# Human right \_ Why US laws must expand beyond the nuclear family

Growing up in a working-class (工人阶级）town in upstate New York, I was taught to hope for a future with a husband and two kids. How about you? I saw women in my community marry as a path to economic security but often end up with discontent /ˌdɪskənˈtent 不满的/ and even abuse /əˈbjuːs 辱骂/ instead. As I got older, I came to wonder and I ask you now: What is family? What do we want family to be?

00:36

The nuclear family has been the basis for our cultural stories and our laws. But only about half of US adults are married. Fewer every year. Forty percent of US adults don't live with a romantic partner at all. As of 2013, less than half of US children had two married heterosexual /ˌhɛtərə'sɛkʃuəl 异性恋/ parents in their first marriage. The majority of us are not in a nuclear family with a spouse and kids. Yet somehow, we treat this majority of people like social failures. What’s worse: our laws treat unmarried people as lesser citizens. Marriage comes with over 1,000 rights and benefits under federal /ˈfedərəl 联邦的/ law. These include the ability to get your spouse citizenship, share health insurance, get better tax rates and inherit tax-free at death and more. Part of the winning argument for same-sex marriage was that we shouldn't deprive /dɪˈpraɪv 剥夺/ gay couples of all of these essential benefits. But I ask you, why should anyone be denied benefits because they're in a romantic relationship of which some people disapprove? Or because they're single.

Thank you.

02:03

Or because they're basing family on something other than a romantic relationship, like co-parenting a child. Our laws should move away from the idea that there's one ideal family form and value all families as they exist.

That's what I've dedicated my career to, and today, I'll share some of my visions for how we can change US laws to benefit all families, but also how an expansive view of family will strengthen all of your own relationships.

02:36

For nearly 15 years with my law firm for LGBTQ and non-nuclear families, I've supported same sex couples. But also the many family forms beyond marriage, like platonic/柏拉图/ partners who are raising a child together or sharing finances without a romantic relationship. Or grandparents who are raising their grandchildren. Or a lesbian couple co-parenting with a male friend. Or polyamorous/多角恋/ partners who might be in a committed relationship of three or four. Within that legal advocacy /ˈædvəkəsi 主张/, I facilitate/fəˈsɪlɪteɪt 使便利/ discussions to make sure that everyone's intentions are aligned and then help them design their own family agreements. With the non-profit organization I founded, Chosen Family Law Center, I advocate for changes in US laws to benefit this whole beautiful spectrum/ˈspektrəm 范围,谱系/ of family constellations. And it is my core belief that no matter how you form family, actively discussing how we intend to live together is the best thing we can do to strengthen our own personal relationships.

03:40

So how did we end up with this current US emphasis on nuclear family? Most of us throughout history have lived in large extended family networks and 38 percent of the world population does today. The nuclear family is actually a relatively new development. It emerged /iˈmɜːrdʒ 出现/ in the industrial revolution to support a working dad and a homemaker mom. It peaked in the 1950s and '60s, but it hasn't been the most common family form before or since. Still, somehow, it's the basis for our health insurance system. How well is that working out? And a reason for our lack of affordable childcare in this country. We still build and zone suburban /səˈbɜːrbən 郊区/ homes with this fictional/ ˈfɪkʃənl..虚构的/ family in mind. In Western Europe, where I live, and in many other countries, states provide support for citizens in need, including parents who are home with young children, such as paid maternity leave and financial support throughout the childhood, if needed. But in US law, we make sure that financial safety net happens between spouses rather than between citizen and state. US marriage is a social welfare state of two. I'd rather a different social welfare state personally. This leaves many people, especially women, stuck in unhealthy relationships. So at this point, we can evaluate how same-sex partnership, when we move into that movement for same sex marriage, there was really an emphasis on whether we should be pushing for gay marriage so that gay people could get the benefits of marriage, or whether we should be working to protect the rights of the unmarried. And we can do both. It's time now to protect the rights of unmarried people and other kinds of family constellations.

05:36

Because the reality is, there's no evidence that the nuclear family model is actually the best one. Research has consistently shown that children need stability of parental figures. But from what I've consistently found, it doesn't matter if that stability is mom and dad, two dads, mom and grandma or three polyamorous partners. So this is not only about justice. This is about what's best for children. If we really want that stability for kids, we need to provide support for all the kinds of families that kids are in, rather than try and fail to push people into a nuclear family model with government benefits. It's time to observe what's not working and change course.

06:19

My definition of family is people who are committed to be there for each other, no matter what. This includes chosen family regardless of biological relationship or legal marriage. Many Black families in the US have chosen aunties and uncles with no blood relation, but a decision to be family and a commitment to the children involved. Countless /ˈkaʊntləs 多得数不清/ LGBTQ people create chosen family when they're rejected by their family of origin or when wanting to create families that share their values. I am one of those queer people to find home with chosen family. I grew up in a Christian/ˈkrɪstʃən 基督教/ family in a small town, the only child of wonderful older parents. When I came out as bisexual, then as polyamorous, then as gender non-binary, most of my blood relations and over 30 cousins stopped talking to me. That's pretty standard. When I was a broke 20-something starting my law practice, I was diagnosed with cervical cancer/宫颈癌/. And realized that I'd been duped /duːp 受骗者，欺骗/ into buying a health insurance that didn't cover cancer. I was in a desperate, life-threatening situation. And while my parents were loving, they couldn't provide me with material support or problem-solving. So I broke through my shame and my embarrassment about asking for help. And I reached out to my communities of friends. And I discovered that they were eager/ˈiːɡər 渴望的/ to more actively support one another. They made a schedule, so there was always someone there to cook, to clean, to make phone calls about my health coverage or just sit with me while I cried in my grief/ɡriːf 悲伤/ and my fear. When I won my appeal/əˈpiːl 上诉/ to receive coverage by the Cancer Services Medicaid program, the administrator called and said, "I don't know who you are, but a lot of people love you."

And then she said, "And I'd like them to stop calling my office now, please. Let them know you got coverage, it's done. Thank you."

08:28

The chosen family who stepped up for me probably saved my life. But they wouldn't necessarily be able to visit me in the hospital or cross a border /ˈbɔːrdər 边界/ in a pandemic to be with me. Because relationships beyond blood and beyond marriage often don't get those rights. And since then, my life's work has been to change that and I will。

When we embrace /ɪmˈbreɪs 拥抱/ the idea of chosen family, our own free will is more important than biological connection. We can choose to create family relationships with the people who provide us with the meaningful support that we need and deserve.

09:07

Same-sex parenting has also advanced the concept of family beyond biology, because in a same sex couple, only one parent's providing the sperm/spɝm 精液/ or the egg. In my family-building legal work with these families, I facilitate discussions to make sure that everyone's intentions are aligned before designing that legal agreement. For example, I’ll often work with a female same-sex couple who has a male friend who wants to "help" them become parents. So I'll facilitate discussions to make sure they're all clear on whether he's going to be a co-parent or a sperm donor and design a legal agreement either way. Without that, I've seen too many situations of ambiguity. Where mom calls him a dad when she needs childcare help but a donor when it comes time to make a big decision she doesn't want his input on. He calls himself dad when the baby's adorable at the park, but feels more like a donor /ˈdoʊnər 捐赠者/ when the school bill comes, you know? When we're designing our own families, we need clear written agreements, especially if children are involved.

10:07

Let's say I have two clients, Sharon and Bill, best friends who are considering becoming co-parents. Sharon's turned 40 and hasn't found the right man with whom to marry and have kids. Neither has her gay bestie Bill, who can’t afford the $100,000 surrogacy process by himself. So they call each other their Plan B. I would facilitate discussions with them about their parenting values, their plans to share finances for the child, their ideal week of childcare split/splɪt 分离/. But the conversation often gets more difficult when I ask questions like, "Are you willing to live in the same city for the next 18 years to each be near the child?" We're used to the idea of sacrificing for a spouse and saying "no" to a dream job in a different city to stay close to each other. But it's a shocking idea to do that for your buddy. But by becoming co-parenting partners, they need to elevate their level of commitment from friends to platonic partners. They need to consciously say “goodbye” to a Prince Charming fantasy and welcome and embrace a new reality of a beautiful partnership grounded in their long-term friendship and agree that this co-parenting relationship will come first. I have found in my work that these kinds of discussions are much more powerful for preventing future disputes/dɪˈspjuːt 争吵/ than any written contract can be. We need to have these conversations. Legal contracts are sometimes written to avoid looking eye to eye/看法一致/ and coming to agreement. But family contracts should only be written after you've done that.

11:40

When I design relationships for polyamorous triads of three or quads of four, I sometimes use existing legal structures like trusts or LLCs, that allow you to share property and finances without a question as to your relationship. So, for example, if I've got a polyamorous triad Ayesha, Susan and Linda, I can set up an LLC for them so that they can co-own real estate properties, pay taxes together, purchase a common health insurance and have clear exit strategies if they wish.

12:15

And if people trust each other enough to pool their financial fortune and want to pay taxes together, it shouldn't matter whether they're business partners, siblings or romantic partners. All of those families are valid.

Thank you.

We should be able to choose legal partners beyond a single romantic partner, like a spouse. Some people are doing that now, and it's the trend for the future. Domestic partnerships have been used for 30 years by same-sex couples, but also by best friends and siblings. Doing so, as domestic partners, allows you to share your health insurance to visit each other in the hospital and across borders in a pandemic, like spouses. But unlike spouses, you don't become a social welfare state of two, which can be a good thing. I had a client who had a severely disabled sister. By becoming domestic partners, she was able to put her sister on her excellent health insurance coverage. Why would a sister be any less worthy of that than a boyfriend? Right? Thank you.

13:24

We've built on that history. In 2020, my organization helped pass the first laws for multi-partner domestic partnership, which have passed in several cities and counting. This means that three or four polyamorous partners could become domestic partners or two or more platonic co-parents or any two, three or four people who want to become each other's legal partners. When relationships have legal status like this, it reduces discrimination and promotes social acceptance and awareness, as we saw in the same-sex partnership movement. Still, we hope this year to pass the first family status nondiscrimination/ˌnɑndɪ,skrɪmə'neʃən 不歧视/ laws at city levels across the United States, which means that you can't be discriminated against, you can't be fired from your job or denied housing because of your family configuration.

In future, I propose that we move from these city-level domestic partnerships to state-level multi-partner domestic partnerships and then federal recognition, as we did with same-sex marriage. And if we really want to value families as they exist rather than incentivize /ɪnˈsɛntəˌvaɪz 以物质为刺激/ marriage, I also suggest that we separate out some of the legal perks of marriage so that single people and other kinds of families get these benefits without an evaluation of whether they're in a romantic relationship that passes muster (通过审查）.

And marriage should not be the gateway to social and economic privilege anymore. That time is done. And marriages will be stronger when we do that. Do you know anyone who got married faster than they should have for health insurance or citizenship? Because I know too many, and I’m a divorce lawyer.

15:06

As a divorce lawyer, relationships last longer when we marry for better reasons than government perks/pə:ks 特权 补贴/. So, many of you may be married and may not think that these issues have personal relevance for you. But I ask you to reflect. Could your relationship be stronger if you adopted a more expansive view of family? Marriage and partnership are not one-size-fits-all/一刀切/. Every couple in partnership benefits from actively deciding how they want to co-create together in terms of co-parenting, shared finances, your household, and your definition of monogamy. For example, is there any hidden expectation that you have with your partner that would benefit from being spoken out loud and confirmed? I bet there is. Or is there any aspect of partnership that you participate in just because everyone does it, like sleeping in the same bed or only vacationing together, that just isn't really working for your partnership? When we expect any one relationship in our lives to meet most of our needs, we may be putting too much pressure on that relationship. And whether it's your romantic partner, your parent, your adult child, your relationship may be stronger if you also strengthen other connections in your lives and find other ways to get some of your own needs met.

16:32

My husband does not want to help me process. I have other people for that in my life. So ... I think it's worthwhile to question, no matter what kind of family configuration you're in, whether you could be part of a movement for greater interconnectedness beyond our romantic relationships and beyond the walls of our home. Your family and your community will be stronger when you do.

Is there a long-term friend that you could reach out to with whom you'd like to be better in touch and suggest a regular date for a special time together? Could you create a childcare cooperative with other parents in your community? Is there a single parent or elderly person in your life whose home you could spend more time in?

At some point in a long life, you too will need support. And it benefits you to practice asking for support now and actively caring for people in community who may one day care for you. A baby whose diaper you change may one day change yours.

Sorry. It's the beautiful reciprocity of human relationship. And in my vision for the future, while we work together to redefine family in law, we can all redefine family in our own culture and lives. There may even be a close friend to whom you get the courage to ask: Do you want to make family with me?

Thank you. (Applause)