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In 1954 the City of Baton Rouge/ Parish of East Baton Rouge enacted a zoning ordinance limiting A-1 residential areas to “families,” and defined “family” in the ordinance as “an individual or two (2) or more persons who are related by blood, marriage or legal adoption living together and occupying a single housekeeping unit with single culinary facilities; or not more than two (2) persons, or not more than four (4) persons (provided the owner lives on the premises) living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost-sharing basis.”

In this report, I draw upon empirical data collected by diverse scholars to show how this definition is outdated and does not capture the complex reality of families in the United States or in East Baton Rouge. I write as an expert in the Sociology of Families who has published extensively in the area of sexual minority families. I have also taught undergraduate and graduate courses in the Sociology of Families and passed a doctoral comprehensive exam in the Sociology of Families. As such, I am well equipped to speak to this issue.

Families are in a constant state of flux. In the last half a century, we have witnessed a reconfiguration of what we have always termed “the family” (Coontz 2000; Stacey 1990, 1996; Scanzoni 2000). Since 1954, when the current definition in Baton Rouge was written, same-sex marriage, non-marital childbirth, cohabitation, foster homes, other creative kinship networks and families of choice have become more and more common. Family structures have diversified considerably in the last few decades and individuals are engaged in novel types of kinship arrangements that diverge from the dominant traditional nuclear family popularized in the 1950's (Coontz 2000; Stacey 1990, 1996).

Social scientists have long argued that there is no universal definition of the family because contemporary household arrangements are much more complex than a single definition can possibly capture (Aulette 2009). In the United States, there is no “normal” family, though such tends to be constructed as the nuclear family of the middle-class, white, heterosexual couple with children (Smith 1993). Data from the 2010 U.S. Census reveal that nuclear families in the United States have dropped below 25 percent of all households and that multiple family forms are now the rule in U.S. society.¹ The most frequently occurring family forms in the United States include single-parent, blended families, families headed by lesbian and gay partners, and other cohabiting unmarried couples with children. For example, about 41% of all

¹ U.S. Census Bureau, *America's Families and Living Arrangements: 2010*.

births are outside of marriage (Martin, Hamilton, Ventura, Osterman, Kirmeyer, and Mathews, et al. 2011), and the majority of those non-marital births are in cohabiting unions (Mincieli, Manlove, McGarrett, Moore, and Ryan 2007). Furthermore, there has been an increase in multi-generational and extended family networks over the past decade that reflect economic constraints, and the rise in the number of immigrants, who are more likely than their native-born counterparts to live in multi-generational and extended family households.

Family could also include fictive kin, or nonrelatives who are accepted as part of the family because they have strong bonds with biological family members and provide important services and care. These ties may be stronger and more lasting than those established by blood or marriage (Dilworth-Anderson, Burton, & Johnson 1993). Fictive kin have been most common among African American and Latino communities. Research on African American families has documented the extent to which the African principle of Harambee ('let's all pull together') often becomes a survival mechanism wherein fictive kin turn to one another for social support (Hill, 2005). Furthermore, Latino families are more likely to have an extended family co-residence pattern due to structural and cultural factors (Ramierz and de la Cruz 2003). Another recent variation of fictive kin networks involves single mothers (regardless of race or ethnicity)—many of whom are unmarried college-educated women—who turn to one another for companionship and help in child care and may or may not share a single household residence (Aulette 2009).

Currently, we have a gap between the complex reality of contemporary family forms and the dated family ideology that still undergirds most public rhetoric, policy, and law concerning families. In what follows, I provide evidence of some of the major changes in American families. I detail how the existing definition of family in the Baton Rouge City-Parish zoning ordinance is outdated. Such a definition excludes a number of diverse groups that also consider themselves families, including child-free couples families, cohabiting couples, foster parents, gay and lesbian couples, with or without children, and fictive kinship arrangements.

Unmarried Households

The Joint Center for Housing Studies at Harvard University reported that married couples are a shrinking demographic of American households. Higher labor force participation rates for women, delayed marriage, high divorce rates, low remarriage rates, and greater acceptance of unmarried partners living together are among the many social and cultural trends that have contributed to this shift. The resulting growth in unmarried-partner, single-parent, and single-person households has increased the share of adults in all age groups heading independent households. There are 99.6 million unmarried people over age 18 in the U.S., representing nearly 44% of the adult population.² In 2010, unmarried households were 45% of all U.S. households.³

² U.S. Census Bureau, *America's Families and Living Arrangements*: 2010.

³ U.S. Census Bureau, *America's Families and Living Arrangements*: 2010.

Heterosexual Cohabitation

Heterosexual cohabitation is one dimension of unmarried households. Heterosexual cohabitation has become a normative feature of the life course. The prevalence and incidence of cohabitation have risen considerably in the past three decades. The number of cohabiting unmarried partners increased tenfold between 1960 and 2000.⁴ In 2010, 7.5 million Americans over the age of 18 were cohabiting (Kreider, 2010). Most marriages and remarriages begin as cohabiting relationships, and the majority of young adults has cohabited or will cohabit at some point in their lives (Smock 2000).

Cohabitors come from many ethnic and socioeconomic backgrounds. People who are socioeconomically disadvantaged are more likely to cohabit. Data from the 2002 National Survey of Family Growth (NSFG) suggest that 45% of 19- to 44-year-old women who are college graduates have cohabited compared to 64% of those who had not completed high school (Kennedy & Bumpass 2008). Cohabitation rates are similar among Blacks, Whites, and Hispanics. The socio-economic disadvantages faced by low-income Hispanics and African-Americans are correlated with lower rates of marriage. While high numbers of socioeconomically advantaged men and women also cohabit, their relationships are more likely to lead to marriage than are those of low-income cohabiters who are disproportionately non-White (Smock & Greenland 2010).

The incidence of cohabiting partners with children is increasingly widespread. About two-fifths of children are expected to live in a cohabiting household at some point.⁵ The 2009 Current Population Survey indicated that some 2.5 million unmarried cohabiting couples had at least one biological child in the household, comprising approximately 38% of all cohabiting couples.⁶ Roughly half of these are the biological children of the cohabiting couple and the other half are children of one of the partners. One study suggests that between two-fifths and one half of children born in the early 1990s will spend some part of childhood in a cohabiting-parent family (Kennedy & Bumpass 2008). Currently, researchers estimate that 40–50% of all births considered to be non-marital are to cohabiting couples (Greenland and Smock 2013).

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32.9% of households (568,242) live in non-family households.⁷

2.6% (116, 865) of population live in unmarried households

⁴ U.S. Census Bureau, America's Families and Living Arrangements: 2000.

⁵ U.S. Census Bureau. 2000.

⁶ U.S. Census Bureau, Current Population Survey: 2009.

⁷ This captures institutionalized housing, single persons, and unmarried

Baton Rouge Numbers

According to city-data statistics, of the 398,290⁸ households in East Baton Rouge Parish,⁹ 67,487 are classified as non-family households. These non-family households include 24,910 male householders, 18,448 of whom are living alone and 28,254 female householders 23,567 of whom are living alone, and 14,323 nonrelatives in a house.

The sizes of these nonfamily households is as follows:

1-person: 42,015
2-persons: 8,870
3-persons: 1,628
4-persons: 592
5-persons: 40
6-persons: 15
7-or-more-persons: 4¹⁰

Family Structure: Foster Care

Foster care is a living arrangement for children who a child protective services worker or a court has decided cannot live safely at home. Foster care arrangements include non-relative foster homes, relative foster homes (also known as “kinship care”), group homes, institutions, and pre-adoptive homes. In 2011, 401,000 children were in foster care.¹¹

In 2011, nearly half (47 percent) of all foster children lived in the homes of non-relatives. Just over one-quarter (27 percent) lived in foster homes with relatives, such as grandparents, aunts, uncles, or cousins – a family arrangement known as “kinship care.” Fifteen percent of foster children lived in group homes or institutions, four percent lived in pre-adoptive families, and the rest lived in other types of facilities (based on preliminary estimates).

Non-Hispanic white children, who made up about 53 percent of American children under age 18, accounted for 41 percent of foster children in 2011. Black children,

⁸ According to East Baton Rouge Quick Facts from the US Census Bureau, there are 167,150 occupied households in East baton Rouge Parish
<http://quickfacts.census.gov/qfd/states/22/22033.html>

⁹ United States Census Bureau. State and County Quick Facts.
<http://quickfacts.census.gov/qfd/states/22/22033.html>

¹⁰ City-Data.com, East Baton Rouge Parish Louisiana. Retrieved January 21, 2013.
http://www.city-data.com/county/East_Baton_Rouge_Parish-LA.html#ixzz2IM5K3dPu.

¹¹ Child Trends, Foster Care Data Snapshot: 2011.
<http://www.childtrendsdatabank.org/?q=node/199>.

who made up around 14 percent of all children, accounted for 27 percent of foster children in that year. Among Hispanic children (who can be of any race), 24 percent of U.S. children accounted for 21 percent of foster children in 2011.¹²

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There are 4,787 children in foster care in Louisiana; 653 of these children are waiting for permanent adoptive families.¹³

In 2010, there were 16,974 "foster and unrelated" children living in LA households and there were 16,599 "foster and unrelated" children living in LA households in 2011. By definition, these children are clearly not related to the head-householder who is typically the person who owns the house. There were also 29,575 "other related children" living in LA households in 2010.¹⁴ This figure could include a sibling under 18, or a niece or nephew of an in-law. This figure would not include a grandchild, step-child, adopted child, or biological child.

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We currently do not have numbers for Baton Rouge about foster care families

Sexual Minority Families

The year 2000 was the first time the U.S. Census counted same-sex households. Data from the 2000 Census revealed that same-sex couples reside in 99 percent of U.S. counties. There is little consensus among experts as to the prevalence of lesbian, gay, bisexual, and transgender (LGBT) parents and their children. Estimates have varied greatly, ranging from 1-20 million children in the United States under the age of 18 who have one or more gay or lesbian parent. An accurate number is difficult to calculate because LGBT families are often invisible and for some, it is still unsafe for them to be "out."¹⁵ A widely accepted statistic of 6 million children was first introduced in 1987.¹⁶ While the social climate has changed dramatically in nearly two

¹² Child Trends, Foster Care Data Snapshot: 2011.

http://www.childtrends.org/Files/Child_Trends_2011_05_31_DS_FosterCare.pdf

¹³ AdoptUSKids.org, Louisiana Foster Care and Adoption Guidelines. Retrieved January 21, 2013. <http://www.adoptuskids.org/for-families/state-adoption-and-foster-care-information/louisiana>.

¹⁴ U.S. Census Bureau, Relationship to Householder for Children Under 18 years in Households: 2006-2010 American Community Survey 5-Year Estimates. http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=A CS_10_5YR_B09006&prodType=table.

¹⁵ Duncan, Melanie L. and Kristin E. Joos, preparers. 2011. *Fact Sheet: LGBT Parents and their Children*. Sociologists for Women in Society: September.

¹⁶ ABA Annual Meeting Provides Forum for Family Law Experts. 1987. *Family Law*

decades, the most frequently cited number has remained static. According to analyses of the 2000 Census, 1 in 3 lesbian couples and 1 in 5 gay male couples have at least one child under the age of 18 in their household.¹⁷ According to analysis of the 2010 Census, 22 % of the more than 900,000 self-identified same-sex couples are currently raising children.¹⁸ This statistic solely focuses on couples and excludes single LGBT parents, which has been noted as a limitation of certain data collection methods that cannot accurately capture the presence of LGBT families in the U.S. (i.e. the U.S. Census).

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In 2010, 67,505 same-sex male unmarried partnered households self-identified in Louisiana

In 2010, 20, 599 same-sex female households unmarried partnered households self-identified in Louisiana¹⁹

In 2010, Louisiana ranked 10th with regards to highest concentration for same-sex couples with children among all households²⁰

In 2010, Louisiana ranked 5th among same-sex households in U.S.²¹

Baton Rouge

In 2007 and 2011, Elaine Maccio, Associate Professor in the School of Social Work at Louisiana State University conducted a survey among Baton Rouge's sexual minority population entitled, *Assessing Quality of Life among LGBTQ Residents of the Greater Baton Rouge Area*. Both the 2007 and 2011 quality of life surveys asked, "How many children do you have?" The 2007 survey also asked "how did you have children?" This question was not asked again on the 2011 survey.

Report (BNA) 13: 1512.

¹⁷ Simmons, Tavia and Martin O'Connell. 2003. *Married-Couple and Unmarried-Partner Households: 2000*. U.S. Census Bureau, Washington, DC: 10.

¹⁸ The Williams Institute, United States Census Snapshot: 2010.

http://services.law.ucla.edu/williamsinstitute/pdf/Census2010Snapshot_US.pdf.

¹⁹ U.S Census Bureau, Profile of General Population and Housing Characteristics: 2010.

http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_SF1DP1&prodType=table

²⁰ Urban Institute Office of Public Affairs, 2100 M Street NW, Washington, DC 20037

²¹ Urban Institute Office of Public Affairs, 2100 M Street NW, Washington, DC 20037

Below is the response for the 2007 survey (N = 349),

Question: If you have or plan on having children, by what means have you had or will you have children?²²

- 37.5% Do not have children/Do not plan on having children
- 24.6% Domestic adoption
- 18.6% Not sure if I will have children/ or by what means I will have children
- 16.6% International adoption
- 15.8% Have children from current or previous heterosexual relationship
- 14.9% (For women): Artificial insemination of one or both partners
- 8.9% Use of surrogate mother
- 5.4% Foster parenting
- 1.7% Informal/kinship care

Louisiana has a cultural lag behind other States.²³ It is common knowledge among family scientists, and demographers, and even popular culture²⁴ that people are getting married less, living in single homes, and overall that there is a cultural shift away from the nuclear family and household lifestyle. Additionally, what has previously been called non-traditional living is more popular during economic crunches, as are creative strategies of bringing income into one's households through renting, and boarding. Such strategies are used to maintain homes and keep homes from foreclosing, particularly in times of economic crisis.

In conclusion, I argue that the current definition of family, in particular that used in the legal system is outdated and is based on assumptions and stereotypes. Moreover, it is largely unenforceable. Opening up this conversation and expanding a definition of family will actually allow current homeowners more flexibility and freedoms in the near future.

While it is difficult to state what a standard definition of family could look like, since the meaning of family is always shifting and changing, a more inclusive definition of family might look like this:

Sexual or intimate relationships or parent-child relationships, in which people live together, at least some of the time, with personal commitments to each other, who identify themselves as an intimate group and who are regarded by others as an enduring group, and are economically dependent to some degree (Aulette 2009).

²² Percentage total equals more than 100% because respondents could choose more than one option.

²³ See national Census Data

²⁴ See the television shows, *Modern Family*, *The New Girl*, and *The New Normal* for pop-cultural examples of changing definitions of family and household life

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