the employer to compensate the employee with such benefits becomes a contractual obligation. Indeed, California courts have held that benefits, such as retirement benefits, "do not derive from the beneficence of the employer, but are properly part of the consideration earned by the employee."²⁴

Since the philosophy of employee benefits is to satisfy some of the employee's needs, in addition to the need for monetary compensation, it is critical that the employer understand the nature of those needs. If a workforce were homogeneous, the needs of all employees would be fairly easily discernible by the well-informed employer, and the design of an attractive benefits package would pose no problem;²⁵ an employee heading a single-wage-earner family traditionally needed life, medical, and accident insurance plans covering the employee, and sometimes the employee's dependents.²⁶

In today's workforce, women compose 45% of those employed.²⁷ While the number of working women who have young children is increasing, the average working woman still earns only about 60% of

what the average working man earns.²⁸ Perhaps even more significantly, with the number of elders in our society growing steadily, employees, and female employees in particular, face increased demands to care for aging family members.²⁹ Both children and family elders present examples of financial dependency that create special hardships for women whose salaries are based on the traditional male head-of-household nuclear family model. A realistic assessment of employee needs would require breaking with tradition.

Demographics cited throughout this report demonstrate how much family structures have changed over the years.³⁰ To be competitive, an employer must now compensate an employee with a total compensation package that meets the employee's particular needs and that the employee can utilize fully. For example, the single working mother needs child care benefits and sick leave to care for family members, but may not need, or be in a position to utilize, a deferred compensation plan or spousal medical coverage.

Yet, the most important problem with current benefits programs remains the inequity in total compensation for two employees performing the same job. Discrimination has been defined as the making of decisions based on criteria other than productivity.³¹ The decision to compensate one employee in the form of employee benefits at a higher level than another employee is discriminatory when the only basis for making the decision is the fact that the privileged employee conforms to an outdated societal norm which the benefits package was originally designed to serve. Many employers, including the City of Los Angeles, need to reexamine their traditional program with an eye toward developing a means of assuring that each employee is compensated at a level equal to the compensation given other employees doing the same job in the same job classification. Those employers who refuse to recognize the changing family lifestyles of today's employees will find themselves not only out of the competition for the most desired workers, but also burdened with a benefits program that can only be described as wasteful.³²

Current City Programs. The basic benefits currently available to city employees include health and dental care, retirement, vacation, sick leave and bereavement leave. Employees have a choice of four health plans, under each of which the city subsidizes monthly premiums at a rate agreed upon in each employee group's Memorandum of Understanding.³³ Retirement benefits are available to all employees, and several options are available upon retirement for payment of accrued benefit funds.³⁴ Vacation leave is available at a rate based on the employee's number of years of city service.³⁵ Sick leave due to illness of the employee is also available with the number of days being negotiated between the city and the employee's group and memorialized in the Memorandum of Understanding. Sick leave is also available for the employee to care for an ill family member, as that term is defined by ordinance.³⁶ Finally, bereavement leave is offered for the death of a family member, as defined by ordinance.³⁷

With these basic benefits available to all city employees, the quality, and in some cases, the quantity, of benefits, may be directly related to the employee's marital status. In the area of health benefits, for example, the subsidy negotiated by the city is generally intended to cover the cost of the monthly premium for the lowest cost health care plan for the employee, spouse, and one dependent.³⁸ The total benefit subsidy negotiated, therefore, is considered part of each employee's total compensation package, but not every employee receives the full benefit. In

1986, for example, a city employee who was a member of the clerical unit, received a maximum monthly subsidy for health care of \$253.00.³⁹ If the employee were to elect the Kaiser program, this subsidy would have been sufficient to insure the employee, the employee's spouse, and one dependent child.⁴⁰ A single employee electing Kaiser coverage, however, would not have received any monetary reimbursement for the unexpended part of the subsidy which, in this example, would total more than \$160.00. From this one example, it appears clear that single employees are not treated fairly by the benefit plan.

In addition to treating single employees differently than married employees, employees with domestic partners also receive fewer benefits than married employees. While an employee may have his or her spouse covered free of charge on the basic health plan, not so for domestic partners. An employee may take sick leave to care for a needy spouse, but not for an ailing domestic partner.⁴¹ An employee is entitled to bereavement leave upon the death of a spouse, but not when his or her domestic partner dies.⁴² Also, an employee may elect to have survivor benefits paid to a spouse from the employee's retirement fund after the employee's death, but survivor benefits are not available to a surviving domestic partner.⁴³

Meeting Employees' Needs. Single workers and employees with domestic partners are not being compensated fairly under the current employee benefits plan. The needs of dual-income married couples are not being met either. For example, a city employee with a working spouse will not apply for spousal medical coverage if the spouse has medical coverage through his or her own employer. Many of these workers would prefer a flexible benefits plan that would allow substitution of a needed and usable benefit, such as dependent care, for an unusable one.

In addition to increased demand for child care services, employees are beginning to ask for dependent care for aging parents. In fact, employees who must become elder-caregivers may soon outnumber those who care for dependent children.⁴⁴ Adult children provide 80% of the health and social services needed by their aging parents, and the great majority of these caregivers are women.⁴⁵ Recent studies reveal work-related problems with those workers who care for elders, such as lateness, absenteeism, excessive personal phone use, and excessive stress.⁴⁶

Other employee problems and concerns run the gamut from substance abuse, marital problems, and financial stress, to mid-life crisis. These problems are manifested in such forms as depression, anger, anxiety, sleeplessness and exhaustion. The result can be costly to the employee in terms of physical and mental well-being, and to the employer in terms of lost time and impaired work performance.

As an employer with a commitment to the well-being of its employees, as exemplified by programs such as the annual "Wellness Fair," the City of Los Angeles should develop more Employee Assistance Programs to help employees during times of personal or family crises. The Task Force recommends that the city contract with an outside agency to establish programs that would provide employees with confidential counseling on a variety of matters, including substance abuse, relationship problems, retirement planning, financial investing, and dependent care.

Solutions and Recommendations. The city has recognized that its benefits programs need to be revised. Last year, the City Council

hired a consulting firm to assess the feasibility of adopting a flexible or "cafeteria style" benefits program.⁴⁷ A survey of city workers showed that two-thirds wanted the city to adopt such a flexible benefits program.⁴⁸

A flexible benefits plan (also known as "cafeteria" plan) would allow employees more choice in which benefits they receive, such as health insurance, dental insurance, life insurance, dependent life insurance, accidental death and dismemberment insurance, long term disability insurance, child care, elder care subsidy, vision insurance, group auto insurance, savings plan contributions, and cash.

There are three basic types of cafeteria plans. The first, the modular design, presents employees with a choice of several preselected benefits packages. The second, or flexible spending account, gives the employee a choice between taxable cash and pretax payment of nontaxable expenses. The third, or "core-plus" options plan, allows employees to select among various options which complement a fixed core of benefits for all employees.

Whatever type of plan is selected, these benefits plans are beneficial to employees only if the plan chosen meets the employee's particular needs. The Task Force on Family Diversity recommends that the City Council give approval to the Personnel Department to move forward with the implementation phase of the proposed flexible benefits program. The Task Force further recommends that the City Council resolve to eliminate marital status discrimination in the distribution of benefits pursuant to its benefits programs.

Since the issues of child care and elder care pose similar problems for employees, the Task Force recommends that any plan extending child care benefits to employees be expanded to include elder care, in essence, making both "dependent care" benefits.

The city should also take a more active role in the development and implementation of dependent care programs. The city could use its internal systems of communication to disseminate medical findings, estate planning information, and other information relating to aging and the care of elders. Workshops could be provided and support groups formed to help employees deal with elder care. The city might also develop a regionwide network of resources and referral services to provide caregivers with information about available child care and elder care centers and encourage employees to make use of these services.

The Task Force on Family Diversity recommends that the Mayor issue an executive order directing the Personnel Department to review current city personnel practices and authorizing it to take whatever steps are necessary, including meeting and conferring with employee groups, to modify and enhance the city's role as a model employer in the area of dependent care, flexible work schedules, expanded maternity and paternity leave, and the use of leaves to care for elderly dependent relatives. Additionally, the Mayor should direct Project Restore, which is presently working to restore City Hall, to study the feasibility of including an on-site dependent care center in its restoration plans.

Unfairness to Domestic Partners. The facts are in, and the city should recognize that a significant number of its employees are living in domestic partnerships, be they same-sex or opposite-sex relationships. The Task Force on Family Diversity estimates that about 8% of the city's civilian employees have domestic partners.⁴⁹ The Task Force finds that

these employees are being treated unfairly under the present benefits system.

In recent years, several municipalities have extended benefits to government employees and their domestic partners.⁵⁰ In other cities, such proposals are under consideration.⁵¹ The City of Los Angeles should now take positive action on the domestic partnership benefits issue.

Some unfairness would be eliminated if the city were to adopt a flexible benefits plan that does not discriminate on the basis of marital status in the extension of benefits. Other inequities to domestic partners should also be remedied immediately.

For example, it is patently wrong to deny an employee either family sick leave or bereavement leave when his or her domestic partner is seriously ill or dies. Presently, the City Administrative Code does just that.⁵² To implement reform in the area of family sick leave and bereavement leave in a responsible manner, the city must first define the term "domestic partners." The Task Force on Family Diversity recommends that the City Council amend the City Administrative Code to include the term "domestic partner" in the list of "immediate family" relationships for which an employee is entitled to take family sick leave and bereavement leave. The following definition of "domestic partner" should be adopted, and the city's Personnel Department should be authorized to establish appropriate procedures to verify the domestic partnership status of employees who claim eligibility for sick leave or bereavement leave:⁵³

Domestic partners are two persons who declare that:

- (1) They currently reside in the same household, and have been so residing for the previous 12 months.
- (2) They share the common necessities of life.
- (3) They have a mutual obligation of support, and are each other's sole domestic partner.
- (4) They are both over 18 years of age and are competent to contract.
- (5) Neither partner is married.
- (6) Neither partner is related by blood to the other.
- (7) They agree to notify the appropriate agency within 30 days if any of the above facts change.

The extension of family sick leave and bereavement leave to employees who have domestic partners does not require complex legal analysis or extensive fiscal debate. Legally, the city has the discretion to grant such benefits, and the financial impact to the city would be negligible.⁵⁴

Granting retirement benefits to surviving domestic partners has a potentially greater financial impact and more complex legal considerations. Before any proposals move forward in this area, the Government Operations Committee of the City Council could request the City Attorney for a legal analysis and the City Administrative Officer for a financial review of the matter.

City Departments and Commissions

During the past fiscal year, the City of Los Angeles reported nearly \$2.5 billion in revenues. Almost \$2 billion of this revenue was appropriated to city departments.⁵⁵ A list of some departments and a brief summary of their authority shows how departmental services and programs affect local families:⁵⁶

*** Department of Aging:** plans, coordinates, and manages the city's senior citizen activities.

*** Building and Safety Department:** enforces all ordinances and laws related to the construction or alteration of homes, apartments, and other buildings, as well as the installation, use and repair of appliances therein; enforces zoning laws.

*** City Attorney:** prosecutes all misdemeanor cases, including family violence and abuse, and some substance abuse.

*** Community Development Department:** administers the housing and community block grant, community services block grant, and rent control programs.

*** Cultural Affairs Department:** sponsors exhibitions and community art events; conducts youth and adult choruses and community sings; sponsors band concerts.

*** Fire Department:** enforces fire prevention laws; implements a fire prevention program; provides rescue services; extinguishes fires.

*** City Planning Department:** regulates the use of privately owned property through zoning laws; provides advice and assistance relative to environmental matters.

*** Police Department:** engages in patrol and prevention of crime; investigates crimes and makes arrests.

*** Public Works Department:** collects and disposes of household refuse; maintains all sanitation sewers and storm drains; maintains street lighting; maintains streets and sidewalks.

*** Transportation Department:** develops plans to meet the ground transportation needs of the public; studies parking and traffic problems; controls traffic and pedestrian movement at all intersections; oversees crossing guard services.

*** Library Department:** purchases, catalogues, maintains, and circulates library materials; provides services at 63 libraries and throughout the city by bookmobiles.

*** Recreation and Parks Department:** operates parks, beaches, zoo, observatory, travel town, and cultural sites; operates sports, camping, and other recreational programs for youth, seniors, families and individuals.

The responsibility of governing and administering the City of Los Angeles is shared among various participants.⁵⁷ Elected officials write laws, set policies, adopt budgets, and hold occasional oversight hearings. Daily implementation of city services and programs is the duty of department heads. Ideally, however, ongoing oversight of government operations should be attended to by appointed city commissioners.

More than 200 appointed commissioners serve on about 45 boards and commissions created by city charter or ordinance. Most of the appointments are made by the Mayor, with approval by the City Council. Although many commissions exercise authority that has a direct or indirect effect on local families, the Task Force has taken a special interest in the work of the following panels:

- * **Commission on the Status of Women:** promotes the general welfare of women in the community and in the city workforce.⁵⁸
- * **Human Relations Commission:** promotes intergroup harmony through public hearings, research, education or by recommending legislation or programs.⁵⁹
- * **Handicapped Access Appeals Commission:** receives complaints, holds hearings, and makes rulings on buildings lacking access for people with disabilities.⁶⁰
- * **Board of Public Works:** issues permits for filming by media on city-owned property; enforces laws prohibiting nondiscrimination by city contractors.

The Task Force commends the city's Commission on the Status of Women for its efforts to improve the quality of life for women and families in Los Angeles. The Commission has developed and the City Council has approved an excellent "Policy Statement on Women's Issues," to guide the city's legislative programs in Sacramento and Washington, D.C.⁶¹ The Task Force also commends the Women's Commission for its leadership in promoting the extension of family benefits to domestic partners.

The Task Force is aware that the city's Human Relations Commission annually prints and distributes a calendar noting various holidays and observances of interest to constituencies in this multicultural city. The Task Force commends the Commission for choosing "Family Diversity" as the theme for its 1988 Human Relations Calendar. Having studied various aspects of the Commission's operations, the Task Force suggest several modifications in the Commission's operations. In keeping with the Commission's mandate to propose legislation and programs promoting intergroup harmony, the Task Force recommends that the Human Relations Commission develop and annually update a "Policy Statement on Human Relations" for inclusion in the city's legislative policy statements. The Task Force also recommends that the Commission take whatever steps are necessary to insure that its Annual Report is filed with the Mayor and distributed to interested parties in a timely manner. Finally, the Task Force recommends that the Human Relations Commission adopt a plan of action to revitalize its operations. A consultant might be hired to assist the Mayor and the Commission in facilitating such a revitalization program.

The Handicapped Access Appeals Commission was created last year. It will doubtless build upon and augment the work of the Mayor's Advisory Commission on Disabilities. The Task Force commends the

Mayor and the City Council for elevating the access issue to full commission status. The Task Force recommends that the Mayor review the needs of the Advisory Commission on Disabilities, including its budget and staffing, so that it can deal effectively with numerous disability issues that do not fall within the jurisdiction of the newly created Access Appeals Commission. As mentioned elsewhere in this report, the Task Force also recommends that as soon as possible, the mayor's Advisory Commission be replaced by a commission on disabilities created by ordinance.

The Board of Public Works plays an important role in administering the city and state nondiscrimination laws. Equal opportunity is an important issue in a city with so many minorities and constituencies. The city recently affirmed its commitment to nondiscrimination when it passed an ordinance prohibiting discriminatory membership practices by certain private clubs.⁶²

Years ago, the city resolved not to award city funds to vendors or contractors who engage in discriminatory employment practices that violate federal, state, or local nondiscrimination laws. This ordinance is administered by the Board of Public Works. Under the ordinance, as amended in 1975, funds may not be awarded to contractors who discriminate on the basis of race, religion, national origin, ancestry, sex, age, or physical handicap.⁶³ Although other forms of discrimination have been prohibited in subsequent years, the ordinance has remained the same since 1975. Now, however, discrimination on the basis of "medical condition," "marital status," and "sexual orientation" is illegal under state or local laws.⁶⁴ If the city "intends to deal only with those contractors who comply with the nondiscriminatory . . . provisions of the laws of United States of America, the State of California, and the City of Los Angeles,"⁶⁵ then the Administrative Code should be updated. The Task Force recommends that the City Council amend the Administrative Code provisions dealing with nondiscrimination by city contractors, adding "marital status," "sexual orientation," and "medical condition" to appropriate subdivisions of Section 10.8, Division 10, Chapter 1 of that code. The Task Force also recommends that the City Attorney and the Board of Public Works keep the City Council and the Mayor apprised of any additional categories that should be added if state, federal, or local nondiscrimination laws are augmented in the future.

In addition to its specific comments on these four commissions, the Task Force offers a few additional observations about the commission process in general. With varying degrees of authority, city boards and commissions oversee departmental operations. Some have the authority to approve or reject departmental policies. Others serve in a more limited advisory capacity. Some have substantial budgets and adequate staffing. Others are significantly underbudgeted and understaffed. Most commissioners serve without compensation, receiving token "per diems" to cover expenses in attending meetings.

One critical observer recently suggested the attributes of effective commissions, which she called, "the lifeblood of our government."⁶⁶ The City of Los Angeles would benefit by employing the following criteria in any evaluation of the commission system which might be undertaken in the future:⁶⁷

- * The process of selecting commissioners should be open, with broad based recruitment efforts.

* Appointees should be selected for their integrity and ability; not for purely political reasons.

* A limit of two terms should be the rule. With so many qualified people to choose from, more individuals should be given an opportunity to serve.

* Commissioners should listen to conscientious staff members, should not be puppets of department heads, and should exert independent effort to find out what is really going on within their jurisdiction.

* Commissioners should be visible in the community, thus encouraging broad citizen participation.

* Commissions should be adequately budgeted and have adequate and competent staffing.

* To determine whether a given commission is doing its job, annual reports should be required.

With these criteria in mind, the Task Force on Family Diversity recommends that the Mayor and the City Council conduct a thorough review of the city's commission process for the purpose of making the commissions more representative and effective. The Task Force notes that some constituencies are underrepresented.⁶⁸ It is recommended that the Mayor review the representativeness of current city commissioners and correct any gross imbalances with the next set of scheduled vacancies in June, 1988.

Although this report touches upon many of the major areas of concern to diverse family groups in Los Angeles, the Task Force on Family Diversity is fully aware that many other important areas have not been addressed. It should be apparent that the study of changing family demographics and problems should be an ongoing process for the City of Los Angeles. Unfortunately, there is no existing city agency dealing with family issues on a holistic basis. Los Angeles families deserve more attention, and the City Council, the Mayor, and city departments need ongoing advice related to family concerns. To fulfill this important function, the Task Force on Family Diversity recommends that the City Council and the Mayor establish a Commission on Family Diversity to begin operating in budget year 1989-90. This report, and its background documents, could serve as a foundation for the initial operations of such a commission.

In the interim, the Task Force recommends that the Mayor direct all department managers and all commission presidents to review the report of the Task Force on Family Diversity so that they are aware of current family demographics and needs and can therefore continue to improve policies, programs and services affecting local families.

CITY GOVERNMENT: RECOMMENDATIONS

Employee Benefits

98. The Task Force recommends that the City Council and the Mayor continue to press Congress, the California Legislature and the Industrial Welfare Commission to increase the minimum wage for all workers to \$5.01 per hour in 1989.

99. The Task Force recommends that the City Council adopt the child support payment deduction program that has been proposed by Councilwoman Ruth Galanter and Controller Rick Tuttle.

100. The Task Force recommends that the City Council give approval to the Personnel Department to move forward with the implementation phase of the proposed flexible benefits program. The Task Force also recommends that the City Council resolve to eliminate marital status discrimination in the distribution of benefits pursuant to its benefits programs.

101. The Task Force recommends that any plan extending child care benefits to employees should be expanded to include elder care, in essence, making both "dependent care" benefits.

102. The Task Force recommends that the Mayor issue an executive order directing the Personnel Department to review current city personnel practices and authorizing it to take whatever steps are necessary, including meeting and conferring with employee groups, to modify and enhance the city's role as a model employer in the area of dependent care, flexible work schedules, expanded maternity and paternity leave, and the use of leaves to care for elderly dependent relatives. Additionally, the Mayor should direct Project Restore, which is presently working to restore City Hall, to study the feasibility of including an on-site dependent care center in its restoration plans.

103. The Task Force recommends that the city contract with an outside agency to establish an Employee Assistance Program that would provide employees with confidential counseling on a variety of matters, including substance abuse, relationship problems, retirement planning, financial investing, and dependent care.

104. The Task Force recommends that the City Council amend the City Administrative Code to include the term "domestic partner" in the list of "immediate family" relationships for which an employee is entitled to take family sick leave and bereavement leave. The following definition of "domestic partner" should be adopted, and the city's Personnel Department should be authorized to establish appropriate procedures to verify the domestic partnership status of employees who claim eligibility for sick leave or bereavement leave:

Domestic partners are two persons who declare that:

- (1) They currently reside in the same household, and have been so residing for the previous 12 months.
- (2) They share the common necessities of life.
- (3) They have a mutual obligation of support, and are each other's sole domestic partner.
- (4) They are both over 18 years of age and are competent to contract.
- (5) Neither partner is married.
- (6) Neither partner is related by blood to the other.
- (7) They agree to notify the appropriate agency within 30 days if any of the above facts change.

Departments and Commissions

105. The Task Force recommends that the following actions be taken in connection with the city's Human Relations Commission:

(a) In keeping with the Commission's mandate to propose legislation and programs promoting intergroup harmony, the Commission should develop and annually update a "Policy Statement on Human Relations" for inclusion in the city's legislative policy statements.

(b) The Commission should take whatever administrative action is necessary to insure that its Annual Report is filed with the Mayor and distributed to interested parties in a timely manner.

(c) The Commission should adopt a plan of action of revitalize its operations. A consultant might be hired to assist the Mayor and the Commission in facilitating such a revitalization program.

106. The Task Force recommends that the Mayor review the needs of the Advisory Commission on Disabilities. Pending the creation by ordinance of a full Commission on Disabilities, the Advisory Commission needs a budget and staff members of its own so that it can effectively deal with numerous disability issues which do not fall within the jurisdiction of the newly created Access Appeals Commission.

107. The Task Force recommends that the City Council amend the Administrative Code provisions dealing with nondiscrimination by city contractors, adding "marital status," "sexual orientation," and "medical condition" to appropriate subdivisions of Section 10.8, Division 10, Chapter 1 of that code. It is further recommended that the City Attorney and the Board of Public Works keep the City Council and the Mayor apprised of any additional categories which should be added as state, federal, and local nondiscrimination laws may be augmented in the future.

108. The Task Force recommends that the Mayor and the City Council conduct a thorough review of the appointment process and operations of the city's commissions, for the purpose of making the commissions more representative and effective.

109. The Task Force recommends that the City Council and the Mayor establish a Commission on Family Diversity to begin operating in budget year 1989-90. This report, and its background documents, will serve as a foundation for the initial operations of a Family Diversity Commission.

110. The Task Force recommends that the Mayor direct all department managers and all commission presidents to review the report of the Task Force on Family Diversity so that they are aware of current family demographics and needs and therefore can improve policies, programs and services affecting local families.

City Government: Notes

¹ Interview with Henry Hurd, Employee Benefits Manager, Personnel Department, City of Los Angeles.

² "Wage Hike Endorsed," *Los Angeles Times*, December 1, 1987.

³ Weinstein, Henry, "Mahony and Kennedy Lead Rally for Hike in Basic Wage," *Los Angeles Times*, July 13, 1987.

⁴ "Legislative Outlook," *Alert*, California Chamber of Commerce, July 10, 1987.

⁵ *Ibid.*

⁶ "L.A. Increases Minimum Wage for City Workers," *Los Angeles Daily Journal*, January 29, 1988.

⁷ "L.A. Will Gain 800,000 Jobs by Year 2000," *Los Angeles Herald Examiner*, September 21, 1987.

⁸ *Ibid.*

⁹ Bernstein, Harry, "Work in the Year 2000," *Los Angeles Times*, May 17, 1987.

¹⁰ West, Steven, "Traffic Congestion Threatens to Stall the Economic Engine," *Los Angeles Times*, November 15, 1987.

¹¹ Christensen, Kathleen, *Women and Home-Based Work: The Unspoken Contract* (Henry Holt, 1987).

¹² Hertz, Rosanna, *More Equal Than Others: Women and Men in Dual-Career Marriages* (University of California Press, 1986).

¹³ Freudenheim, Milt, "Help in Caring for the Elderly," *New York Times*, July 1, 1986.

¹⁴ Sackett, Kacy, "L.A. to Consider Child Support Plan," *Los Angeles Daily Journal*, November 24, 1987.

¹⁵ City of Los Angeles, "Employee Benefits Survey," administered by Towers, Perrin, Forster & Crosby, an independent consulting firm hired by the City Council. Results reported in a memorandum dated January 28, 1988, from Keith Comrie, City Administrative Officer, to Mayor Tom Bradley.

¹⁶ *Ibid.*; The number of employees with domestic partners may be somewhat higher than 5%. A recent survey by the Commission on the Status of Women estimated that 11% of city employees lived with domestic partners. The actual number probably lies between these two figures.

¹⁷ *Ibid.*

¹⁸ Ross, David, "Securing Benefits for the Domestic Partners of Los Angeles City Employees," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-564; Bautista, Rummell, "One-Person Households," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-619; Link, David, "Status of Gay and Lesbian Couples," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-832; Green, Matthew, "Defining Family," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-600.

¹⁹ Harris, Charles, "Feasibility Study: Flexible Benefits for City Employees," *Public Hearing Transcript*, p. 122; Achtenberg, Roberta, "Gay and Lesbian Couples and Families," *Public Hearing Transcript*, p. 253; Nordquist, Joyce, and Weinberger, William, "Employee Benefits for Domestic Partners," *Public Hearing Transcript*, p. 185.

²⁰ The remainder of this section on "Flexible Benefits" is taken from the team report: Michelle Buehler, Diane Goodman, Katherine J. Hamilton, "Report on Governmental Employee Benefits," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-450.

²¹ Goodman, Isidore, "An Overview of Employee Benefit Plans," *Pension Plan Guide, No. 395*, part II (Commerce Clearing House, Inc., 10-22-86).

²² Goodman, Isidore, "The Compensation Package," *Pension Plan Guide, No. 354*, part II, (Commerce Clearing House, Inc., 1-8-82).

²³ Mamorsky, Jeffrey, *Employee Benefits Handbook* (Warren, Gorham & Lamong, 1987).

²⁴ *In re Marriage of Fithian* (1974) 10 Cal.3d 592, 596.

²⁵ Klein, James P., "Tax Effective Total Compensation," *Tax Law & Practice Course Handbook Series Number 237*, p. 7. (Practicing Law Institute, 1985).

²⁶ *Id.*, p. 11.

²⁷ Willborn, Steven L., *A Comparable Worth Primer* (Lexington Books, 1986).

²⁸ *Id.*, p. 7.

²⁹ Berne, Suzanne, "Elder Care: *The Issue of the 21st Century*," *Los Angeles Downtown News*, Vol. 16, No. 35 (August 24, 1987).

³⁰ In a survey of the city's workforce conducted last year by the Los Angeles Commission on the Status of Women, 11% of about 6,000 respondents reported that they lived with a domestic partner.

³¹ Willborn, *supra*, note 27, at p. 10.

³² Klein, *supra*, note 25, at pp. 11-12.

³³ *Health and Dental Care Program*, Employee Benefits Office, Personnel Department, September 1, 1986, pp. 1, 22.

³⁴ City Charter, Section 509.

³⁵ Los Angeles Administrative Code, Section 4.245.

³⁶ Los Angeles Administrative Code, Section 4.127.

³⁷ Los Angeles Administrative Code, Section 4.127.1.

³⁸ Health and Dental Care Program, *supra*, note 33, at pp. 19, 22.

³⁹ *Id.*, pp. 21-22.

⁴⁰ *Id.*, p. 19.

⁴¹ Los Angeles Administrative Code, Section 4.127.

⁴² Los Angeles Administrative Code, Section 4.127.1.

⁴³ City Charter, Section 508.2.

⁴⁴ Berne, *supra*, note 29.

⁴⁵ Jackson, Dennis, "Dependent Care in the City of Los Angeles," Los Angeles City Department of Aging.

⁴⁶ Friedman, Dana, "Eldercare: The Employee Benefit of the 1990s," *Across the Board*, p. 46 (June, 1986).

⁴⁷ Testimony of Charles Harris, *supra*, note 19.

⁴⁸ Comrie, *supra*, note 15.

⁴⁹ The survey by the Personnel Department estimated about 5%; the Women's Commission survey estimated about 11%. The Task Force estimate of 8% is the average of these two figures.

⁵⁰ See previous chapter on Domestic Partnership Families.

⁵¹ *Ibid.*

⁵² Los Angeles Administrative Code Sections 4.127 and 4.127.1.

⁵³ Ross, *supra*, note 18; Link, *supra*, note 18.

⁵⁴ Hurd, *supra*, note 1.

⁵⁵ "Budget for the City of Los Angeles for Fiscal Year 1987-88," as proposed by Mayor Tom Bradley.

⁵⁶ *Ibid.*

⁵⁷ Harris, Ellen, "Government's Lifeblood: Commissions with Clout," *Los Angeles Times*, August 16, 1987.

⁵⁸ "Detail of Departmental Programs with Financial Summaries," Supplement to the 1987-88 Proposed Budget.

⁵⁹ Administrative Code, Div. 22, ch. 6, Sec. 22.94.

⁶⁰ City Council File No. C.F. 86-1757; "Access Panel for Disabled," *Los Angeles Times*, October 6, 1987.

⁶¹ "1987-88 Legislative Policy Statements," prepared by the Chief Legislative Analyst.

⁶² City Council File No. 87-0288, adding Article 5.9 to Chapter IV of the Los Angeles Municipal Code.

⁶³ Los Angeles Municipal Code, Div. 10, Ch. 1, Art. I, Section 10.8.2.

⁶⁴ Government Code Section 12940; Labor Code Sections 1101, 1102; 69 *Cal.Atty.Gen.Op.* 80 (1986); Los Angeles Municipal Code Section 49.70, et seq.

⁶⁵ Los Angeles Municipal Code, Div. 10, ch. 1, Art. I, Section 10.8.

⁶⁶ Harris, *supra*, note 3.

⁶⁷ *Ibid.*

⁶⁸ The Task Force is not advocating a rigid quota system in the

appointment process. However, it has come to the attention of the Task Force that there are only four known gay or lesbian commissioners and only a handful of disabled commissioners presently serving on boards and commissions created by charter or ordinance. Each of these constituencies constitute from 10 to 15 percent of the local population. This imbalance could be corrected when the Mayor and the City Council fill vacancies scheduled for June, 1988.

RECOMMENDATIONS
(Per Implementing Agency/Official)

Agency	Recommendation	Page in Report
NATIONAL AGENCIES/OFFICIALS		
PRESIDENT OF THE UNITED STATES:		
	Convene a White House Conference on Families	6
UNITED STATES CONFERENCE OF MAYORS:		
	Sponsor a “Family Diversity Forum”	6
NATIONAL LEAGUE OF CITIES:		
	Sponsor a “Family Diversity Forum”	6
CALIFORNIA AGENCIES/OFFICIALS		
LEGISLATURE:		
Joint Select Task Force on Changing Family:		
	Review This Report	11
	Suggest Ways in Which State Government Can Strengthen Domestic Partnerships and Marital Relationships	84
	Propose Revisions in Laws on Loss of Consortium, Wrongful Death, and Infliction of Emotional Distress	85
	Review Legal and Economic Barriers That Impede Elderly from Remarrying	85
	Study Issue of Marriage Penalties for Disabled People	85
	Lawmakers to Use Inclusive Definition of Family in Drafting Proposed Legislation	22
LEGISLATIVE COUNSEL:		
	Use Inclusive Definition of Family in Drafting Proposed Legislation	22
INSURANCE COMMISSIONER:		
	Declare Various Practices Against Unmarried Couples to Be “Unfair Practices”	43
	Refer Complaints of Lifestyle Discrimination to Other Agencies with Possible Jurisdiction	43

Agency	Recommendation	Page in Report
SUPERINTENDENT OF PUBLIC INSTRUCTION:		
	Direct Intergroup Relations Office and School Climate Unit to Incorporate "Homophobia" Education into Their Programs	65
	Adopt an Anti-Slur Policy and Disseminate Such to Every School District in the State	65
	Implement Privacy Commission Recommendations on Employment Nondiscrimination	65
DEPARTMENT OF EDUCATION:		
	Sponsor Practicum on Schoolyard Bullying	65
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING:		
	Update Literature to Include Discrimination Against Unmarried Couples	84
DEPARTMENT OF HEALTH SERVICES:		
	Adopt Regulations Prohibiting Discrimination Against Unmarried Couples	85
DEPARTMENT OF SOCIAL SERVICES:		
	Adopt Regulations Prohibiting Discrimination Against Unmarried Couples	85
DEPARTMENT OF MENTAL HEALTH:		
	Adopt Regulations Prohibiting Discrimination Against Unmarried Couples	85
LEAGUE OF CITIES:		
	Sponsor a "Family Diversity Forum"	11
COUNTY OF LOS ANGELES AGENCIES/OFFICIALS		
BOARD OF SUPERVISORS:		
	Convene County Task Force on Family Diversity	17
	Create City-County Task Force on the Homeless	37
	Co-Sponsor Foster Grandparent Program	73
COMMISSION ON AIDS:		
	Continually Study Impact of AIDS on Families	17
DEPARTMENT OF CHILDREN'S SERVICES:		
	Develop Media Awareness Program	95

CITY OF LOS ANGELES AGENCIES/OFFICIALS

CITY COUNCIL:

Host a National Conference on Family Diversity 6

Amend Legislative Policy Statements to Address
Needs of Single-Parent Families 11

Develop Comprehensive Family Policy for City 22

Use Inclusive Definition of Family in Drafting
Proposed Ordinances and Resolutions 22

Retain Research Organization to Develop Reliable
Estimate of Gay/Lesbian Adult Residents 29

Require Full Replacement of Low-Income Housing
Units Scheduled for Removal or Demolition 37

Create City-County Task Force on the Homeless 37

Support Homeless Youth Projects 37

Convene Interagency Task Force on Homeless Youth 37

Fund Van Service for Homeless Youth and Families 37

Support Creation of Non-Profit Housing Agencies 37

Adopt Legislative Policy Statements on Insurance 43

Support 1988 Insurance Reform Ballot Initiative 43

Communicate to State Insurance Commissioner
Concern About Lifestyle Discrimination 43

Amend City's Child Care Policy 47

Amend Legislative Policy Statements to Support
Additional Family Leave for Workers 47

Provide Substantive Child Care Assistance to
Bulk of City Workforce 47

Allow Workers More Flexibility in Schedules 47

Adopt Bradley-Picus Proposal to
Give Bonuses to Developers Who Allocate Child Care Space 47

Direct Child Care Coordinator and Advisory Board
to Evaluate CDD Funded Child Care Programs 48

Increase Funding for CDD Supported Programs in
Order to Increase Wages of Child Care Workers 48

Agency	Recommendation	Page in Report
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	Approve Child Abuse Prevention and Education Pilot Project	54
	Urge Legislature to Amend Domestic Violence Laws to Provide Equal Protection Against Same-Sex Battery	54
	Direct CDD to Give High Priority to Grants for Off-Site Student Child Care Facilities	65
	Create Permanent Commission on Street Gang Violence	66
	Co-Sponsor Foster Grandparent Program	73
	Establish Ombudsman's Office for Housing Grievances of Older Adults	73
	Adopt Ordinance Prohibiting Rent Increases When Older Renter Acquires a Roommate	73
	Hold Hearings on Feasibility of Adopting Goal of 100% Accessibility by Year 1998	77
	Direct City Departments to Create More Curb Cuts and Implement Other Access Changes	77
	Create Commission on Disabilities to Replace Mayor's Advisory Council on Disability	78
	Support Increase in Minimum Wage to \$5.01	103
	Adopt Child Support Payment Deduction Program	103
	Approve Implementation of Flexible Benefits Plan for City Workers	103
	Eliminate Marital Status Discrimination in the Administration of Benefits Programs	103
	Approve Implementation of "Dependent Care" Benefit for Child Care and Elder Care	103
	Amend Code Prohibiting Nondiscrimination by City Contractors	104
	Establish Employee Assistance Programs	103
	Amend Administrative Code to Provide for Sick Leave and Bereavement Leave for Workers With Domestic Partners	103
	Review Appointment Process and Operations of City Commissions	104

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	Give More Community Block Grants to Programs Offering English-as-a-Second-Language Classes	90
	Urge INS to Adopt Family Unity Policy	90
	Reorganize City Task Force on Immigration	90
MAYOR:		
	Host a National Conference on Family Diversity	6
	Support Homeless Youth Projects	37
	Convene Interagency Task Force on Homeless Youth	37
	Fund Van Service for Homeless Youth and Families	37
	Support Creation of Non-Profit Housing Agencies	37
	Support 1988 Insurance Reform Ballot Initiative	43
	Communicate to State Insurance Commissioner Concern About Lifestyle Discrimination	43
	Approve Child Abuse Prevention and Education Pilot Project	54
	Urge Legislature to Amend Domestic Violence Laws to Provide Equal Protection Against Same-Sex Battery	54
	Support Creation of Permanent Commission on Street Gang Violence	66
	Review Needs of Advisory Council on Disability	104
	Support Increase in Minimum Wage to \$5.01	103
	Issue Executive Order Directing Personnel Department to Develop Plans to Make City a Model Employer	103
	Review Appointment Process and Operations of City Commissions	104
	Support Creation of a Commission on Family Diversity	104
	Direct All Department Managers and Commission Presidents to Review Report of the Task Force on Family Diversity	104
	Encourage Department to Develop Public Service Announcements	95

Agency	Recommendation	Page in Report
CITY ATTORNEY:		
	Use Inclusive Definition of Family in Drafting Proposed Ordinances	22
	Issue Opinion on Legality of One-Person-Per- Bedroom Rule Imposed by Landlords	37
	Enforce Housing Laws Protecting Pregnant Women	37
	Develop Plan to Educate Landlords and Families Regarding Fair Housing Rights of Families	37
	Request State Insurance Commissioner to Forward Copies of Lifestyle Discrimination Complaints	43
	Convene Task Force on Lifestyle Discrimination Against Insurance Consumers	43
	Convene a Task Force on Gay and Lesbian Family Violence	54
	Convene Task Force on Immigrant Family Violence	55
	Initiate Deferred Prosecution Pilot Program on Elder Abuse	55
	Train Prosecutors on Disability and Its Relationship to Investigation and Prosecution	78
	Inform City Council of Any Necessary Amendments to City Contractor Nondiscrimination Law	104
	Render Opinion on Legality of Consumer Discounts Based on Marital Status	85
	Monitor Lawsuit Federal Housing Regulations Affecting Immigrant Families	91
CITY DEPARTMENTS AND COMMISSIONS:		
CHIEF LEGISLATIVE ANALYST:		
	Use Inclusive Definition of Family in Drafting Proposed Ordinances	22
DEPARTMENT OF AGING:		
	Convene Interagency Task Force on Elder Abuse	55
	Co-Sponsor Task Force on Intergenerational Child Care	73
	Implement Respite Care Programs	73
	Co-Sponsor Task Force on Seniors' Housing Issues	73
DEPARTMENT OF PLANNING:		
	Derive More Reliable Estimate of Undocumented Residents	29

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CITY DEPARTMENTS AND COMMISSIONS (Cont.)		
POLICE DEPARTMENT:		
	Develop More Presence in Areas Attracting Large Numbers of Homeless Persons	37
	Submit Annual Reports to Police Commission and Council on Victimization of Disabled	78
DEPARTMENT OF BUILDING AND SAFETY:		
	Include Disability Accessibility Requirements When Issuing High-Density Variances	26
DEPARTMENT OF TRANSPORTATION:		
	Develop Multi-Modal Plans Providing Flexible Options for Disabled and Nondisabled Persons	77
BOARD OF PUBLIC WORKS:		
	Inform City Council of Necessary Amendments to City Contractor Nondiscrimination Law	104
	Encourage Networks to Hire More Diverse Staff	95
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	Adopt Policy to Provide Domestic Violence Victims Materials in Multiple Languages	54
	Adopt Policy to Collect Data on Disability Status of Crime Victims	78
	Convene a Police Advisory Commission on Disabilities	78
COMMISSION ON HUMAN RELATIONS:		
	Develop "Policy Statement on Human Relations"	104
	File Annual Reports in a Timely Manner	104
	Revitalize Its Operations	104
	Investigate Hate Crimes Against Minorities	90
COMMISSION ON STATUS OF WOMEN:		
	Amend Legislative Policy Statements to Address Needs of Single-Parent Families	11
	Amend Legislative Policy Statements Per Senate Task Force on Family Equity Proposals	11
	Urge Government Agencies to Implement Reforms to Assist Older Women	72

CITY DEPARTMENTS AND COMMISSIONS (Cont.)

HOUSING COORDINATOR:

Convene Adequate/Affordable Housing Task Force	37
Develop Plan to Educate Landlords and Families Regarding Fair Housing Rights of Families	37

CHILD CARE COORDINATOR:

Evaluate CDD Funded Child Care Programs	48
Inform City Council and Mayor of Pending State and Federal Legislation Regarding Affordable Child Care	48
Co-Sponsor Task Force on Intergenerational Child Care	73

LOS ANGELES UNIFIED SCHOOL DISTRICT AGENCIES/OFFICIALS

BOARD OF EDUCATION:

Examine Treatment of Subject of Homosexuality in Family Life Education Curriculum	64
Commit Additional Resources to Train Teachers in Family Life Education Curriculum	64
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Adopt Goals and Timetables to Establish School-Based Clinics at Each High School	65
Initiate Teen Father Program	65
Implement Privacy Commission Recommendations on Employment Nondiscrimination	65
Convene Commission on Youth Gangs	66
Require Mandatory Cultural Curriculum to Include Component on Nature and Culture of Disability	78

SUPERINTENDENT OF SCHOOLS:

Sponsor Seminars on AIDS	65
Develop Peer Education and Counseling Program as Component in Family Life Education Curriculum at All High Schools and Junior High Schools	64
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APPENDIX E

Task Force on Family Diversity Mandate

WHEREAS, the family, as an institution, has played and continues to play an important role in the development of our city, state, and nation; and

WHEREAS, "family" is a broad and expansive concept, capable of encompassing a wide range of committed relationships; and

WHEREAS, most individuals, in furtherance of their inalienable rights to life, liberty, privacy, and pursuit of happiness, have formed and continue to form family relationships; and

WHEREAS, our city is rich in family diversity; and

WHEREAS, government should encourage the formation and development of family relationships; and

WHEREAS, government itself should not foster discrimination against families, nor should it tolerate unfair private discrimination against families; and

WHEREAS, in furtherance of our commitment to family life and individual freedom, the City of Los Angeles and its affiliated political entities should adopt reasonable measures to address the legitimate needs of families; and

WHEREAS, government authority to remedy family problems is vested in various levels and branches of government;

NOW, THEREFORE, I, Los Angeles City Councilman Michael Woo, by virtue of the power vested in me as a member of the Los Angeles City Council and as Chairman of the City Council's Intergovernmental Relations Committee, do hereby convene a TASK FORCE ON FAMILY DIVERSITY:

- 1. Said Task Force shall consist of two co-chairs and up to 38 other members appointed by me.**
- 2. The co-chairs and members shall serve without compensation.**
- 3. The Task Force shall study the nature and extent of family diversity in the City of Los Angeles and shall investigate any evident problems experienced by variable family groups, such as single-parent families, unmarried couples, immigrant families, gay or lesbian couples, or families with senior or disabled members.**
- 4. The Task Force shall issue a final report by April, 1988, documenting its findings, noting demographic and legal trends, and making recommendations for legislative, administrative, educational, or other appropriate actions which should be undertaken within the public or private sectors to address the special problems of families in Los Angeles.**

Dated: April 9, 1986

COUNCILMAN MICHAEL WOO

(Rev. 8-1-86/8-3-87)