

STRENGTHENING FAMILY RELATIONSHIPS  
IN LONG BEACH:

An Assessment of  
Family Diversity  
In Community Life

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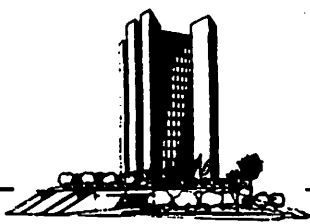
Report of

THE LONG BEACH  
HUMAN RELATIONS COMMISSION

1991

Commissioned By  
LONG BEACH CITY COUNCIL

Principal Consultant  
SPECTRUM INSTITUTE



# CITY OF LONG BEACH

## HUMAN RELATIONS COMMISSION

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### LONG BEACH HUMAN RELATIONS COMMISSION

February, 1991

Honorable Mayor and City Council,

It is with pleasure that the Human Relations Commission hereby submits to you our report on "STRENGTHENING FAMILY RELATIONSHIPS: An Assessment of Family Diversity in Community Life."

In 1989, when the Commission identified family life as the fundamental element in designing a successful human relations program, we also made a commitment to a secure and stable community of relationships. Although family life remains at the core of our social values, the experience of contemporary family life has changed, often dramatically, in the past three decades.

During a year of research and reflection, the Commission learned a great deal about Long Beach and families. In three major Public Hearings, we heard from a variety of witnesses--advocates, academics, service providers, and legal experts, as well as individuals who related personal experiences that helped us understand problems in a very vivid way.

Although this report does not encompass every family form and problem, it does address a significant range of family life and many problems and suggest a number of possible solutions. We paid particular attention to families who are historically understudied, in addition to those family forms that are more familiar. Additionally, we tried to identify for you those 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 commended them.

Throughout this study, the Commission was impressed with the wide variety of committed family relationships. Indeed, "family" is now a very broad and inclusive concept. It is consistent with the rich diversity that now constitutes the city and people of Long Beach.

We appreciate the interest of the Mayor and City Council in this major study. It is our sincere hope that you will find it helpful in your deliberations and that these recommendations will benefit the people and families of Long Beach.

Sincerely,

Rev. Donald E. Fancher  
Chair

**LONG BEACH FAMILY DIVERSITY PROJECT**

**Sponsored by the**

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**KAISER PERMANENTE**

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Summary of Recommendations

1. The Commission recommends continued support through the Office of the Mayor for an annual foster family recognition event and ongoing public awareness and promotion regarding the role of foster care in the family life of Long Beach. . . . . 15
  
2. The Commission recommends that the City of Long Beach give high priority to assemble the U.S. Census Bureau data on household relationships in Long Beach as that data becomes available, so that the City will have the statistical information necessary to formulate policy on families. Figures for the following household relationships should be determined:
  - One-person households;
  - Married couples with children;
  - Married couples without children;
  - Unmarried partners living together;
  - Single parent households;
  - Adult blood relatives living together;
  - Stepfamilies;
  - Foster families;
  - Roommates. . . . . 18
  
3. The Commission recommends that the City establish and articulate a policy statement of support for families to guide the City Manager and the City's departments, boards, commissions and all agencies. This policy statement should be sensitive to the following:
  - There is great fluctuation in the racial and ethnic population in Long Beach, and it would be inappropriate to impose any one notion of family on the city's entire population;
  - Families are private by nature, and choices about specific family forms should not be dictated by government;
  - The City's policy should assure that individual families are able to provide one another the family functions enumerated by the state's Joint Select Task Force on the Changing Family, whatever the family's chosen form (See section III (B) of this report);



	• The public is best served when families are strong enough to provide for themselves. Policies which make families strong benefit everyone. . . . .	39
4.	The Commission recommends that the City examine all current City ordinances, rules and regulations which use the word "family" to determine whether they are inclusive of all family forms, and decide whether there is a sufficiently compelling justification for those ordinances, rules or regulations that exclude particular kinds of families. . . . .	40
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11.	The Commission recommends to the City Council that the City begin exploring the possibility of combining aspects of the childcare and senior programs to provide a system of intergenerational care. Factors such as cost-effectiveness, success of current private-sector programs, and City departmental responsibility should be taken into account, and some guidelines on when intergenerational care is appropriate should be drawn up. . . . .	44

12. The Commission recommends that the City Council also explore the idea of involving independent seniors with children needing care, as one facet of the solution to the City's childcare needs. Factors such as cost-effectiveness, success of current private-sector programs, and City departmental responsibility should be taken into account. . . . . 44
13. The Commission recommends that the City Council amend the city's regulations regarding employment discrimination based on sexual orientation to make them stronger. Chapter 5.09.010 (A)(3)(a) should be amended to exempt only "Any religious association." Chapter 5.09.020 (A) should also be amended, striking the language, "which employs a minimum of five employees." . . . . . 46
14. The Commission recommends that the City council examine whether the existing Citizens Commission on the Handicapped has a sufficient mandate to assure that people with disabilities have full participation in the community life of Long Beach; that the City conduct a comprehensive survey of the facilities that serve the public to assure compliance with all existing federal and state laws that relate to accessibility; and that the City explore the designation of an ombudsperson within the City government to work as a liaison between the City and people with disabilities. . . . . 48
15. This Commission recommends that the City Council examine all City policies and programs dealing with persons with disabilities to determine how those policies and programs affect, not only the disabled person, but also their families. Policies should encourage and facilitate family members, broadly defined, who provide assistance and care to the disabled family member. Specific programs should include:
- Respite care
  - Public education providing accurate information about disabilities
  - Support groups for family members
  - Resource and referral services . . . . . 48
16. The Commission recommends that the City Manager's Office provide the City's designated lobbyists and association representatives with the City's policy on families, in order to effectively guide the City's voting representatives in making critical policy decisions. A policy statement should be prepared to inform the lobbyists and association members about the reasoning underlying that policy. . . . . 49

17. The Commission recommends to the City Council, in light of the policy proposed in this report, that provisions in union contracts dealing with employee benefits include authenticated domestic partnerships within their definition of "family." . . . . . 54
18. The Commission recommends that the City conduct a thorough and sensitive survey of the workforce, to accurately determine the family needs of workers. This survey should be designed to include information regarding all of the family forms discussed in this report, including stepfamilies, domestic partnerships, single parent households, three-generation households, and foster families. . . . . 55
19. The Commission recommends that the City Council explore ways to expand existing benefits to include "dependent care," which would include childcare, elder care, intergenerational care and care of other family dependents. These findings should be reported to the City Council by January, 1992. Programs developed by the City's Childcare Coordinator and the Superintendent of Senior Services could serve as valuable models. . . . . 57
20. The Commission recommends that the Sick Leave Policy be clarified to include an appropriate definition of "family" that does not discriminate on the basis of an employee's family structure. . . . . 57
21. The Commission recommends that the definition of "family," for purposes of an employee taking leave time to attend to matters concerning a family member's death or critical illness, be amended to include domestic partners, as that term has been defined in this report. . . . . 58
22. The Commission recommends that the City Council examine its healthcare benefits package in light of the City's policy of nondiscrimination based on age, disability, or sexual orientation, as well as the state's policy against marital status discrimination, and consider including legally defined domestic partners within the definition of "dependents." The Department should make its report to the City Council by the end of November, 1991. . . . . 59
23. The Commission recommends that the City Council implement a policy that recognizes the importance of both fathers and mothers in the childrearing process. A more realistic policy would permit both fathers and mothers to take an unpaid leave of absence during and for a short time after the birth or adoption of a child. This policy should be consistently applied to all City employees. . . . . 60

24. The Commission commends the City's policy of flexible working hours and recommends to the City Council that it be promoted among employees and expanded to include, where feasible, other flexible scheduling. . . . . 62
25. The Commission recommends that the City Council continue its exploration of flexible benefits plans and ultimately adopt a flexible plan that more accurately reflects the needs of City employees. . . . . 62
26. The Commission recommends that the City of Long Beach become a model employer, with a clear policy to recognize and support the family relationships of its employees. The City should develop and abide by written guidelines on family supportive policies. . . . . 63
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28. The Commission recommends that the City Council transmit to the Long Beach Unified School District the suggestion that the district convene its own task force on family diversity. The task force should:
- Review this report;
  - Examine the district's own Family Life Education Curriculum, considering the recommendations made in the report of the State Task Force on the Changing Family;
  - Take into account the various family forms, including stepfamilies, single-parent families, domestic partnerships, families headed by lesbian or gay parents, families which include many generations, non-English speaking families, foster families and families with disabled members;
  - Analyze the district's employment and benefit policies for fairness, flexibility and equitable treatment of all family structures;
  - Propose ways the district can cooperate with the City's Childcare Coordinator on issues of mutual concern;
  - Address the issues regarding child abuse reporting and enforcement. . . . . 67

29. The Commission recommends that the City Council transmit to the Long Beach Unified School District the suggestion that the district adopt the recommendations made by the Project 10 Long Beach Task Force, and establish a Project 10 program in the Long Beach School District. . . . . 68
30. The Commission recommends that the City of Long Beach's library-based 24-Hour City Hall project be promoted widely in all neighborhoods when it is fully implemented, and that information regarding the project be available in all languages frequently spoken in each neighborhood. Special care should be taken to assure that non-English speaking populations can understand and access the system, and outreach programs should be designed for populations which do not ordinarily visit the libraries. . . . . 69
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33. The Commission recommends that the City Council examine its youth recreation programs, particularly those offered in the summer, in light of the fact that they may be primary alternatives to gangs. The priority given to those programs should be increased accordingly. . . . . 72
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35. The Commission recommends that the City Council make outreach funds available for existing and future programs that provide alternatives to gang life, including recreation programs, counseling, and family education. . . . . 72
36. The Commission recommends that the City Council consider ways for the Department of Parks and Recreation to waive or reduce fees for adaptive recreation programs whenever possible. Private funding should be considered as a way to replace participation or entrance fees. . . . . 73

37.	The Commission recommends that the City Council assure that the Department of Parks and Recreation has fully accessible vehicles available for scheduled recreational events whenever accessible vehicles are necessary. . . .	73
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40.	The Commission recommends that the City Council reallocate funds for the Second Mortgage Assistance Program. . . . .	76
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43.	The Commission recommends to the City Council that, whenever possible, temporary shelters for the homeless keep families together, a policy used successfully by Catholic Charities, rather than imposing sex-segregation as an absolute rule. . . . .	78
44.	The Commission recommends that the City provide a mechanism to monitor housing that displays handicapped access signs that do not truly reflect the housing's accessibility. . . . .	81
45.	The Commission recommends that the City Council urge the Long Beach Fair Housing Foundation, in cooperation with the City, to conduct an outreach program to the Asian-Pacific communities, to inform them of the provisions of the housing discrimination laws. . . . .	81

46. The Commission recommends to the City Council that the City Attorney join other municipal law enforcement agencies in filing a brief in the case of Donahue v. California Fair Employment and Housing Commission, to assure that the protections guaranteed by the legislature's prohibition against marital status discrimination, as well as the City's policy of protecting families, continue to have meaning for Long Beach residents. . . . . 81
47. The Commission recommends that the City Council urge the Long Beach Fair Housing Foundation to more aggressively monitor discrimination based on marital status, family size and sexual orientation, by providing field testers, or auditors to document these kinds of discrimination. . 81
48. The Commission recommends that the City Council recognize the needs of families in Long Beach and recommend for social service grant funding projects that help strengthen family relationships. . . . . 82
49. The Commission recommends that the City of Long Beach continue to seek supplemental and increased funding for program areas that work with infants and children, including:
- Prenatal care
  - Drug addicted babies
  - Measles prevention and outbreaks
  - Nutritional supplement program (WIC) . . . . . 84
50. The Commission recommends that the City continue to work jointly with organizations such as Families Who Care to develop an AIDS education program directed specifically toward families. Materials should be designed to deal sensitively with the central issues surrounding family abandonment of a member with AIDS: homophobia, disapproval of drug use, societal prejudice and misinformation. The program should incorporate support groups and medical personnel and should deal realistically with the issue of death. . . . . 88
51. The Commission commends the City Council for convening an AIDS Task Force to more effectively coordinate a City response to the many issues surrounding this disease and advise the City council in this matter. . . . . 88
52. The Commission recommends that the City Council explore a partnership with local hotels to provide discounted rates for the out-of-town families of Long Beach PWAs similar to the plan developed in the City of Redondo Beach. . . . . 88

- 53. The Commission recommends that the City Council encourage the development of respite care programs that will assist family members who care for elders and those with AIDS. . . . . 88
- 54. The Commission recommends that the City Council urge the Governor and the Legislature to reinstate health care funding that was subject to cuts so that the City can resume its system of medication counseling. . . . . 90
- 55. The Commission recommends that the City of Long Beach encourage and support expanded use of a case management system to coordinate the financial, housing and health needs of seniors who have severe difficulties in coordinating these needs for themselves. . . . . 90
- 56. The Commission commends the City Council for its strong stand in favor of maintaining the expansion of mental health programs provided by the state and county. The Commission urges the Council to continue viewing mental health services, such as those available to seniors, as a priority. . . . . 90
- 57. The Commission recommends that the City Council develop a minority outreach program at the Senior Services Center to assure that elderly members of currently underserved populations are aware that the Center's services are available to all. As part of this effort, the number of minority staff members at the Center should also be increased. . . . . 91
- 58. The Commission commends St. Mary's Medical Center for its successful Respite Care program. The Commission recommends to the City Council that it review St. Mary's program and consider ways to implement it as part of other City programs which would provide aid to the families of seniors and persons with AIDS. . . . . 91
- 59. The Commission recommends that the City Council direct the City's lobbyist in Sacramento to urge the state senators representing the City to vote in favor of laws that promote the City's policy of recognizing the danger of all domestic violence, regardless of the gender or sexual orientation of the cohabitants. . . . . 94
- 60. The Commission recommends to the City Council that the agencies policing Long Beach release their policies, statistics and procedures mandated by Cal. Penal Code §§ 13519 and 13700 et seq. to the Public Safety Advisory Commission so that those policies, statistics and procedures can be evaluated in light of declared Long Beach public policy with regard to families. . . . . 97



61. The Commission recommends to the City Council that the agencies policing Long Beach have a consistent policy on domestic violence which treats all calls that come from cohabitators with the same priority, regardless of the gender of the parties. . . . . 98
62. The Commission recommends that the City Council develop a specific policy for dealing with family violence. The policy should make clear that violence within any family will be subject to vigorous prosecution and that the City Prosecutor will treat all family relationships with equal respect. Once formulated, aspects of the policy that will help members of the public in reporting family violence and securing convictions should be disseminated as widely as possible. . . . . 98
63. The Commission recommends that the City Council's commission dealing with matters affecting the disabled community review the Emergency Plan and make specific recommendations so that the Plan will take into consideration the needs of disabled members of the community during emergencies. . . . . 99

## I. Introduction

In its ambitious "Long Beach 2000 Strategic Plan," the City of Long Beach set forth its goal to address "the new complexities created by rapid changes in information, technology, the economy and population."<sup>1</sup> The way government interacts with and affects families is a significant aspect of that complexity. More than a decade ago, addressing the White House Conference on Families, President Carter observed that "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."<sup>2</sup> That conference ushered in a new focus on the family in America at the federal, state and local level.

Those who have been paying attention to the family, from governmental bodies, to the courts, to the media, are consistent in two observations. First, strong families are critical to the functioning of a healthy society. Second, society has experienced many changes in the decades since World War II, and family life profoundly reflects those changes. Government policies, however, have often remained tied to a somewhat uniform notion of family which arose in the 40s and 50s, and which now often collides with the reality of family life as we approach the twenty-first century. Some of those policies impede, rather than assist social harmony.

The Commission has followed the lead of the White House Conference on Families, the more recent State of California Joint Select Task Force on the Changing Family, and cities such as Los Angeles and San Francisco, but with an emphasis on local concerns. We have undertaken this study of family life in Long Beach and the impact of city policies, ordinances and rules on families

throughout our own community. The process has involved research, debate and discussion, and most significantly, public hearings. While there is necessarily a certain amount of historical background and theory involved in a policy study of this kind, the public hearings helped focus the study on how city policies affect real people living in the city today. The Commission found many instances when the theory and the reality converge into a well-functioning system that affects the people it was designed to serve in a positive way. This report will take the time to point to those examples as models of how government can be effective and responsive.

The Commission also found, though, instances in which problems arose because city policies are at odds with changing reality. In such cases, this report will briefly describe the circumstances surrounding the problems and will make specific recommendations designed to move toward solutions. While city government cannot solve every human dilemma, an examination and adjustment of priorities can often mean the difference between an intrusive, interfering government, and one that both respects its citizens' privacy and assures public order.

The City of Long Beach has articulated the following policy on the quality of community life:

"The most important commitment a City Government can make to its citizens is the pledge to continue making Long Beach a better place to work, live and spend leisure time."<sup>3</sup>

We believe the recommendations made in this report will help advance the fulfillment of that commitment.

### A. Jurisdiction of the Commission

The Human Relations Commission was formed by ordinance in February, 1989.<sup>4</sup> Its purpose is set out in Municipal Code Chapter 2.44.020:

A. To provide a forum to achieve better human relations and promote goodwill among individuals, groups and institutions in order to maintain civic pride and tranquility and enhance and improve mutual understanding and respect for all citizens of the community.

B. To furnish the opportunity for the promotion and encouragement of positive human relations among citizens, groups and institutions and to consider, promote and develop programs for the reduction of tension, conflict, or violence which may arise from intolerance, prejudice and discrimination based upon race, religion, national origin, age, gender, sexual orientation or physical or mental disability.

C. To aid the City Council by submitting recommendations to the Council regarding policies and programs to promote goodwill and better relations among all people.

There is no more effective institution than the family for promoting this mutual understanding, respect and tolerance. Yet the Commission found that the city maintains some policies that adversely affect families in Long Beach. It is particularly within the mandate of the Commission to note where policies produce intolerance or prejudice and to make recommendations designed to lead to better relations between all of the citizens of Long Beach without regard to their race, religion, national origin, age, gender, sexual orientation or physical or mental disability.

### B. Scope of Report

This report is focused on those problems that affect the family. While it can be said that virtually any problem that affects individuals also affects the family to which that

individual belongs, the scope of this report must be more limited. Therefore, this report will be restricted to those issues that more or less directly affect family members in their relationship to one another. The Commission received evidence of several city policies that have indirect effects on family relationships, for example, the city's affirmative action plan. The city's progress in meeting its affirmative action goals is an important issue, but it is beyond the scope of this report since its effect on family relationships, while real, is indirect. City actions affecting families in such indirect ways are not addressed in this report.

The Commission's focus in this report is more narrow. We have concentrated on policies designed to maintain stability and security within the private area we recognize as our families. Defining family has become one of the important first tasks of studies like this one. However, we recognize the difference between an ideological definition and one based in experience. Thus, the Commission has attempted to give the utmost respect to the private family relationships it has found which exist in Long Beach.

The family is a personal sphere in which the members must coexist and support one another on a daily basis. For the most part, there is little public purpose in disrupting the choices each family must continually make in order to function as effectively as it can. It is only when the government can demonstrate an overriding concern that it may intrude into that personal arena.<sup>5</sup> An example of such an overriding concern is the deterrence of family violence or abuse. In cases of violence or abuse, it is unquestioned that the public interest outweighs the privacy that an abusive family member might try to claim. Short of such compelling needs, though, the public is best served by respecting family privacy.

NOTES

1. Long Beach 2000: The Strategic Plan (1986), Introductory letter from the mayor to the citizens of Long Beach.
2. Address to the White House Conference on Families, June 5, 1980.
3. "City of Long Beach" public relations brochure.
4. Long Beach Municipal Code Ch. 2.44 (Added by Ordinance No. C-6570, approved by the mayor on February 23, 1989).
5. See, e.g., Moore v. City of East Cleveland, 431 U.S. 494 (1977).

## II. Family and Household Demographics

### A. Introduction

One of the most difficult tasks of a report like this one is to arrive at a definition of the word "family." There are, in fact, many definitions of the word. For example, the city uses a narrow definition to administer its employee health benefits program, limiting benefits to the employee's "dependents." While this appears to be a purely economic determination, an employee's spouse is defined as a dependent regardless of whether the spouse is employed and economically self-reliant. The city also uses definitions of "family" that are broader than the "dependent" definition. For example, to administer its policy permitting an employee to take leave time for death or illness in the family, the city defines "family" to include a number of relationships, including an employee's former guardian. In both of these examples, the city has made policy choices to extend certain benefits to the employee's family members and has defined who counts as the employee's family.

The origin of the word "family" can be found in the Latin word "familia," which referred to any household member over whom the head of the ancient Roman household had control.<sup>1</sup> This definition was clearly very broad; anyone who lived in the household was a member of the family. While this source definition is centuries old, it has much in common with a California Supreme Court definition established in a 1921 case. There, the Court said a family could be

"a particular 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."<sup>2</sup>

This section will examine the kinds of families that exist in Long Beach today. While the practical definitions of family will ultimately depend on the specific contexts in which the word is used, this examination focuses first on the household as a useful starting point.

#### B. Long Beach Family Relationships: An Overview

According to preliminary figures from the 1990 Census, the total population of Long Beach is 423,394. This is within 0.3% of the city's own estimate, and represents a population increase of 17% over the last decade.<sup>3</sup> Unfortunately, more specific information about living arrangements has not yet been released by the Census Department. The information below, then, is based on state and countywide trends, estimates from the Long Beach Planning Department, and available figures from other sources as cited.

Of the total population, 12,610 are living in group homes, leaving 410,784 residents living in Long Beach's 169,824 housing units. Within those housing units, there is a great deal of variation in living arrangements. While the current U.S. Census figures are not yet available for Long Beach in particular, two detailed studies done in the greater Los Angeles area by the United Way, the most recent in October, 1989, found the following household arrangements in the county:<sup>4</sup>



<u>LIVING ARRANGEMENTS</u>	<u>% OF HOUSEHOLDS</u>
One-person households	- 29.0%
Married couples with children	- 27.9%
Married couples without children	- 24.1%
Unrelated adults living together	- 6.0%
Single parent, female headed	- 8.1%
Single parent, male headed	- 1.8%
Adult blood relatives	- 3.1%

These rough figures immediately suggest an important concern. Most government policies seem to address the needs of 52% of households, that is, married couples with and without children. Some policies, though, exclude some, or all of the other 48%. There is often a relationship between households and families. This is particularly true with primary family relationships, the ones we depend on day-to-day. Therefore, our examination of families will begin with a demographic approach that considers all households. Later, in discussing particular problems, a more selective approach is discussed where appropriate, depending on each individual context.

#### 1. Families of Color

While non-Hispanic Whites still make up a majority of Long Beach's population,<sup>5</sup> this group's percentage has been declining steadily over the last decade, as the percentage of Asians and Hispanics has increased. In Los Angeles County, non-Hispanic Whites comprised only 45.7% of the total population in 1987,<sup>6</sup> a figure that is expected to decline county-wide to 40.4% by 1992.<sup>7</sup> As with many other international cities, Long Beach's racial composition is altering to more closely reflect the world population's racial composition.

Each of the many different cultures represented in Long Beach has some of its own assumptions about families. Asian cultures,

for example, are noted for their respect for and care of senior generations. Long Beach has a considerable Asian-Pacific population, made up of persons from such countries as Vietnam, Laos, Japan, China, Samoa, the Philippines and, significantly in Long Beach, Cambodia.<sup>8</sup> The Commission found that some of Long Beach's family policies do not adequately consider families who are caring for older generations.<sup>9</sup> Thus, those policies may have an especially severe impact on the city's Asian-Pacific population.

Latinos may have more family members living in the same household than other groups. The Latino population in the city is second in size only to Whites.<sup>10</sup> Yet the Commission found some policies that favor small families over larger ones.<sup>11</sup> Thus, the city may be sending a message to Latinos that large families should not live together.

For both Asian-Pacific and Latino residents, the fact that some family members do not speak English may lead to their feeling intimidated by the English-speaking outside world. These family members may feel isolated within the family, or feel especially dependent on other family members when venturing outside the home. This creates a special kind of family dependency that is not experienced by families whose only language is English.

African-Americans make up roughly 11% of the Long Beach population. This group, too, has some particular assumptions about families. One witness testified that Black families maintain strong ties to in-laws, even after divorce.<sup>12</sup> Older African-Americans, who may take great pride in their independence, may prefer to live on their own even when this may be prohibitively expensive, creating conflict with offspring who may feel a powerful responsibility for their parents.<sup>13</sup> While individual cases differ, government should remain aware of the variety of choices available about these important family bonds when creating and implementing policies related to families.

## 2. Domestic Partner Families

Studies discussed below in this section suggest that the percentage of households containing "unrelated" adults in the United Way report is low. This category has historically been omitted from most research, and Long Beach currently has no data on its incidence in the city. Notably, this excluded group includes a family relationship that has, until the last decade or so, remained invisible in research: unmarried partners--that is, couples who are in committed, loving and stable relationships, but who have not been formally married under state law. It was not until 1990 that the U.S. Census finally included the category of unmarried partners on the census forms.<sup>14</sup> Such couples are now generally referred to by the term "domestic partners." The term is apt because it makes explicit reference to the fact that the partners live together, but serves to distinguish them from roommates, who, while also sharing living quarters, would not view themselves as having a committed family relationship.

Until the 1990 census figures for this group are reported, figures and estimates from other studies will have to be examined, and those figures suggest the number of domestic partners is significant. A report by the U.S. Bureau of Labor Statistics found that in 1988, 5% of Americans were living in committed relationships, but were not married.<sup>15</sup> Thomas F. Coleman, executive director of the Los Angeles-based Family Diversity Project, presented evidence to this Commission that in California the number of unmarried couple households is closer to 7%, and in the Los Angeles area it may be as high as 8%.<sup>16</sup> These figures, though, are below the rates in Canada and most of Europe; as a comparison, in Sweden and Denmark, the number of these "consensual unions" is roughly 20%.<sup>17</sup> Even given the 5% figure from the Bureau of Labor Statistics, the number of Long Beach residents living in this kind of household would be considerable.

This group consists of a number of subcategories, including elderly and disabled couples. These subgroups share important family-related concerns. For example, both elderly and some severely disabled persons lose certain government benefits if they marry. For those couples who wish to share their lives, there is a great incentive to live together without marrying.

The United Way estimates that nearly 12% of Californians are 65 or older. This population is among the fastest growing of all demographic groups.<sup>18</sup> Similarly, estimates suggest that between 10-15% of the city's residents are disabled.<sup>19</sup> If there are state and federal policies that serve as disincentives to elderly and disabled citizens marrying, city policies may still, in some circumstances, be able to recognize their commitments by including them in a more realistic definition of "family."

Same-sex couples, who are not permitted to formalize their commitments with a legal marriage, also form domestic partnerships. There are difficulties in counting this population, due mainly to the fact that still-widespread prejudice keeps many, if not most, lesbians and gay men from sharing their relationships with outsiders. Nevertheless, studies done by the Kinsey Institute indicate that gay men and lesbians make up about 10% of the total adult population.<sup>20</sup> Even if the actual figure is somewhat lower, it is clear that a significant number of Long Beach residents in fact identify themselves as homosexual. Their relationships and personal commitments are part of the whole picture of households and families in this city and should be recognized and respected.

Young or middle-aged opposite-sex couples may also live together without marriage for a number of other reasons: they may be testing their relationship prior to making a marital commitment; they may have been through prior unsuccessful marriages and be unwilling to face another potential divorce; or they may be prohibited by certain religious restrictions from formalizing their

relationship. Their relationships, too, are part of the whole, and cannot be ignored.

A common assumption about domestic partners is that they are the only people in their household--an assumption that may carry over from the idea that unmarried people living together are merely roommates and do not truly have a family relationship. This is not true. One or both partners may have children the couple are committed to raising. This joint child-rearing function is independent of the couple's marital status. In the same way, the couple may be caring for one partner's aging parent, or a sibling who lives in the same household. It is impossible to know the number and extent of these secondary family relationships until the number of primary relationships (i.e. the number of domestic partnerships) is known. Regardless of the actual number, though, the importance of the relationships to the parties should not be dismissed. The children and other family members of an unmarried couple require the same care, love and support family members living in marriage-based homes need.

### 3. Stepfamilies

While divorce rates have recently been leveling off in America, after a three decade climb, still about 60% of marriages end in divorce, and roughly half of all children see the end of their parents' marriage.<sup>21</sup> According to the Stepfamily Association of America [SAA], 1300 new stepfamilies are formed in America each day.<sup>22</sup> Roughly one in three American children born in the 1980s will live with a stepparent before he or she turns 18.<sup>23</sup> As with other terms, a stepfamily might take any of a number of forms. This report will use SAA's definition of "stepfamily" because it appears to include the entire range of stepfamily forms:

A family in which there is an adult couple in the household with at least one of the adults having a child by a previous relationship<sup>24</sup>

#### 4. Single Parent families

According to the United Way study, nearly one out of every ten households in the Los Angeles area is headed by a single parent.<sup>25</sup> There are a number of ways that single-parent families come into existence. In a divorce action, the court may find, in extreme instances such as child abuse, that one parent is unfit for custody, or that the best interests of the child would not be served by an order of joint custody. Some people choose to become single parents. Single persons may adopt a child, or become foster parents. On the other hand, many single parents do not choose this path for themselves and their children. The death of a spouse may leave the survivor as a sole parent. Similarly, teen fathers, who may be unprepared for the emotional commitments of marriage and parenthood, may abandon the mother upon learning of her pregnancy, leaving her an involuntary single parent.<sup>26</sup>

Whatever the reasons, however, single-parent families are a reality. While single parents have a tremendous responsibility, it is not an impossible one. Many single people maintain active ties with other family members: parents, brothers and sisters, uncles and aunts, etc. In addition, it is the rare single person who does not have a network of friends. Friends and family members who are close can develop a substantial and important support system that includes caring for the child or children.

#### 5. Foster families

Relationships between adults and foster children are excluded from many definitions of "family." But as with other kinds of families, exclusions are, more often than not, the result of language that simply assumes one family form and does not take into consideration others. A thoughtful examination of what a family is would often result in the inclusion of foster families, as well as other kinds of families discussed here.

The diversity of families in Long Beach includes single and traditional two parent families who choose to apply for and receive accreditation to care for foster children. There are currently approximately 826 foster homes in Long Beach. These homes serve nearly 1600 children.<sup>27</sup> Of these, 41% are black and about 31% are Hispanic. Due to past litigation by a foster youth, a County Office of Independent Living was established to assure that foster children are able to live independent lives when they reach adulthood.

Youth who are sixteen years or older and living with anyone other than a legal parent are eligible to be part of the independent living education program. A program designed to assist youth who are approaching emancipation is currently available at Long Beach City College. This program works closely with staff of the Los Angeles County Social Services Community Care Licensing office and the Community College Foundation. The program has a community advisory board with broad representation from the City of Long Beach.<sup>28</sup>

Four areas of activity are essential in order to support foster families and youth who are facing emancipation. First, a mechanism should be designed to assist foster children in filing for financial aid at colleges and universities. Second, the youths need financial assistance in the form of scholarships, which would help to stabilize their emancipation.

Third, these youths need transitional housing or direct housing subsidies to acquire and pay for their own housing. Without this opportunity, many emancipated foster children are faced with returning to an abusive or dysfunctional biological family. Finally, foster children need assistance in locating job training opportunities in the City of Long Beach.

In the long term, increased public awareness of programs such as the one at the Long Beach City College, which link emancipated foster youth and their foster families with current community resources must be encouraged. In addition, emphasis must be placed on continuing education as an option that provides ongoing support from already existing services for students on the college and university campuses.

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1. The Commission recommends continued support through the Office of the Mayor for an annual foster family recognition event and ongoing public awareness and promotion regarding the role of foster care in the family life of Long Beach.
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#### 6. Immigrant Families

Long Beach continues to be a community that experiences a large amount of population in-migration. The history of new arrivals spans a range of origins: midwestern families who moved to the west coast; Navy personnel from across the continent who settled in Long Beach with their families; the city's historic Latino communities; and finally the more recent arrivals from various Asian-Pacific cultures.

The arrival of large numbers of residents in any community requires a degree of adjustment, both for the new arrivals and for the existing community. These understandable challenges are made more difficult when, as is often the case in Long Beach, there are differences in language, customs and traditions. The Commission heard testimony that these differences have produced a number of "communities within the community." City sponsored programs, including Parks and Recreation, Health Care and Senior Services will be underutilized unless there are personnel who are bilingual, programs that are culturally sensitive, and there is a more diverse workforce that helps a diverse community feel welcome and comfortable.



The Commission identified a number of family related problems currently experienced by immigrant families from other cultures. These include:

1. Language barriers for both the monolingual (especially seniors) and those still learning English;
2. Intergenerational conflict in households represented by several generations sharing housing;
3. Difficulty in finding affordable housing;
4. A need for better information about health issues (especially AIDS);
5. A need for more places and activities for Long Beach residents of all backgrounds to interact in a more comfortable and positive way.

The historic patterns of immigration in Long Beach are almost certain to continue, and be reflected in the family life of the community.

#### 7. Nuclear Families

Families which consist of a mother and father and their children living in the same home with no other relatives present are referred to as nuclear families. This family form gained great acceptance in America in the years following World War II.<sup>29</sup> Many employment benefit plans developed during that era, for example, assumed that this is the form families would take.<sup>30</sup>

The point of reports like this one is to reexamine those assumptions in the light of the way American families function. This Commission recognizes the validity of all family forms. Nuclear families fall well within the spectrum of legitimate family forms, and a strong public policy should encourage them, along with all the other forms discussed in this report.

## 8. Other Families

This overview does not exhaust the many family forms that are available. In addition to the family forms discussed above, Long Beach contains dual-career families, childless couples, racially or religiously mixed marriages, blended families, and many more. The circumstances and necessities of people's lives, and their own choices, often result in families that do not resemble one another in their specifics. Because of limitations on time, personnel, and resources, we leave to others the detailed examination of those family forms not discussed within this report; they are equally worthy of study.

## 9. Conclusion

The figures discussed in this section show that there is no single majority family form. Far from being a weakness, the assortment of family forms found in the culture is part of the diversity that gives strength and quality to the society. The diversity of families, like the diversity of individuals, stimulates debate, enhances creativity, and moves us toward a greater understanding of the world we all share.

Notwithstanding that diversity, there are similarities underlying all family forms that can be examined and compared. That is the subject of the next section.

2. The Commission recommends that the City of Long Beach give high priority to assemble the U.S. Census Bureau data on household relationships in Long Beach as that data becomes available, so that the city will have the statistical information necessary to formulate policy on families. Figures for the following household relationships should be determined:

- One-person households;
- Married couples with children;
- Married couples without children;
- Unmarried partners living together;
- Single parent households;
- Adult blood relatives living together;
- Stepfamilies;
- Foster families;
- Roommates.

NOTES

1. Black's Law Dictionary, p. 543 (5th ed. 1979).
2. Moore Shipbuilding Corp. v. Industrial Accident Commission, 185 Cal. 200, 207 (1921).
3. "Long Beach to Challenge Census in Only 6 Blocks," L.A. Times, September 27, 1990.
4. Environmental Scan, 1990: Technical Report, published by the United Way, p. 2-3; Task Force on Family Diversity, City of Los Angeles: Final Report, p. 13 (1988) (citing State of the County, Los Angeles 1987, published by United Way).
5. City of Long Beach Advance Planning estimates the following racial proportions in the city for 1990:

Black	11%
Hispanic	20%
Asian	15%
White	54%
6. Environmental Scan 1990: Technical Report, published by the United Way, pp. 1-18, 1-55.
7. Id.
8. Environmental Scan 1990: Technical Report, published by United Way, p. 1-54. Asian/Pacific Islanders make up 9.4% of Harbor/Southeast region of LA County.
9. See, for example, section IV B(1)(b) below.
10. Id. Hispanics make up 34.3% of Harbor/Southeast region population. The City of Long Beach Advance Planning estimate for 1990 is that hispanics make up about 20% of the city population.
11. See, for example, section VI D(3) below.
12. Testimony of Doris Topsy-Elvord, June 21, 1990 (Supplement, p. 31).
13. Id.
14. "Tallying New Family Ties," L.A. Times, March 23, 1990.
15. "The Changing Family," L.A. Times, July 1, 1990.

16. "Family Diversity in America," Fact Sheet (Supplement, p. 62).
17. "The Changing Family," L.A. Times, July 1, 1990.
18. Testimony of Emma Ruchames, July 12, 1990 (Supplement, p. 45).
19. Task Force on Family Diversity, City of Los Angeles: Final Report, p. 26 (1988).
20. Id. at p. 24-25. While these figures were based on sexual interactions rather than identification, the current visibility of the gay community in Southern California--based on businesses which are owned and operated by lesbians and gay men or which target the gay community, lesbian and gay political and social organizations, and gay pride parades, suggest that the number who actually identify themselves as homosexual is substantial.
21. "Children of Divorce," L.A. Times, August 21, 1990.
22. Testimony of Marilyn Wyman, June 21, 1990 (Supplement, p. 23).
23. Id.
24. Id.
25. Environmental Scan, 1990: Technical Report, published by the United Way, p. 2-3.
26. The California Legislature has found that there are few social programs that address teen fathers. See AB 3647 § 1 (March 1, 1990).
27. Testimony of Linda Vizzini, June 21, 1990 (Supplement, p. 39).
28. Testimony of Linda Vizzini, (Supplement, p.39).
29. Planning a Family Policy for California: First Year Report of the Joint Select Task Force on the Changing Family, p. 15.
30. Id.

### III. Public Policy and Families

#### A. Problems with Defining "Family"

Attempting to create a single definition of "family" is like trying to create a uniform description of all people. The variations among different individuals and among different families are simply too great. The reality is that we use the word "definition" to describe the list of who belongs, and is included within the concept of "family" for a number of particular purposes. For example, a definition that includes in-laws may be appropriate for some purposes but not for others. Who to include as family may also be a matter of contention among litigants. For example, children and more distant relatives may informally be disinherited by an angry family member, but may come to claim certain benefits that flow to blood relatives despite their status as outcasts.

Some definitions of the word "family" do not include stepchildren or stepparents despite the growing number of people in this category of family relationship. There are many instances when such a relationship should logically be included, but courts and agencies may look only to the "plain meaning" of a family-related word or phrase, rather than logic.<sup>1</sup> The exclusion of any particular family form may not be due to real legislative intent but may merely be the vestige of a policy set in place years or decades earlier. This Commission heard testimony from the Director of the city's Department of Human Resources and Affirmative Action, for example, that the Department's current list of "eligible dependents" has not been reexamined in the nearly two decades he has been with the Department.<sup>2</sup>

Another approach, more useful than the creation of a single list of who should be included, is to identify families by the functions they perform rather than by their structure. Structural connections may bear no relation to the way the people so connected actually treat each other in daily life. A woman may be related by marriage to her husband's brother, a common enough family connection. But if her brother-in-law is estranged from the couple or lives in a distant state or country, no policy is necessarily served by recognizing the structural relationship. On the other hand the same brother-in-law may live with the couple, and the three may provide nurturance and support to one another. Under such circumstances, if the woman's employer does not recognize in-laws as family members for certain benefits (for example, permitting employees to take leave time to care for ill family members), a legitimate and important relationship in this employee's life has been devalued because the structural relationship is not recognized as a family in this context.

The functional approach to defining families has become increasingly accepted. It has been adopted in the last three years by, among others, the City of Los Angeles,<sup>3</sup> the highest court in the State of New York,<sup>4</sup> and in an important public policy report by a task force convened by both houses of the California Legislature.<sup>5</sup>

#### B. What Families Do

It is impossible to understand policies that affect family relationships without looking at how families function in their daily affairs, and exactly what families do to make them important in people's lives. The five central functions of families have been outlined in the report from the joint legislative task force:<sup>6</sup>

1. Perhaps most basically, families care for one another's physical health, safety and well-being. Families provide

food and shelter, clothing, health care and economic sustenance for their members.

2. Families tend to the emotional growth and stability of their members. Family relationships usually begin with a sense of caring, nurturance and love. Maintaining these qualities may be among the primary--and sometimes very hard--work of family members.
3. Families reinforce and promote values. While the specifics of a family's value system will be determined by a number of factors--culture, religion, education, life experiences--all family members, whether children or adults, look first to other family members for models and guidance in matters of everyday life.
4. Family members have responsibilities to one another that mirror broader social responsibilities. Elementary obligations such as keeping a living area relatively clean demonstrate the importance of thinking about others. The lesson about one's obligations when living with others provides a constant reminder about the general obligations of living in society--of citizenship.
5. The family is a haven, a private area insulated from the many stresses of jobs, traffic, world affairs, etc. Nearly everyone is familiar with the relief involved when closing the door against the outside world at the end of a hard day.

Government may sometimes approximate or imitate some of these family functions, such as when its welfare programs provide for health and housing needs, or when its agencies provide emotional counseling, children's services or care for the elderly. Educational institutions teach broad social values, responsibility



and citizenship. American government helps provide necessities for basic survival, such as food and housing. Other times it provides services, such as emotional counseling, that are considered much lower in priority.

But as compared to families, government is not only less efficient in providing for most of these needs, it is also more expensive. Particularly in times of budget shortfalls and cutbacks, government programs that provide for welfare are little more than the thinnest of safety nets when the family can no longer provide for its own members. Whatever services government can provide, though, at whatever minimal levels, it is unable to supply certain essentials that are central to family life: the love, sense of privacy, self-esteem, affection and nurturing that can come only from genuine family relationships.<sup>7</sup>

There is much evidence that sometimes one or more of these five family functions can break down, leaving conflict within families that may tear them apart. Divorce rates, child and spouse abuse and incest are among the most troubling examples. But the courts are full of cases where less dramatic circumstances create rifts in families: will contests, conservatorships, struggles over management of a family business, and "irreconcilable differences" are all familiar. When families do break apart, government services may be required to help individual members survive. But the preference in nearly all cases is that families be kept strong so that they are able to provide for their own welfare by remaining functional.

In the face of the many internal and external pressures facing families, then, it is important that whenever we as a society can, we not only reaffirm that we believe in the institution of the family, but provide what little assistance is possible, through public policies, to keep functioning families together. Therefore, the test of any policy affecting these family functions should be

whether it helps individual families provide for their own welfare, rather than putting them in the position of requiring assistance from the public.

### C. Standards for Identifying Families

Notwithstanding the problems related to defining "family," some definitions are important so that programs can be administered with a degree of efficiency. Courts have been particularly wary of standardless guidelines. Particularly in cases where a benefit is considerable, such as employer contributions to health care, there is an interest in preventing abuse of the system. Two clear-cut criteria are generally looked to in order to provide that measure of certainty: blood ties and legal ties.

#### 1. Blood Ties

##### a. Parent and Child

The first, and perhaps most fundamental blood tie is that between parents and children. By their very nature, children begin life utterly dependent on adults to provide for their needs. Especially in the case of minor children, this elemental biological tie is almost universally recognized in family policies.

##### b. Other Blood Relations

Other categories of blood relationships are sometimes included in definitions of "family." Brothers and sisters, aunts, uncles, nephews, nieces, grandparents, cousins, and other relationships derived from these, are all considered blood relatives. Policies may include some degrees of blood relations as family members while excluding others. How far to go when including blood relatives within a particular definition of "family" may be a difficult decision and should be based on the family functions affected by the policy.

## 2. Legal Bonds

The second category of recognized family relationships consists of those that are formalized by some legal process. While people may become legally obligated to one another through contracts and other legal formalities, the legal bonds that formalize family relationships are qualitatively different in that they bring into play all the family functions discussed above.

### a. Marriage

Like the parent-child relationship, marriage is a foundational family relationship. Many laws presume a spouse, like a child, is a dependent by definition. In various families one spouse may or may not be economically dependent on the other in fact. But since families, by their nature, are interdependent units, even if both spouses are employed in the marketplace, they are still dependent on one another for the broad range of family support functions. This is true without regard to the gender of the spouses. Each is equally dependent on the other in this family sense.

### b. Adoption

Many children are born to parents who cannot care for them for a variety of reasons. In such circumstances, and in others, adults often wish to form legal parent-child relationships with children. Adoption is the legal operation created to make these otherwise unrelated parties members of a common family.<sup>8</sup> As in marriage, a legal document is evidence that a family relationship exists between these individuals.

### c. In-laws

A third category of legally recognized family relationship comes about indirectly as a result of marriage. One spouse's blood relations become legally related to the other spouse. Like blood relations not based on the parent-child bond, in-laws are sometimes included within various definitions of "family" and sometimes excluded. Unlike marriage or the parent-child blood tie, no

legally enforceable family obligations arise automatically from this bond. This is equally true of the broad category of blood relatives. Nevertheless, obligations may arise in individual cases.

#### d. Domestic Partners

As noted above, some adult couples are discouraged or even prohibited from marrying. This category includes many elders, people with severe disabilities and same-sex couples. In addition, some opposite-sex couples that would not necessarily be economically or legally penalized for marrying face other obstacles: religious proscriptions against remarriage after divorce or emotional stress from prior failed marriages. Other committed couples live together prior to marriage in order to assure themselves that a later marriage will truly be "till death do us part."

An increasing number of couples in this category make contracts with one another that demonstrate that they have agreed to provide emotional and economic support for one another. These contracts often include obligations similar or identical to the family functions discussed above. When such contracts are formed and the two people live together, they are referred to as domestic partners.<sup>9</sup>

Domestic partners must not be confused with legal spouses. Spouses form their contract with one another pursuant to statutory law<sup>10</sup> while domestic partners make their commitment through a private contract. While both marriage contracts and domestic partnership contracts include the family functions California public policy supports, domestic partner contracts do not entitle the partners to many of the privileges and benefits state marriage laws permit. For example, federal tax benefits, such as joint filing with a legal spouse are unavailable to domestic partners. State rules that govern default property ownership between married

couples, such as community property laws, do not automatically apply to domestic partners. Domestic partnership agreements may or may not include provisions regarding the couple's property ownership during or after their relationship.<sup>11</sup> While married couples and domestic partners are free under California law to make whatever property arrangements they agree to,<sup>12</sup> married couples must make a contract opting out of the automatic joint property ownership system, while domestic partners must contract into a plan of joint ownership.

On the other hand, domestic partners must not be confused with mere roommates or friends. Domestic partners may consider themselves as exclusively committed and obligated to one another similar to the way married couples are. A person may have many friends but only one domestic partner.<sup>13</sup> Economic constraints may require a person to have roommates, but not all roommates would feel themselves responsible for their common welfare, or would obligate themselves to support one another.

Domestic partners may also be distinguished by another fact. Unlike blood relatives or in-laws, for whom functional family obligations may or may not exist in individual cases, a domestic partnership constitutes the primary relationship between the parties. By definition, domestic partners provide for one another the family services government wants families to provide to each other, so that government does not have to provide those services. Policies that support strong families should not arbitrarily be cut off from this family relationship.

The remaining question is one of certainty. Most legal and blood relationships are verifiable by objective proof. Like all other categories of family relationships, there must be safeguards against abuse. When the city's Human Resources and Affirmative Action Department found that many city employees were falsely claiming spouses or children as dependents in order to receive

employee benefits, the department was able to require documentation and removed over 900 ineligible dependents.<sup>14</sup> Domestic partners, too, must be able to prove the existence of their relationship in a legally sufficient manner.

Initially, though, it should be pointed out that the certainty we usually ascribe to the ordinary blood and legal ties is sometimes illusory. Even the most fundamental of all blood ties, the parent-child relationship, is experiencing redefinition. Courts are sometimes called upon to determine who a baby's biological parents are. With advances in biomedical technology, couples that can not biologically produce children have been able to cooperate with "surrogate" parents in order to have children. While we are used to a baby having two "natural" parents, in such cases the child may have three adults who have participated in its birth.<sup>15</sup> In the recent case of Anna Johnson and Mark and Crispina Calvert, Johnson, the surrogate mother, gave birth to the Calverts' genetic child.<sup>16</sup> Still, by virtue of having carried the baby, she appeared to have some kind of biological tie to the child, as well as the potential emotional bond. This creates a situation where it may be argued that a baby has three "natural" parents. Thus, courts may be required to determine who an infant's biological parents are, whether a child is limited to only two "natural" parents, and which parents will be responsible for the baby's upbringing.<sup>17</sup>

Even the marriage bond, itself, is not always clear-cut. Courts have been called on to decide cases such as whether particular couples have legally complied with the state's marriage statute<sup>18</sup> and who the legal wife of a bigamist is.<sup>19</sup> Fraudulent marriages, e.g. for immigration purposes, are not uncommon. Examples abound in which courts, administrative agencies, employers and businesses have been faced with fact-specific inquiries into the existence of a family relationship despite a claimed blood or legal relationship between the parties.

The existence of a domestic partnership, like that of any other legal relationship, may be accomplished in two ways. For benefits that are incidental and come at little or no cost, such as family memberships in health clubs, family library cards, or hospital visitation privileges, a declaration by the couple that they are a family, accompanied by proof that they live in the same household should be sufficient. For incidental benefits of this kind, more detailed inquiries would be time-consuming and unnecessary.

These two criteria are less workable as proof for more costly benefits, where the potential economic detriment arising from abuse may be great. In such cases, the partners might be required to produce documentation of their relationship similar to a birth or marriage certificate. Some cities provide a register of domestic partnerships,<sup>20</sup> and statewide registration is being explored in various jurisdictions, including California. Couples that have drawn up written contracts with one another could produce the contract to show that it included provision of the relevant family services, demonstrating the relationship to be more than purely economic. Finally, the institution granting the benefit could provide an affidavit form that the couple would sign, attesting to the relationship. The affidavit required by the City of Los Angeles provides a model. The partners sign a form, under penalty of perjury, swearing that:<sup>21</sup>

- (1) they currently reside in the same household, and have been doing so 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 city within 30 days if any of the above facts change.

Such a document creates not only rights but also responsibilities, since it becomes evidence usable not only by the institution (if it should discover, for example, that the parties had misrepresented their relationship), but by the parties against one another in a court of law.<sup>22</sup>

It is therefore important to inform parties on the face of such an affidavit of the legal obligations that arise from establishment of a legally recognized family relationship. There is no policy reason to deny family benefits and privileges to parties who take on such legally enforceable obligations to support one another.

Employers that have established policies that include domestic partnerships within the definition of "family" have discovered that such policies have had little, if any, adverse effect, economically or otherwise, on the system already in place. One official from the City of Berkeley, which has one of the oldest domestic partnership policies, had this to say:

"The program is so unremarkable, once you've been in it for five years it's hard to get excited about the actual experience."<sup>23</sup>

The comment was made in the context of the policy's economic impact on the city. It does not address the policy's sociological benefits, including the encouragement of loving and supportive family relationships and commitments. It is noteworthy in Berkeley's experience that the number of couples who declare



themselves as domestic partners reflect the larger population. 85% are heterosexual, while 15% are couples of the same sex.<sup>24</sup>

The list of bodies using the domestic partnership concept has grown to include the following:

Government

City of Berkeley, California  
Berkeley Unified School District  
City of Laguna Beach, California  
City of Los Angeles, California  
City of Madison, Wisconsin  
New York City, New York  
City of Ottawa, Ontario, Canada  
City of Santa Cruz, California  
City of Seattle, Washington  
Seattle Public Library  
City of Takoma Park, Maryland  
University of British Columbia, Canada  
Washington, D.C.  
City of West Hollywood, California  
Yukon Territory, Canada

Business

Albert Einstein College of Medicine  
Ben & Jerry's Ice Cream  
Columbia University Clerical Workers  
Committee of Interns and Residents, Staff Union  
Consumers United Insurance Company  
Mt. Sinai Hospital Nurses, New York City  
Museum of Modern Art, New York City  
New York/New Jersey (NYNEX) Telephone Company Workers  
Oil Chemical and Atomic Workers (several locals in  
New York and elsewhere)  
Price Club (Membership)

Seattle Mental Health Institute  
Stanford University Student Housing  
Time Inc. Magazines  
Village Voice Newspaper

Associations

American Civil Liberties Union, San Francisco  
New York City  
American Friends Service Committee  
American Psychological Association  
Greenpeace  
Human Rights Campaign Fund  
Lambda Legal Defense & Education Fund  
National Organization for Women  
University Students Cooperative Association,  
Berkeley, California

With the appropriate documentary safeguards in place, recognizing domestic partnerships as families furthers public policy by encouraging these families to continue to fulfill the socio-economic functions all families should, thus lessening potential burdens on government.

The similarities and differences between domestic partnerships and marriages are too complex to discuss fully in this report. More pertinent to this report is the fact that people living in Long Beach choose each of these family forms, so both must be considered. As noted above, for a variety of personal, economic, social and religious reasons, people choose, whether voluntarily or out of a sense of the strongest necessity, different family forms. This report does not seek to encourage or condemn one form over another; rather, its purpose is to report what actually exists, and how policies of the City of Long Beach can help make existing families stronger and better able to fulfill their important societal functions.

### 3. Household Relationships

People who live together in the same household may or may not be members of one another's family. The concepts are, however, linked, because of the issue of privacy. The California Supreme Court has held that, for zoning purposes--limiting housing in a particular location to single family residences--the question of who comprises a family is a decision left to the people who have decided to live together, and that decision is protected by the right of privacy in the California Constitution.<sup>25</sup> This important case protects individuals in their choice of living arrangements. Government must have a compelling reason before it intrudes on such a private decision.

The California legislature has also recognized that living in the same household may entitle the parties to certain benefits. For example, domestic violence protection legislation includes those who live together.<sup>26</sup> Sick leave and bereavement leave benefits for state government workers include a worker's household members.<sup>27</sup>

Living in the same household is the broadest possible concept of "family" since it is concerned only with the choice to live together. The decision to live together is a critical one relating to a person's private life, and must be respected. But while the right to live together is nearly absolute, the right to receive benefits or privileges from third parties, such as government, is not. Thus, some proof that the people are truly a family, in addition to the fact that the parties live together, such as the blood or legal ties between individuals discussed above, may be necessary in the context where such benefits are provided.

## NOTES

1. In a very recent case, the U.S. Ninth Circuit Court of Appeals, by a two-to-one vote, held that the word "children" in the Employee Employment Retirement Security Act (ERISA) does not include a person's stepchildren. Evans v. Safeco Life Insurance Co., 90 Daily Journal D.A.R. 11891 (October 22, 1990).
2. Testimony of Bill Storey, July 12, 1990 (Supplement, p. 51).
3. Task Force on Family Diversity, City of Los Angeles: Final Report, pp. 21-22.
4. Braschi v. Stahl Associates, 74 N.Y.2d 201 (1989).
5. Planning a Family Policy for California: First Year Report of the Joint Select Task Force on the Changing Family, pp. 7-8. (1989).
6. Id., pp. 7-8.
7. William Bennett, former Secretary of Education, has made this point in the narrower context of childrearing. He has stated that, "Government, obviously, cannot fill a child's emotional needs. Nor can it fill his spiritual or moral needs. Government is not a father or a mother." (Quoted in "Kids Need a Moral Compass to Go Straight," L.A. Times, October 25, 1990).
8. Task Force on Family Diversity, City of Los Angeles: Final Report, p. 18.
9. This report deals with domestic partnerships in some detail. That is not intended to imply that other family relationships are being discounted. On the contrary, most of the other family relationships discussed here are, at least to some extent, included somewhere in city policies. Domestic partnerships are, though, almost totally excluded from city policies which claim to support families. The Commission's goal is to try to achieve some consistency in the city's support of families.
10. Cal. Civ. Code §§ 4100 and 5100.
11. Both married couples and domestic partners may make nearly any property arrangements they agree to. The difference is that married couples must create a contract in order to avoid the community property rules that automatically apply to married couples. The reverse is true for domestic partners: no joint property ownership rules automatically apply to any property they

hold individually, but they may always elect to take title to property in both partners' names.

12. A significant exception exists for married couples: they may not absolve themselves of their support obligations, including, most importantly, child support.

13. The requirement that a domestic partnership be limited to two people is not universal. Madison, Wisconsin and the Metropolitan Service District of the Portland, Oregon Regional Government do not include it for domestic partners under their jurisdiction. See Domestic Partnership Criteria Comparison by City, Supplement, p. 63-65. Because of the policy considerations discussed in our report, the Human Relations Commission believes Long Beach should include this factor in defining domestic partners.

14. Testimony of Bill Storey, July 12, 1990 (Supplement, p. 49).

15. "One Baby, Three Parents: Whose Rights Prevail," L.A. Times, October 17, 1990.

16. Id.

17. The trial judge decided that Johnson was not one of the baby's parents. The case is currently being appealed.

18. Wagner v. County of Imperial, 145 Cal. App. 3d 980 (1983); Estate of Leslie, 37 Cal. 3d 186 (1984).

19. Estate of Vargas, 36 Cal. App. 3d 714 (1974).

20. Most recently, voters in the city of San Francisco approved this procedure. The cities of Ithaca, New York, and, locally, West Hollywood, are examples. In West Hollywood, the couple receive a certificate from the city as evidence of the registration (Supplement p. 66). Partners do not need to live in the city in order to register their relationship. (West Hollywood Muni. Code § 4220, et seq.).

21. Task Force on Family Diversity, City of Los Angeles: Final Report, p. 101 (Supplement p. 68).

22. Marvin v. Marvin, 18 Cal. 3d 660 (1976).

23. "Domestic Partners: How Much Recognition," Governing The States and Localities, October, 1990 (Supplement, pp. 69-70).

24. Id.

25. City of Santa Barbara v. Adamson, 27 Cal. 3d 123 (1980). See also Donovan v. Workers' Compensation Appeals Board, 138 Cal. App. 3d 323 (1983).

26. Cal. Penal Code § 273.6; Code of Civil Procedure § 540.

27. Govt. Code §§ 19859, 19859.3.

#### IV. The City as Policy Maker

##### A. The City Council as Lawmaker

Long Beach adopted its city charter in 1921, establishing a Council-Manager form of government. The charter lays out the city's basic municipal laws, and the city council has the authority to enact ordinances and resolutions, which are codified in the city code. The council appoints a city manager as the city's chief administrative officer. In 1986, the voters amended the charter to provide for a full-time mayor, who is the chief legislative officer, with a veto power over various city council actions. The Mayor transmits the city manager's budget to the council, with recommendations, and makes recommendations to the council for appointments to the city's boards, commissions and committees.

Over time, the City Council has developed a broad-reaching policy that the city will not tolerate discrimination against citizens based on criteria such as race, religion, national origin, age, gender, sexual orientation or physical or mental disability. The Human Relations Commission was established in 1989 to assist the council in developing policies and programs that will achieve the goal of nondiscrimination.<sup>1</sup> In its advisory capacity, the Commission was given broad jurisdiction as a forum for discussion and investigation of problems relating to the harmonious relations of the city's diverse populations.

Through its legislation, the council enunciates city policy. But sometimes a policy apparent in certain laws has never been clearly articulated. This is the case with the city's policy on families. It is clear in nondiscrimination laws, city employee benefit programs, the city's childcare policy, and others, that the city values its families. But there is no clear statement the City Manager can look to when running the day-to-day business of the

city, to direct his or her decisions on issues that affect families. Likewise, the city's agencies, boards and commissions are without clear guidance on this very important question. Because of this, a patchwork of policies has developed, some of them conflicting with one another, or with other, clearly articulated city policies.

Mutual understanding, respect and tolerance are among the values families reinforce and promote among themselves. Because of this central role of the family in civic life, policies that weaken families undermine one of the most fundamental and effective means of carrying out the city's policy of nondiscrimination and broad respect.

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3. The Commission recommends that the city establish and articulate a policy statement of support for families to guide the City Manager and the city's departments, boards, commissions and all agencies. This policy statement should be sensitive to the following:

- There is great fluctuation in the racial and ethnic population in Long Beach, and it would be inappropriate to impose any one notion of family on the city's entire population;
- Families are private by nature, and choices about specific family forms should not be dictated by government;
- The city's policy should assure that individual families are able to provide one another the family functions enumerated by the state's Joint Select Task Force on the Changing Family, whatever the family's chosen form (See section III (B) of this report);
- The public is best served when families are strong enough to provide for themselves. Policies which make families strong benefit everyone.



4. The Commission recommends that the City Council examine all current city ordinances, rules and regulations which use the word "family" to determine whether they are inclusive of all family forms, and decide whether there is a sufficiently compelling justification for those ordinances, rules or regulations that exclude particular kinds of families.
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5. The Commission recommends that the City Council adopt a policy to routinely examine use of the word "family" in proposed city legislation or policies to assure that all family forms are included.
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#### B. Specific City Policies

The city council has already passed ordinances and rules that enunciate clear policies on certain subjects. Many of these policies relate directly to families.

##### 1. Dependent Care

###### a. Childcare

The city's childcare policy has been designed to address the following needs:<sup>2</sup>

- The fact that 46% of American women with preschool children were employed in 1980;
- The fact that childcare needs have not kept pace with the needs of single-parent families;
- The expense of childcare, and the rise in the number of "latchkey children;"
- The increasing demand for childcare services;

With these things in mind, the city vowed to take a leading role in coordinating parents, employers, child care providers, employee organizations, schools, private sector developers, business and community leaders and government officials to develop programs to

address the city's child care needs. As a result, The Bottom Line--Child Care Solutions, Inc. was formed as a public-private coalition. In addition, the city created the position of Childcare Coordinator within the Department of Health and Human Services.

For one definition of "family," that of the working father, homemaker mother and minor children, a childcare policy is not needed. Children in such families are cared for in the home by their mother. It is arguable how many families, even in the post-war period when this model became a controlling image, rather than a suggestive one, actually fit within that definition. Today it is beyond doubt that an increasing number of families do not fit within this definition. While only 8.6% of mothers in 1940 worked outside the home, that figure today is 62%.<sup>3</sup> In California today, 43% of California children under 6 and 54% of children 6 to 11 have mothers in the labor force.<sup>4</sup> In less than a decade, nearly half the entire workforce will be female.<sup>5</sup> And the assumption in most cases is that a child will have two parents. Yet almost 10% of local households are headed by a single parent.<sup>6</sup>

Various agencies work together to assist programs that serve young children and parents. In Long Beach, the United Way, the Health and Human Services Department, and foundations such as the Gumbiner Foundation, provide funds to programs which result in a sliding scale tuition so families are charged according to their ability to pay for child care services. The State Department of Education provides funding for this option used by low and middle income families.

An expansion of the current subsidized options available in the public and private sector could come in the form of an alternative payment program funded by private and public grants. This program could provide financial assistance to parents who either are on a waiting list for the limited number of subsidized child care spaces or whose income limits them in affording other

current openings. The alternative payment program would require close collaboration between a number of community resources and agencies.

A number of approaches to this problem were suggested by the city's Childcare Coordinator.<sup>7</sup> For example, foundations may be able to provide some private funds for childcare. Researching and obtaining foundation support is, however, a highly specialized field, requiring experienced personnel.

The Mayor currently has funds available to deal with homelessness. This fund is in the early stages of development, and consists of contributions from non-government sources. A fund similar to the Mayor's Fund for the Homeless could be created for the equally important issue of childcare.

In addition, developers could be encouraged to include childcare facilities in future projects. Finally, the city's lobbyists in Washington and Sacramento could urge creation and passage of federal and state childcare policies and programs.

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6. The Commission recommends that the City Council pursue private foundation and government funds to increase available and affordable childcare.

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7. The Commission recommends that the Mayor create a Mayor's Fund for Childcare.

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8. The Commission recommends that the City of Long Beach explore incentives for childcare facilities in new building projects in the city and prepare a report on its findings by December, 1991.

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9. The Commission recommends that the City Council instruct the city's lobbyists in Washington and Sacramento to introduce and support legislation

which will support available and affordable  
childcare

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b. Care for Seniors

The city has expressed its concern regarding the needs of the senior population. In 1974 the city created the Senior Citizens Advisory Commission to advise the city on all matters relating to senior citizens. The vitality of that Commission is evident in their most recent annual report.<sup>8</sup>

The needs of families caring for elderly relatives, though, are not always contained in family policies. The change in parental employment patterns requires a reexamination of the realities of family life and family responsibilities, including this one. In a spiralling number of cases it is not only children who must be cared for. The population of older Americans continues to swell. For some age groups over 55, the rate of increase is over 100%.<sup>9</sup> In this country, approximately 80% of the care needed by the elderly is provided by their families.<sup>10</sup> A model of the family that does not consider the care required by senior generations fails to regard this powerful reality. With no support for the families who try to care for older generations, many seniors who are unable to take care of all their needs independently, must look to government for help.

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10. The Commission recommends to the City Council that the Senior Citizens Advisory Commission examine the city's family policies and determine whether those policies address the needs of families who must care for dependent elderly family members. SCAC should propose policies that will enable families to care for their dependent elderly relatives whenever possible.
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### c. Combining Solutions

While there are many differences in childcare and eldercare, there are also many similarities. The city's childcare coordinator, Catherine Ryan, has suggested that when enough similarities exist, there should be a unified policy of "dependent care" that would include both seniors and children.<sup>11</sup> Such a program of intergenerational care has been pioneered by the Stride-Rite Corporation,<sup>12</sup> and could provide a model for a program for city employees

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11. The Commission recommends to the City Council that the City begin exploring the possibility of combining aspects of the childcare and senior programs to provide a system of intergenerational care. Factors such as cost-effectiveness, success of current private-sector programs, and City departmental responsibility should be taken into account, and some guidelines on when intergenerational care is appropriate should be drawn up.

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Another creative program involves matching independent seniors with children, thus utilizing the parenting and grandparenting skills of older Long Beach residents.<sup>13</sup>

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12. The Commission recommends that the City Council also explore the idea of involving independent seniors with children needing care, as one facet of the solution to the city's childcare needs. Factors such as cost-effectiveness, success of current private-sector programs, and city departmental responsibility should be taken into account.

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## 2. Sexual Orientation

Many times, lesbians and gay men are viewed as isolated individuals without significant family relationships. This