The family is the basic unit of society. It is the most intimate and important of all social groups. A strong family can help its members when they have problems in their lives. In fact, families are the strongest influence on what kind of person you turn out to be. Law and government also have an effect on individuals and families throughout their lives. As you study this unit, you will learn about law as it affects families.

Chapters in Brief

Chapter 30 explains how law affects Americans from the moment they are born until the end of their lives. The chapter also describes how the legal definition of family is changing as a result of economic, social, and political factors.
Chapter 31 emphasizes the legal issues related to marriage and to living together as a couple. It also explains the financial responsibilities of couples and property ownership in a marriage. Finally, the chapter highlights spouse abuse and resources available to victims of abuse.

Chapter 32 outlines the legal implications of parent-child relationships, particularly their mutual responsibilities. The legal consequences and options judges face when parents neglect or abuse their children are also described.

Chapter 33 discusses the legal issues and resources devoted to foster care, adoption, and assisted fertility.

Chapter 34 presents ways in which laws respond to family problems such as separation, divorce, child custody, alimony, property division, and child support.

Chapter 35 describes the many ways that federal, state, and local government programs provide economic, health, and educational benefits to families and individuals.

Although family life is private, it is influenced by laws and government.
The law is involved every time a birth, death, marriage, or divorce takes place. In fact, the law affects families in many different ways throughout the course of a person’s life. The federal government, as well as every state, has laws affecting the family.

Law From Birth to Death

The law affects children beginning at birth. When a child is born, a birth certificate is issued by the state, and the parent can apply for a Social Security number for the child. All babies and young children are required by law to receive immunizations to protect them from certain diseases, such as polio. Beginning at a certain age, parents are required by law to send their children to school or to provide proof of homeschooling.
A different set of laws affects teens. As young people reach a certain age, they often take a test, given by the state, to get a driver’s license. The age at which a person can drink alcoholic beverages is also regulated by law. Males are required by law to register for Selective Service when they turn 18. State laws set requirements that must be met before anyone can be married.

The law outlines the basic rights and responsibilities of parents. For example, parents are entitled to tax deductions for each dependent child. The Family and Medical Leave Act allows employees time off from work to care for new babies or sick relatives. Parents are responsible for providing basic necessities such as food, clothing, shelter, and medical care for their children. If paternity is established, the father may be forced by the courts to provide support until that child is 18.

States also have laws that affect relationships among family members. Chapter 32, “Parents and Children,” examines the line between permissible parental discipline and child abuse. Other laws govern areas such as marriage, adoption, foster care, child abuse and neglect, alimony, custody, divorce, and support.

There are even laws that apply after a family member dies. A will is a legal document that explains how a person wants his or her property distributed after death. Everyone who has any money or property should consider making a will. Even if you do not presently have much money or property, this may not be the case when you die. Taking this important step could minimize the problems your family might have after you die.

If you die without a will, state law determines who receives your property. State law usually requires that a portion of the property go to your spouse if you are married. The remainder of your property may go to your children, parents, grandchildren, brothers, or sisters, depending on the state law where you live. Having a will ensures that your property goes to whomever you wish in the amounts you choose.

In most states, persons cannot legally make wills until they reach the age of majority, usually 18 or 21. However, some states allow persons as young as age 14 to make wills if they are married, emancipated, near death, or in other special circumstances. When minors die without a will, their property, such as money and clothes, goes to their parents or legal guardians, who decide what to do with it.
**Problem 30.1**

In addition to the areas mentioned on the previous page, what other issues in the family are regulated by law? Does the law regulate too much or too little of family life? Explain your answers.

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**What Is a Family?**

If asked to identify a family, most of us would say we know one when we see one. We are surrounded by families wherever we go, and most of us live in family settings. However, families come in all shapes and sizes, and defining the term *family* can be difficult.

Legally, the word *family* is used to describe many relationships: parents and children; people related by blood, marriage, or adoption; or a group of unrelated people living together in a single household, sharing living space and housekeeping. Because the word *family* does not have a precise meaning, many laws define the term when they use it. For example, zoning laws that set aside certain areas for single-family homes define a family in a certain way. Laws involving insurance, Social Security, or inheritance may define a family in other ways.

Family structure has changed in recent years. Give specific examples that show how families have changed.
Problem 30.2

Examine the group of photos shown here. For each photo, answer the following questions:

a. Is this a family? Why or why not?
b. Is this living arrangement common where you live?
c. How does the law affect this living arrangement?
d. What are the characteristics of a family? How would you define the term family?
e. Are a divorced husband and wife still a family? Would you answer differently depending on whether they have children?
f. Do you believe there is such a thing as an “ideal” family? Who would be part of such a family? Is this a common arrangement?
The American family has undergone dramatic changes during the past 100 years. One of these changes has been a reduction in size. In 1900, the average family size was 5.7 persons. By 2008, the average family had shrunk by more than 50 percent. Today, some couples have fewer children or, in some cases, no children at all.

Families have also changed because women’s roles have changed. During the early part of the twentieth century, most married women did not work outside their homes. Today, however, the majority of married women hold jobs outside their homes. Other changes include men and women each tending to marry at a later age—or not at all—and tending to stay married, on average, for fewer years.

Changes in marriage practices have changed the face of the U.S. family. Single-parent families and unmarried couples raising children have both become more common. Blended families with stepparents and stepchildren are common.

Laws that fit old ways of understanding the family have been challenged. New laws have been written, and judges have decided cases that help resolve conflicts and challenges that today’s families face.

### Figure 30.1 Changes in American Families, 1980-2006

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Marriages performed</td>
<td>2,390,300</td>
<td>2,243,000</td>
<td>2,384,000</td>
<td>2,160,000</td>
</tr>
<tr>
<td>Divorces granted</td>
<td>1,189,000</td>
<td>1,182,000</td>
<td>1,163,000</td>
<td>871,491*†</td>
</tr>
<tr>
<td>Married couples</td>
<td>49,112,000</td>
<td>53,317,000</td>
<td>54,493,232</td>
<td>55,521,868</td>
</tr>
<tr>
<td>Married couples with children</td>
<td>24,537,000</td>
<td>24,961,000</td>
<td>24,835,505</td>
<td>24,149,585</td>
</tr>
<tr>
<td>Average size of household</td>
<td>2.76</td>
<td>2.63</td>
<td>2.59</td>
<td>2.61</td>
</tr>
<tr>
<td>Families with both partners working</td>
<td>19,028,000</td>
<td>22,053,000</td>
<td>22,674,000</td>
<td>31,783,000</td>
</tr>
<tr>
<td>Unmarried couples living together</td>
<td>1,589,000</td>
<td>2,856,000</td>
<td>4,736,000</td>
<td>6,017,462</td>
</tr>
<tr>
<td>Unmarried couples with children</td>
<td>431,000</td>
<td>891,000</td>
<td>1,675,000</td>
<td>1,971,000†</td>
</tr>
</tbody>
</table>

**Sources:** U.S. Bureau of the Census; U.S. Department of Health and Human Services.

*Figure based on monthly counts and may be underreported.
†2005 data

### Problem 30.3

**a.** Study the data above. What do you think are the most significant changes in American families since 1980? In your opinion, why have these changes occurred?

**b.** Identify any ways in which these patterns are reflected in your own family.

**c.** What do you think families will be like in the future?