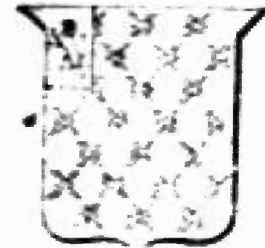


# EXHIBIT 11

**COMMENTARIES  
ON THE LAW OF  
MARRIAGE AND  
DIVORCE, AND  
EVIDENCE IN...**

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Joel Prentiss Bishop



LINCOLN'S INN  
*LIBRARY.*

COMMENTARIES

ON

T H E L A W

OF

MARRIAGE AND DIVORCE,

AND

EVIDENCE IN MATRIMONIAL SUITS.

BY

JOEL PRENTISS BISHOP.

---

BOSTON:  
LITTLE, BROWN AND COMPANY.

LONDON:  
WILLIAM MAXWELL.

1852.

## CHAPTER XIII.

### IMPOTENCE.

§ 225. THE only impediment to marriage, or ground of nullity, which remains to be discussed, is impotence. Marriage between two persons of one sex could have no validity, as none of the ends of matrimony could be accomplished thereby. It has always, therefore, been deemed requisite to the entire validity of every marriage, not only that the parties should be of different sex, but that they should be essentially complete in their sexual organization and capabilities. The limits and consequences of this doctrine, we are now to consider.

§ 226. "As the first cause and reason of matrimony," says Ayliffe, "ought to be the design of having an offspring; so the second ought to be the avoiding of fornication."<sup>1</sup> And the law recognizes these two as the "principal ends of matrimony," namely, "a lawful indulgence of the passions to prevent licentiousness, and the procreation of children according to the evident design of Divine Providence."<sup>2</sup> When one knowingly marries another who is past the age of procreation, he cannot complain on the ground of unfruitfulness.<sup>3</sup> If the party married be within that age and have the power of copulation, there is ordinarily no means of certainly determining that at the time of the marriage an incurable sterility

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<sup>1</sup> Ayl. Parer. 360.

<sup>2</sup> Dr. Lushington, in *Deane v. Aveling*, 1 Robert. 279, 298; Lord Stowell, in *Briggs v. Morgan*, 3 Phill. 325, (1 E. E. R. 408, 409.)

<sup>3</sup> *Brown v. Brown*, 1 Hagg. 523, (3 E. E. R. 229.)



existed. Indeed, medical writers have stated without qualification, that there is no such means,<sup>1</sup> which is probably true wherever there is no discoverable malformation. In all the reported cases, therefore, the principal inquiry has been as to the ability to copulate. And when, from any cause which is irremediable, there is an inability, the object of marriage is frustrate. "*Quia matrimonium ordinatum fuit,*" says Oughton, "*non solum ad evitandum Fornicationem, sed etiam ad proles procreandas ; si Matrimonium (tale quale) fuerit, inter Virum et Mulierem, de facto, solemnizatum, qui omnino inhabiles sunt, non propter ætatem, sed propter aliquod naturale impedimentum, ad proles susci- tandas, utpote, propter impotentiam et frigiditatem, maleficientiam, et similia, quæ ipso Jure, reddant hujusmodi matrimonium nullum. Hæc impedimenta naturalia aliquando contingant, tam in Muliere, quam in Viro — et pars gravata agere potest in causa nullitatis matrimonii.*"<sup>2</sup>

§ 227. Every contract of marriage, therefore, implies a capability in the parties of consummation.<sup>3</sup> When a person, knowing his own defect, induces another who is ignorant of it, to marry him, he commits a gross fraud and a grievous injury ;<sup>4</sup> and when he is himself ignorant of it, there is equally a violation of the contract, and an equal injury, though there be no intentional wrong. In the former case, the marriage would be clearly voidable on the single ground of fraud, if the principles which govern ordinary contracts were to be applied to it; and in the latter case it would seem to be equally so on the ground of mistake, and the violation of the implied warranty.<sup>5</sup> But owing to the peculiar nature of the

<sup>1</sup> Guy's Forensic Med. Harper's Am. ed. 51.

<sup>2</sup> Oughton, tit. 193, § 17.

<sup>3</sup> Poynter on Mar. & Div. 123; Shelf. on Mar. & Div. 201; Oughton, tit. 193, § 17; Chitty's Med. Juris. 378.

<sup>4</sup> Briggs v. Morgan, 3 Phill. 325, (1 E. E. R. 408, 410.)

<sup>5</sup> Ante, §§ 99, 100, 117. Rutherford puts the matter thus: "This contract, like all others, is binding conditionally, so that a failure of performance on one part releases the obligation of the other part. Impotency, therefore, on the part of the man, or incapacity on the part of the woman, will set the

# EXHIBIT 12

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19 *Attorneys for Defendants*

20 **IN THE UNITED STATES DISTRICT COURT**  
 21 **FOR THE DISTRICT OF ARIZONA**

22 Joseph Connolly, et al.,  
 23 Plaintiffs,  
 24 v.  
 25 Chad Roche, in His Official Capacity as  
 Clerk of the Superior Court of Pinal  
 26 County, Arizona, et al.,  
 27 Defendants.

Case No: 2:14-cv-00024-JWS  
**NON-EXHAUSTIVE COMPENDIUM  
 OF ARIZONA MAN-WOMAN  
 MARRIAGE LAWS AND  
 DECLARATION IN SUPPORT**

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I, J. Caleb Dalton, declare as follows:

1. I am one of the attorneys representing Defendants in the above-captioned case.

2. I make this declaration based on my personal knowledge.

3. The attached Non-Exhaustive Compendium of Arizona Man-Woman Marriage Laws cites many Arizona statutory and constitutional provisions that reflect the State's enduring man-woman definition of marriage in provisions not challenged by Plaintiffs.

4. This Compendium is not exhaustive but is meant to be representative.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 9, 2014.

  
\_\_\_\_\_  
J. Caleb Dalton

1                    **Non-Exhaustive Compendium of Arizona Man-Woman Marriage Laws**

2                    **1. Property Law**

3                    a. Ariz. Rev. Stat. § 25-211 (“All property acquired by either husband or wife  
4                    during the marriage is the community property of the husband and wife  
5                    . . .”).

6                    b. Ariz. Rev. Stat. § 33-452 (“A conveyance or incumbrance of community  
7                    property is not valid unless executed and acknowledged by both husband  
8                    and wife.”).

9                    c. Ariz. Rev. Stat. § 33-431 (“A. Except as otherwise provided in this section,  
10                    all grants and devises of real property made to two or more persons create  
11                    estates in common and not in joint tenancy, except grants or devises in  
12                    trust, or to executors, or to husband and wife. . . . C. A grant or devise to a  
13                    husband and wife may by express words vest the estate in the surviving  
14                    spouse on the death of one of the spouses when expressly declared in the  
15                    grant, transfer or devise to be an estate in community property with right of  
16                    survivorship. An estate in community property with right of survivorship  
17                    may also be created by grant or transfer from a husband and wife, when  
18                    holding title as community property or otherwise, to themselves or from  
19                    either husband or wife to both husband and wife. D. In the case of real  
20                    property owned by a husband and wife as community property with right  
21                    of survivorship, the right of survivorship is extinguished as provided in  
22                    § 14-2804 or on the recordation in the office of the recorder of the county  
23                    or counties where the real property is located an affidavit entitled ‘affidavit  
24                    terminating right of survivorship’ executed by either spouse under oath that  
25                    sets forth a stated intent by the spouse to terminate the survivorship right, a  
26                    description of the instrument by which the right of survivorship was  
27                    created including the date the instrument was recorded and the county  
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1 recorder's book and page or instrument reference number and the legal  
2 description of the real property affected by the affidavit. The recordation  
3 shall not extinguish the community interest of either spouse.”).

4 d. Ariz. Rev. Stat. § 11-1134 (“B. The affidavit and fee required by this  
5 article do not apply to a transfer of title: . . . 3. When the transfer of title  
6 has only nominal actual consideration for the transfer of residential  
7 property between: (a) Husband and wife or ancestor of the husband and  
8 wife.”).

9 e. Ariz. Rev. Stat. § 33-405 (“B. A beneficiary deed may designate multiple  
10 grantees who take title as joint tenants with right of survivorship, tenants in  
11 common, a husband and wife as community property or as community  
12 property with right of survivorship, or any other tenancy that is valid under  
13 the laws of this state.”).

14 f. Ariz. Rev. Stat. § 32-2101(25) (“25. ‘Fractional interest’ means an  
15 undivided interest in improved or unimproved land, lots or parcels of any  
16 size created for the purpose of sale or lease and evidenced by any receipt,  
17 certificate, deed or other document conveying the interest. Undivided  
18 interests in land, lots or parcels created in the names of a husband and wife  
19 as community property, joint tenants or tenants in common, or in the  
20 names of other persons who, acting together as part of a single transaction,  
21 acquire the interests without a purpose to divide the interests for present or  
22 future sale or lease shall be deemed to constitute only one fractional  
23 interest.”).

24 **2. Estate Administration**

25 a. Ariz. Rev. Stat. § 14-1201 (“8. ‘Community property’ means that property  
26 of a husband and wife that is acquired during the marriage and that is  
27 community property as prescribed in § 25-211.”).

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- 1           b. Ariz. Rev. Stat. § 14-2804 (“I. For the purpose of this section: . . . 2.  
2           ‘Divorce or annulment’ . . . does not include a decree of separation that  
3           does not terminate the status of husband and wife.”).
- 4           c. Ariz. Rev. Stat. § 14-3101 (“B. If a husband and wife both die, and the  
5           administration of one of their estates is not completed prior to  
6           commencement of administration of the other, their estates may be  
7           combined in a single administration with the same personal representative,  
8           if feasible.”).
- 9           d. Ariz. Rev. Stat. § 14-2802 (“A. A person who is divorced from the  
10           decedent or whose marriage to the decedent has been annulled is not a  
11           surviving spouse unless, by virtue of a subsequent marriage, that person is  
12           married to the decedent at the time of death. A decree of separation that  
13           does not terminate the status of husband and wife is not a divorce for  
14           purposes of this section. B. For the purposes of this section, ‘surviving  
15           spouse’ does not include: 1. A person who obtains or consents to a final  
16           decree or judgment of divorce from the decedent or an annulment of the  
17           marriage if that decree or judgment is not recognized as valid in this state,  
18           unless they subsequently participate in a marriage ceremony purporting to  
19           marry each to the other or live together as husband and wife.”).
- 20           e. Ariz. Rev. Stat. § 14-9106 (“A. . . . Except in a transfer or declaration for  
21           use and benefit of husband and wife, for whom survivorship is presumed, a  
22           right of survivorship does not exist unless the instrument creating the  
23           custodial trust specifically provides for survivorship or survivorship is  
24           required as to community or marital property.”).
- 25           f. Ariz. Rev. Stat. § 14-5426(B) (“If the court determines that the community  
26           property shall be managed by the other spouse, and if the protected spouse  
27           is the husband, the wife may become the manager of the community  
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1 property during the conservatorship and may dispose of community  
2 personal property in the interests of the community.”).

3 **3. Criminal Code**

4 a. Ariz. Rev. Stat. § 13-4062 (“A person shall not be examined as a witness  
5 in the following cases: 1. A husband for or against his wife without her  
6 consent, nor a wife for or against her husband without his consent, as to  
7 events occurring during the marriage, nor can either, during the marriage  
8 or afterwards, without consent of the other, be examined as to any  
9 communication made by one to the other during the marriage. These  
10 exceptions do not apply in a criminal action or proceeding for a crime  
11 committed by the husband against the wife, or by the wife against the  
12 husband, nor in a criminal action or proceeding against the husband for  
13 abandonment, failure to support or provide for or failure or neglect to  
14 furnish the necessities of life to the wife or the minor children. . . .”).

15 b. Ariz. Rev. Stat. § 13-3609 (“D. For the purposes of this section [Child  
16 Bigamy Prohibition]: 1. ‘Marriage’ means the state of joining together as  
17 husband and wife through an agreement, promise or ceremony regardless  
18 of whether a marriage license has been issued by the appropriate authority.  
19 2. ‘Marry’ means to join together as husband and wife through an  
20 agreement, promise or ceremony regardless of whether a marriage license  
21 has been issued by the appropriate authority. 3. ‘Spouses’ means two  
22 persons living together as husband and wife, including the assumption of  
23 those marital rights, duties and obligations that are usually manifested by  
24 married people, including but not necessarily dependent on sexual  
25 relations.”).

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**4. Civil Code**

- a. Ariz. Rev. Stat. § 12-2231 (“In a civil action a husband shall not be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, except as provided in § 12-2232.”).
- b. Ariz. Rev. Stat. § 12-2264 (“A birth, death or fetal death certificate is prima facie evidence of the facts therein stated, but if an alleged father of a child is not the husband of the mother, the certificate shall not be prima facie evidence of paternity if that fact is controverted by the alleged father.”).

**5. Tax Code**

- a. Ariz. Rev. Stat. § 43-309 (“If a husband and wife are required to file a return pursuant to § 43-301, they may file a joint return under the following conditions: 1. No joint return shall be made if husband and wife have different taxable years. . . .”).
- b. Ariz. Rev. Stat. § 43-1043 (“2. A head of a household or a married individual, a personal exemption of four thousand two hundred dollars under this paragraph. A husband and wife shall receive but one personal exemption of four thousand two hundred dollars. If the husband and wife make separate returns, the personal exemption may be taken by either or divided between them. 3. A married couple who claim at least one dependent, an exemption of six thousand three hundred dollars. If the husband and wife make separate returns, the personal exemption may be taken by either or divided between them. An exemption under this paragraph is in lieu of the exemption under paragraph 2.”).

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- c. Ariz. Rev. Stat. § 42-2079 (“C. For the purposes of this section: 1. ‘Affected taxpayer’ means: . . . (e) The spouse of an affected taxpayer, solely with regard to a joint return of the husband and wife.”).
- d. Ariz. Rev. Stat. § 43-311 (“A. . . . A joint return filed by the husband and wife for such taxable year, and all payments, credits, refunds or other repayments made or allowed with respect to the separate return of either spouse for such taxable year, shall be taken into account in determining the extent to which the tax based upon the joint return has been paid.”).
- e. Ariz. Rev. Stat. § 43-1022 (“20. . . . In the case of a husband and wife who file separate returns, the subtraction may be taken by either taxpayer or may be divided between them, but the total subtractions allowed both husband and wife shall not exceed three thousand dollars.”).
- f. Ariz. Rev. Stat. § 43-943 (“If husband and wife file separate returns, the department may distribute, apportion or allocate gross income between the spouses . . . .”).
- g. Ariz. Rev. Stat. § 43-1090.01 (“D. A husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the tax credit that would have been allowed for a joint return.”).
- h. Ariz. Rev. Stat. § 43-1083 (“D. A husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the tax credit that would have been allowed for a joint return.”) (solar energy credit); *see also* Ariz. Rev. Stat. § 43-1089.03 (school tuition credit); Ariz. Rev. Stat. § 43-1089.01 (public school fees credit); Ariz. Rev. Stat. § 43-1086 (military relief fund credit); Ariz. Rev. Stat. § 43-1089 (school tuition organization credit).



- 1 i. Ariz. Rev. Stat. § 43-1041 (“D. In the case of a husband and wife, the  
2 standard deduction provided for in subsection A of this section shall not be  
3 allowed to either if the taxable income of one of the spouses is determined  
4 without regard to the standard deduction.”).
- 5 j. Ariz. Rev. Stat. § 43-310 (“A. If a husband and wife have filed a joint  
6 return for a taxable year for which separate returns could have been made  
7 by them . . . , and the time prescribed by this title for filing the return for  
8 such taxable year has expired, the spouses may nevertheless make separate  
9 returns for such taxable year.”).
- 10 k. Ariz. Rev. Stat. § 43-1089.02 (“D. . . . If the property is donated by a  
11 husband and wife who file separate returns for a taxable year in which they  
12 could have filed a joint return, they may determine between them the share  
13 of the credit each will claim. . . .”).
- 14 l. Ariz. Rev. Stat. § 43-301 (“B. In the case of a husband and wife, the  
15 spouse who controls the disposition of or who receives or spends  
16 community income as well as the spouse who is taxable on such income is  
17 liable for the payment of taxes imposed by this title on such income. . . .”).

18 **6. Labor Law**

- 19 a. Ariz. Rev. Stat. § 23-1064 (“A. The following persons are conclusively  
20 presumed to be totally dependent for support upon a deceased employee: 1.  
21 A wife upon a husband whom she has not voluntarily abandoned at the  
22 time of the injury. 2. A husband upon a wife whom he has not voluntarily  
23 abandoned at the time of the injury.”).

24 **7. Corporations and Associations**

- 25 a. Ariz. Rev. Stat. § 10-2060 (“A husband and wife may hold a joint  
26 membership in a cooperative.”).

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- 1           b. Ariz. Rev. Stat. § 10-1623 (“G. In this section: 1. ‘Controlling’ includes
- 2           the total shares of stock issued to a husband and wife and their relatives to
- 3           the first degree of consanguinity.”).
- 4           c. Ariz. Rev. Stat. § 10-2058 (“E. If a husband and wife hold a joint
- 5           membership in a cooperative, either one, but not both, may be elected a
- 6           director.”).

7           **8. Domestic Relations**

- 8           a. Ariz. Rev. Stat. § 25-1256 (“I. The defense of immunity based on the
- 9           relationship of husband and wife or parent and child does not apply in a
- 10          proceeding under this chapter.”).
- 11          b. Ariz. Rev. Stat. § 25-1060 (“D. A privilege against disclosure of
- 12          communications between spouses and a defense of immunity based on the
- 13          relationship of husband and wife or parent and child shall not be invoked
- 14          in a proceeding under this article.”).
- 15          c. Ariz. Rev. Stat. § 8-103 (“A. Any adult resident of this state, whether
- 16          married, unmarried or legally separated is eligible to qualify to adopt
- 17          children. A husband and wife may jointly adopt children.”).
- 18          d. Ariz. Rev. Stat. § 8-805 (“B. Except as provided in subsection C of this
- 19          section, the physician-patient privilege, husband-wife privilege, or any
- 20          privilege except the attorney-client privilege, provided for by professions
- 21          such as the practice of social work or nursing covered by law or a code of
- 22          ethics regarding practitioner-client confidences, both as they relate to the
- 23          competency of the witness and to the exclusion of confidential
- 24          communications, shall not pertain in any civil or criminal litigation in
- 25          which a child’s neglect, dependency, abuse or abandonment is in issue nor
- 26          in any judicial proceeding resulting from a report submitted pursuant to
- 27          this article.”).

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1 e. Ariz. Rev. Stat. § 36-334 (“C. If a father’s name is stated on a birth  
2 certificate, the father’s name shall be stated on a birth certificate as  
3 follows: 1. Except as provided in § 25-814, if the mother is married at the  
4 time of birth or was married at any time in the ten months before the birth,  
5 the name of the mother’s husband. 2. If a mother and father who are not  
6 married to each other at the time of birth and were not married to each  
7 other in the ten months before the birth voluntarily acknowledge paternity  
8 pursuant to § 25-812, the name of the father acknowledging paternity. 3. If  
9 the state registrar receives an administrative order or a court order  
10 establishing paternity, the father’s name in the order. D. If the  
11 acknowledgement of paternity is rescinded pursuant to § 25-812, the state  
12 registrar shall remove the father’s name from the registered birth  
13 certificate.”).

14 f. Ariz. Rev. Stat. § 25-902 (“A husband and wife may enter into a covenant  
15 marriage by submitting to the clerk of the superior court or any other  
16 official designated by the clerk pursuant to § 25-126 or 25-127 the  
17 declaration prescribed in § 25-901, subsection B, paragraphs 1 and 3 and a  
18 sworn statement of their names and the date and place their marriage was  
19 contracted and by paying the fee prescribed in § 12-284, subsection A. The  
20 clerk shall file all documentation required by this section and shall issue to  
21 the husband and wife a certificate that documents the conversion. A  
22 husband and wife who apply for a covenant marriage conversion under this  
23 section are not required to receive premarital counseling required by § 25-  
24 901 and are not required to have the converted covenant marriage  
25 separately solemnized. Conversion to a covenant marriage does not make  
26 valid a marriage that is prohibited pursuant to this title or that is not validly  
27 contracted in this state.”).

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1 g. Ariz. Rev. Stat. § 25-904 (“Notwithstanding any law to the contrary, if a  
2 husband and wife have entered into a covenant marriage pursuant to this  
3 chapter the court shall not enter a decree of legal separation pursuant to  
4 chapter 3, article 2 of this title unless it finds any of the following . . .”).

5 h. Ariz. Rev. Stat. § 25-901 (“B. A declaration of intent to enter into a  
6 covenant marriage shall contain all of the following: 1. The following  
7 written statement: **A Covenant Marriage** We solemnly declare that  
8 marriage is a covenant between a man and a woman who agree to live  
9 together as husband and wife for as long as they both live. . . .”).

10 **9. Welfare Code**

11 a. Ariz. Rev. Stat. § 46-453 (“A. . . . Except as provided in subsection B of  
12 this section the physician-patient privilege, husband-wife privilege or any  
13 privilege except the attorney-client privilege, provided for by professions  
14 such as the practice of social work or nursing covered by law or a code of  
15 ethics regarding practitioner-client confidences, both as they relate to the  
16 competency of the witness and to the exclusion of confidential  
17 communications, shall not pertain in any civil or criminal litigation in  
18 which a vulnerable adult’s exploitation, abuse or neglect is an issue nor in  
19 any judicial or administrative proceeding resulting from a report,  
20 information or records submitted or obtained pursuant to § 46-454 nor in  
21 any investigation of a vulnerable adult’s exploitation, abuse or neglect  
22 conducted by a peace officer or a protective services worker.”).

23 **10. Constitutional Provision**

24 a. Ariz. Const. art. IX, § 18(7) (“If the property is owned by two or more  
25 persons, including a husband and wife, at least one of the owners must be  
26 sixty-five years of age or older and the owners’ combined total income  
27 from all sources including nontaxable income shall not exceed five  
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hundred per cent of the supplemental security income benefit rate established by section 1611(b)(1) of the social security act.”).



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28 *Attorneys for Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

22 Joseph Connolly, et al.,  
23 Plaintiffs,  
24 v.  
25 Chad Roche, in His Official Capacity as  
26 Clerk of the Superior Court of Pinal  
27 County, Arizona, et al.,  
28 Defendants.

Case No: 2:14-cv-00024-JWS

**DECLARATION OF CHAD ROCHE,  
PINAL COUNTY SUPERIOR COURT  
CLERK, IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

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I, Chad Roche, Pinal County Superior Court Clerk, declare as follows:

1. I am a defendant in the above-captioned case.

2. I make this declaration based on my personal knowledge.

3. I am the Pinal County Superior Court Clerk.

4. In my capacity as Superior Court Clerk, I have a ministerial duty to issue marriage licenses in accordance with the requirements and restrictions imposed by state law.

5. My duties as Superior Court Clerk do not include recognizing marriage certificates or licenses issued by other States or jurisdictions for any purpose other than converting a recognized marriage to a covenant marriage under Ariz. Rev. Stat. §§ 25-901 through 25-906. Except for converting recognized marriages to covenant marriages, I have no authority to recognize a marriage certificate or license issued by another State or jurisdiction, regardless of whether the certificate or license was issued to an opposite-sex couple or a same-sex couple.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2014.



Chad Roche,  
Pinal County Superior Court Clerk

# EXHIBIT 14

1 Thomas C. Horne  
2 Attorney General  
3 Robert L. Ellman (AZ Bar No. 014410)  
4 Solicitor General  
5 Kathleen P. Sweeney (AZ Bar No. 011118)  
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15 James A. Campbell (AZ Bar No. 026737)  
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28 *Attorneys for Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

22 Joseph Connolly, et al.,  
23 Plaintiffs,  
24 v.  
25 Chad Roche, in His Official Capacity as  
26 Clerk of the Superior Court of Pinal  
27 County, Arizona, et al.,  
28 Defendants.

Case No: 2:14-cv-00024-JWS

**DECLARATION OF MICHAEL  
JEANES, MARICOPA COUNTY  
SUPERIOR COURT CLERK, IN  
SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**



1 I, Michael Jeanes, Maricopa County Superior Court Clerk, declare as follows:

2 1. I am a defendant in the above-captioned case.

3 2. I make this declaration based on my personal knowledge.

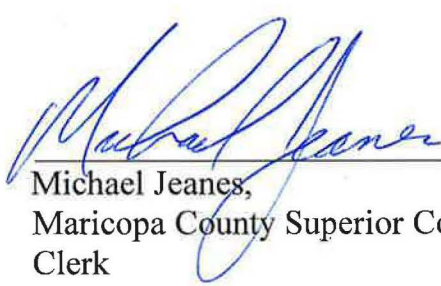
4 3. I am the Maricopa County Superior Court Clerk.

5 4. In my capacity as Superior Court Clerk, I have a ministerial duty to issue  
6 marriage licenses in accordance with the requirements and restrictions imposed by state  
7 law.

8 5. My duties as Superior Court Clerk do not include recognizing marriage  
9 certificates or licenses issued by other States or jurisdictions for any purpose other than  
10 converting a recognized marriage to a covenant marriage under Ariz. Rev. Stat. §§ 25-  
11 901 through 25-906. Except for converting recognized marriages to covenant marriages,  
12 I have no authority to recognize a marriage certificate or license issued by another State  
13 or jurisdiction, regardless of whether the certificate or license was issued to an opposite-  
14 sex couple or a same-sex couple.

15 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the  
16 foregoing is true and correct.

17 Executed on June 3<sup>rd</sup>, 2014.

  
\_\_\_\_\_  
Michael Jeanes,  
Maricopa County Superior Court  
Clerk

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# EXHIBIT 15

1 Thomas C. Horne  
2 Attorney General  
3 Robert L. Ellman (AZ Bar No. 014410)  
4 Solicitor General  
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28 *Attorneys for Defendants*

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FOR THE DISTRICT OF ARIZONA**

22 Joseph Connolly, et al.,  
23 Plaintiffs,  
24 v.  
25 Chad Roche, in His Official Capacity as  
26 Clerk of the Superior Court of Pinal  
27 County, Arizona, et al.,  
28 Defendants.

Case No: 2:14-cv-00024-JWS

**DECLARATION OF DEBORAH  
YOUNG, COCONINO COUNTY  
SUPERIOR COURT CLERK, IN  
SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

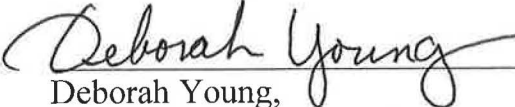
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I, Deborah Young, Coconino County Superior Court Clerk, declare as follows:

1. I am a defendant in the above-captioned case.
2. I make this declaration based on my personal knowledge.
3. I am the Coconino County Superior Court Clerk.
4. In my capacity as Superior Court Clerk, I have a ministerial duty to issue marriage licenses in accordance with the requirements and restrictions imposed by state law.
5. My duties as Superior Court Clerk do not include recognizing marriage certificates or licenses issued by other States or jurisdictions for any purpose other than converting a recognized marriage to a covenant marriage under Ariz. Rev. Stat. §§ 25-901 through 25-906. Except for converting recognized marriages to covenant marriages, I have no authority to recognize a marriage certificate or license issued by another State or jurisdiction, regardless of whether the certificate or license was issued to an opposite-sex couple or a same-sex couple.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 2, 2014.

  
Deborah Young,  
Coconino County Superior Court  
Clerk

# EXHIBIT 16



Assigned to **FS & APP** AS PASSED BY THE SENATE

# ***ARIZONA STATE SENATE***

***Phoenix, Arizona***  
**FINAL REVISED**

FACT SHEET FOR S.B. 1133

**covenant marriages**

## **Purpose**

Establishes an optional covenant marriage contract parties can enter into when they apply for a marriage license.

## **Background**

Currently, Arizona law allows parties to unilaterally obtain a decree of dissolution of marriage by demonstrating that the marriage is irretrievably broken; that at least one party to the marriage is a resident of Arizona; that child custody, support and property disposition have been considered and provided for and that conciliation and domestic relations education provisions have been met as required. Neither party to a marriage is currently required to show fault for a decree of dissolution of marriage to be entered.

Parties who choose the covenant marriage proposal will only be granted a decree of dissolution of marriage under specified circumstances. Decrees of dissolution of marriage would be granted to parties who have been physically or legally separated after a specified period. The length of the separation varies depending upon the circumstances, but the minimum period is two years. The other situations in which the court is authorized to grant a dissolution include a finding of adultery, felony conviction, physical or sexual abuse, domestic violence and abandonment. Parties choosing the covenant marriage would be required to obtain premarital counseling provided by clergy or a counselor, which emphasizes that marriage is intended to be a lifelong commitment. In addition, parties would also have to agree to seek counseling during times of marital difficulty.

Proponents of S.B. 1133 are concerned with the ease with which one can get married and divorced. They believe that the escalating divorce rate has weakened the family structure and devalued marriage. They see a covenant marriage contract as bringing more meaning and significance to marriage.

Opponents of the measure are concerned with the limitations placed on filing for dissolution. They are

concerned that this may make divorce difficult or even impossible in some situations when divorce would be in the best interests of the family.

#### FACT SHEET S.B. 1133 - Final Revised Page

S.B. 1133 requires the Supreme Court to produce pamphlets describing a covenant marriage. The bill appropriates \$10,000 from the state general fund to the Administrative Office of the Courts for FY 1998-1999 for the production of the "Covenant Marriage in Arizona" pamphlet.

#### **Provisions**

1. Allows parties to enter into a covenant marriage by declaring their intent to do so on their marriage license application.
2. Establishes the requirements for a declaration of intent to enter into a covenant marriage including a written statement outlining the provisions of a covenant marriage, an affidavit by the parties stating that the parties have received premarital counseling from a member of the clergy or a marriage counselor, a notarized statement signed by a member of the clergy or counselor confirming that the parties received premarital counseling and the information pamphlet developed by the Supreme Court and the signature of both parties witnessed by a court clerk. Includes requirements for premarital counseling.
3. Allows parties to convert an existing marriage to a covenant marriage. Stipulates that members of an existing marriage need not receive premarital counseling.
4. States that the court shall only enter a decree of dissolution if it finds that the parties have been physically or legally separated under specified conditions or that a respondent spouse has committed adultery, has physically or sexually abused the spouse, child or relative, has committed domestic violence or emotional abuse, has committed a felony and been sentenced to death or imprisonment, has abandoned the matrimonial domicile, has habitually abused drugs or alcohol or upon the mutual agreement of the parties.
5. Stipulates that the court shall only enter a decree of separation if the respondent spouse has committed adultery, abandoned the matrimonial domicile, committed a felony and been sentenced to death or imprisonment, physically or sexually abused the spouse, child or a relative, committed domestic violence or emotional abuse or if the court finds the spouses have been living apart under specified circumstances or if the respondent's spouse's habitual intemperance, alcohol or drug abuse or ill treatment of the other spouse is of such a nature as to render their living together insupportable.
6. Clarifies that, while grounds for dissolution of marriage or legal separation do not presently exist (as in the case of abandonment or separation), temporary orders pursuant to Section 25-315 may be made by the court.
7. Requires the Supreme Court to publish a pamphlet describing the requirements to enter into a covenant marriage and the grounds necessary to obtain a decree of separation or dissolution. This



pamphlet is to be provided to any person who provides counseling on covenant marriages.

8. Stipulates that the fee paid for marriage conversion is the same as the marriage license fee.
9. Provides for temporary orders of support and spousal maintenance at any time after a petition for dissolution of marriage or legal separation has been entered.
10. Appropriates \$10,000 from the state general fund to the Administrative Office of the Courts for FY 1998-1999 for the production of the "Covenant Marriage in Arizona" pamphlet.

#### **Amendments Adopted by Family Services Committee**

1. Requires that the signatures of both parties be witnessed by a court clerk rather than by a notary.
2. Stipulates that the fee paid for marriage conversion is the same as the marriage license fee.
3. Adds abuse of a relative living in the matrimonial domicile and domestic violence to criteria for dissolution of marriage and legal separation.
4. Removes hard labor as element of sentencing. Now must be sentenced to any type of correctional facility.
5. Provides for temporary orders of support and spousal maintenance at any time after a petition for dissolution of marriage or legal separation has been entered.
6. Removes requirement that couples with children remain apart for 18 months from the date of legal separation to receive a dissolution of marriage.
7. Removes the language that if abuse of a child is the reason for separation, a dissolution may be granted if the couple has been apart for one year. Also removes the suggestion that the entire period of legal separation must end before a dissolution can be granted in cases where dissolution could have been granted originally.
8. Appropriates \$10,000 from the state general fund to the Administrative Office of the Courts for FY 1998-1999 for the production of the "Covenant Marriage in Arizona" pamphlet.
9. Contains a general effective date.

#### **Amendments Adopted by Committee of the Whole**

1. Strikes the reference to recognized religion thus clarifying that a member of the clergy (or a marriage counselor) must perform premarital counseling before a couple can be married under covenant marriage.
2. Removes the requirement for dissolution of marriage or legal separation that the respondent spouse has abused a child *of one of the spouses* . Allows for dissolution or separation when the respondent

spouse has abused any child.

3. Clarifies that, while grounds for dissolution of marriage or legal separation do not presently exist (as in the case of abandonment or separation), temporary orders pursuant to Section 25-315 may be made by the court.

4. Allows for dissolution of marriage or legal separation if the respondent spouse commits emotional abuse.

5. Allows for a dissolution of marriage if the respondent spouse has habitually abused drugs.

### **Amendments Adopted by the House of Representatives**

1. Allows a divorce when there is mutual agreement of the parties.

2. Allows a divorce or separation when a spouse habitually abuses drugs or alcohol.

### **Senate Action House Action**

FS 2/11/98 DPA 5-2-0-0 GRSR 4/21/98 DPA 7-2-1-1-0

APP 2/11/98 DP 8-4-2-0 3rd Read on 5/18/98 32-22-6-0

3rd Read 4/13/98 16-13-1-0 Reconsideration

Final Read 5/20/98 16-14-0-0

Governor Signed 5/21/98

Chapter 135

Prepared by Senate Staff

May 27, 1998

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[Bills](#) | [Members](#) | [FloorCalendars](#) | [CommitteeAgendas](#) | [Session Laws](#) | [Statutes](#) | [Arizona Constitution](#)

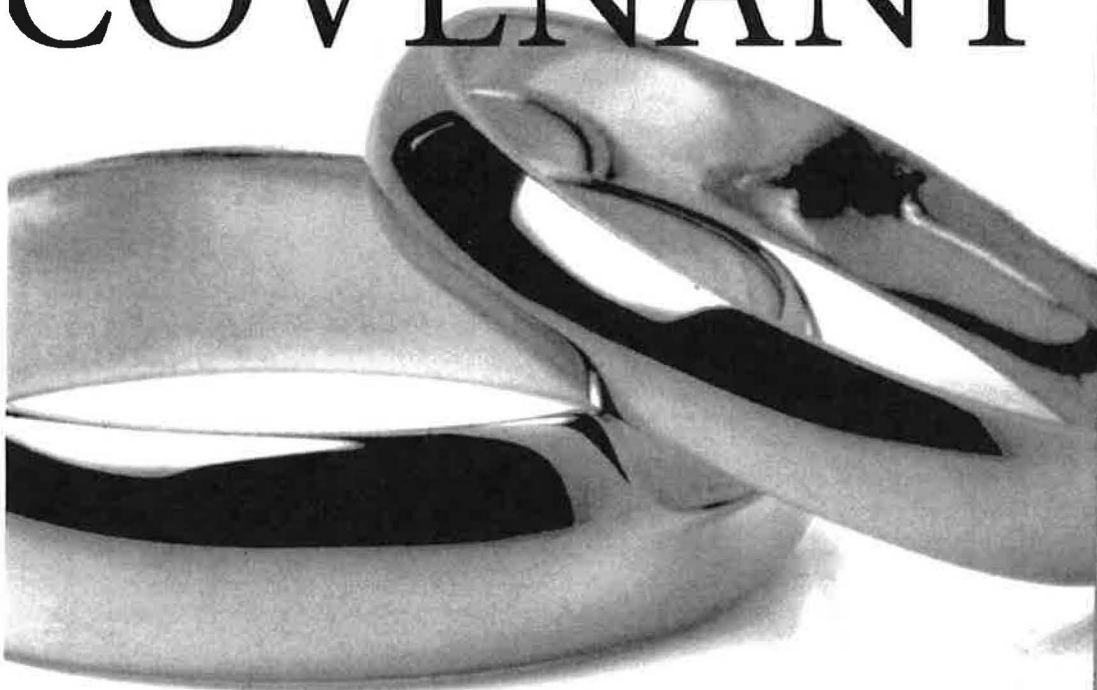
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[Click here to return to the A.L.I.S. Home Page.](#)

# EXHIBIT 17

# COVENANT



# MARRIAGE

The Movement to Reclaim  
Tradition in America

STEVEN L. NOCK, LAURA A. SANCHEZ,  
AND JAMES D. WRIGHT

( )

# *Covenant Marriage*

THE MOVEMENT TO RECLAIM  
TRADITION IN AMERICA



STEVEN L. NOCK  
LAURA ANN SANCHEZ  
JAMES D. WRIGHT

Rutgers University Press  
*New Brunswick, New Jersey, and London*

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1963— II. Wright, James D. III. Title.

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of children than just one. Increasingly, the question is not whether these would be worthwhile goals to pursue, but whether there is any realistic way for policy to intervene in the private affairs of individuals.

### **Covenant Marriage and the “Marriage Movement”**

We see, finally, what covenant marriage has to do with all the social and political changes discussed in this chapter. Beginning roughly with the advent of effective contraception in the 1960s and continuing through the nationwide wave of no-fault divorce laws in the 1970s and 1980s, the general drift was toward increasingly lenient rules for divorce, more divorces, and more casual attitudes about the necessity of marriage for sex or child-bearing. Evidence of and concern for the downside of these trends have stimulated a reaction and a wide variety of pro-marriage, anti-divorce reforms (mainly at the state level). One of the more prominent and much discussed of these reforms has been covenant marriage, especially as enacted in Louisiana.

The concept of a covenant marriage is noteworthy mainly because much of twentieth-century family-law reform has attempted to liberalize provisions for divorce. Covenant marriage is one of the first steps in the opposite direction. The no-fault divorce concept rested on an assumption that the misery of poor marriages and the costs of prolonged, difficult divorces could be lessened by access to easier, less-punitive grounds and procedures for divorce. The assumption behind covenant marriage is that the miseries of marital dissolution can be lessened or avoided altogether by helping couples better understand the full implications of getting married, encouraging them to take their marriage vows more seriously, and by making divorce more difficult to obtain. As we see in the next chapter, this is exactly what Louisiana’s legislation meant to accomplish.

In fact, covenant marriage is thus perhaps the most conspicuous (but by no means the only) example of a larger movement that arose in the 1990s in response to the various developments reviewed above, a trend often called the *marriage movement*. This movement has produced books, articles, workshops, and conferences, spawned numerous institutes, think tanks, and Web sites, and wrought significant changes in federal and state policies.

In all its manifestations, the marriage movement intends to promote and strengthen marriages, reduce divorce, curb childbearing outside of marriage, discourage cohabitation, and bolster marriage as an honorable, desirable status. The movement draws its strength from diverse sources,

including religious leaders, elected officials, social scientists, and public intellectuals. Despite occasional internecine disputes about rationale, justification, or proposed solutions, movement advocates are united in the idea that marriage is a public institution, not solely a private relationship.

What does it mean that marriage is a public institution? It means that marriage is (or better, should be) important to society at large, not just to the spouses and children who reside inside a particular marriage. Movement activists believe that marriage should occupy a central place in society and in the lives of its members. They envision the marital relationship as an important connection between individuals and their broader community. From marriage, family; and from family, a principal mode of being in the community and larger social world.

Accordingly, those seeking to strengthen marriage call for a variety of public initiatives, both secular and religious: changes in state domestic relations laws (such as reenactment of fault grounds as a route to divorce, restrictions on unilateral no-fault divorce, covenant marriage), public policies (such as marriage and family-education curricula in high schools), community marriage-promotion programs (whether faith based or secular), educational and counseling programs (provided to those contemplating marriage, to new spouses or parents, and to couples seeking divorce), even public-service announcements on television and radio. That the movement is a force to be reckoned with is evident in the enactment in various places of all these initiatives (Institute for American Values 2000; Ooms, Bouchet, and Parke, 2004).

The idea that others, especially governments, have a legitimate role in issues of marriage and domestic life now seems controversial, but only because we have become so adamant in our belief that marriage is and should be a private matter. This intensely privatized vision of marriage is, in fact, a quite recent social and legal development. Governments and communities have long been involved in setting terms and conditions of marital life (Cott 2000). The main difference between earlier times and today is that in the past the state's main concern was in restricting who could marry and under what terms (and likewise, how marriages could be dissolved and under what terms), whereas today, the state's interest is increasingly one of strengthening and promoting marriage as one solution to a wide range of personal and public ills (Nock 2005).

In certain respects, today's marriage movement is surprising and perhaps even superfluous. After all, most Americans still value marriage and the overwhelming majority marry sooner or later (Bramlett and



Mosher 2002). Indeed, American marriage rates are among the highest in the Western world, and the divorce rate has been slowly falling since the 1980s. What, one might ask, is the problem for which a marriage movement is the solution?

The problem is that the institution of marriage has undergone dramatic transformations. All the rapid demographic and social changes that we reviewed have disrupted traditional marriage and family patterns. In many respects, the current debate about marriage as framed by the marriage movement represents a collective effort to make sense of these profound changes. It is a reaction against those trends, a denial that marriage is just about the private lives of married couples, and an affirmation of a larger public interest in promoting marriage, restricting divorce, and discouraging intimate relationships that depart from marriage.

#### *Politics, Religion, and the Origins of the Marriage Movement*

The marriage movement draws on a diverse and loosely knit group of individuals and organizations. Many are in religious communities, especially conservative Protestant denominations. Their aim, as we have said, is to rebuild a traditional model of lifelong monogamous marriage. Others, practitioners and professionals in various fields, are motivated by concerns about the economic consequence of rising divorce rates for states, or about the welfare of couples, individual adults, and children. Many are therapy oriented and seek to educate or counsel people about strategies and skills to build a healthy relationship, whether marital or otherwise. Others belong to fatherhood groups concerned about absent fathers. Still others are state government officials concerned about the problems of the poor (and the costs of those problems). Most of these latter individuals are affiliated with programs that target unmarried parents, many of which spring from changes in welfare laws ("welfare reform") in the mid-1990s. What binds them is a general belief that the transformation of American households and families from the late 1960s through the late 1980s weakened an important foundation of society. Seen from the perspective of earlier decades, especially mid-twentieth century, it is not hard to understand why many see things this way (Cherlin 1992).

The baby boom era following World War II was one of the most homogeneous and idealized cultural periods of U.S. history in matters of marriage and living arrangements. The postwar decades featured historically high fertility, low divorce rates, and youthful ages at marriage. The postwar economy and veterans' programs significantly expanded the middle class.

Attendance at religious services was high. Culturally, the 1950s and early 1960s were also the most “familistic” decade of the century: the family was understood as *the* crucial social institution, both for the individual and for society as a whole.

In 1950s-era America, the ideology of familism found expression in popular television shows such as *The Adventures of Ozzie and Harriet*, *Father Knows Best*, and *Leave It to Beaver*. In the American mainstream of the time, at least as depicted in Hollywood, dads wore suits and ties to the office, moms stayed home in pretty dresses and starched aprons, and every childhood naughtiness was immediately regretted and atoned. That none of this was quite true, of course, doesn’t matter. It is the symbolism of the 1950s family that is important, not the reality (Coontz 2005).

Against this backdrop, the political and cultural trends of the 1960s and 1970s raised concerns among conservative religious communities, who saw them as signs of moral and cultural decay. Youth culture, anti-war protest, feminism, the sexual revolution, legalized abortion, divorce, cohabitation, homosexuality, and open challenges to authority energized the rise of a religiously affiliated movement, what came to be called the New Christian Right, to restore the basic features of 1950s familism and religious conservatism.

The New Christian Right included such groups as Jerry Falwell’s Moral Majority, Beverly LaHaye’s Concerned Women for America, James Dobson’s Focus on the Family, Jerry Regier’s Family Research Council (now headed by Tony Perkins, the sponsor of covenant marriage legislation in Louisiana), and dozens of others. It quickly became a powerful political force, mobilizing millions of voters and establishing lobbying groups with close ties to Republican leaders and conservative members of Congress. The advent of Christian mass media and its leaders (such as Pat Robertson, Jay Sekulow, and Ed Vitagliano) certainly increased the visibility and influence of the movement. More generally, conservative Protestantism has been and remains an important force in matters of the family because its adherents are very active, devoting more time and money to their churches and affiliated organizations than any other major religious group in America (Smith 1998; Wuthnow 1988).

Increased sexual freedoms drove many of the liberalizing trends of the latter twentieth century, so it is not surprising that sexual matters were the focus of much of the New Christian Right reaction. As Karen Armstrong notes in her historical review, the fundamentalists of the 1970s and 1980s “associated the integrity and even the survival of their society with

the traditional position of women” (2000, 312). Opposition to feminism, homosexuality, and abortion were (and remain) central themes in the religious movement to restore family values (Armstrong 2000; Weaver 2000).

Others who became involved in the marriage movement were professionals, practitioners, and social scientists motivated not by their religious views but their interests in divorce and marital stability. Psychologists have analyzed interpersonal behaviors and strategies associated with various relationship outcomes and have identified styles of conflict resolution, coping, and communication as critical elements in marriage. Demographers and sociologists have identified background traits such as cohabitation, parental divorce, young age at marriage, and unstable employment as predictors of divorce. These and other disciplines produced a large, if not seamless, body of evidence on the benefits of marriage and the costs of divorce that has been used in targeted ways to support the general thrust of the marriage movement.

About twenty-five years ago, a field now known as couples education or marriage education also began integrating social science research into therapeutic approaches to helping couples prepare for or prevent problems in relationships. Couples education, offered in class-like settings, teaches both individuals and couples strategies to avoid the known risks to marriages. Yet another group of professionals launched programs to promote and help fathers. Fatherhood programs, many sponsored by state governments, focus on pregnancy prevention (most target young men), child-support enforcement and paternity establishment, visitation issues, and services for poor fathers, especially those unable to comply with child-support orders. Professionals in these fields contributed actively to the marriage movement.

Several independent professionals, national professional organizations, and educational and research institutions have launched efforts on behalf of marriage that also promote the goals of the marriage movement. Academic centers at universities and at well-funded think tanks such as the Brookings Institution, the Urban Institute, and the Heritage Foundation produce analyses of and take positions on issues related to marriage. And marriage therapists, religious leaders, and think-tank intellectuals have launched community marriage initiatives, typically in couple-to-couple formats that target entire communities. In the mid-1980s, journalist Michael McManus began promoting a faith-based project called Marriage Savers, which involved couple-to-couple mentoring organized through religious congregations. Diane Sollee, a marriage and family therapist who coined the term “marriage education,” founded the Coalition for Marriage, Family,



and Couples Education in 1995. She sponsors a national clearinghouse for marriage information, an annual national conference called Smart Marriages, and maintains Web sites and Listservs to provide additional information. The Center for Law and Social Policy, which maintains a section on families and couples, publishes policy-related materials and maintains a Web site with links to such information. The Institute for American Values maintains a Council on Families that sponsors conferences, publishes original research, and reviews public policy relating to marriage.

*A Summary of Marriage Movement Policies and Programs*

Policy analyst Theodora Ooms and her colleagues (2004) have traced the origins of public-policy efforts to promote and strengthen marriage to the late 1980s, when evidence documenting the adverse effects on children of growing up in single-parent homes began to accumulate. State efforts focused initially on making divorce more difficult, and subsequently on marriage and couples education programs. The following is a brief summary of the most conspicuous efforts.

With the election of President George W. Bush in 2000, federal funding to support marriage promotion programs grew. The Healthy Marriage Initiative within the Administration for Children and Families (U.S. Department of Health and Human Services 2006) supports many such projects. Examples include programs for unwed parents that emphasize the importance of marriages for their children, promoting the establishment of paternity, and strengthening marital and co-parenting relationships with nonresident fathers. Some develop and test curricula and training programs to help welfare staff address issues of marriage and family formation.

The emphasis of the Healthy Marriage Initiative is to help couples “who chose marriage for themselves” create a strong and healthy marriage rather than simply promoting marriage per se (U.S. Department of Health and Human Services 2006). The Deficit Reduction Act of 2005 (passed February 8, 2006) provides \$150 million each year until 2011 for healthy-marriage promotion and fatherhood programs (no more than \$50 million is to be spent yearly on fatherhood programs). To date (2007), the Administration for Children and Families has allocated almost all of this amount to a wide range of programs and services throughout the country. All are focused on marriage education, pre-marriage education, marriage skills, divorce reduction, high school education on the value of marriage, marriage mentoring, and programs to reduce disincentives to marry in means-tested aid programs (U.S. Department of Health and Human Services 2006).

The range of state marriage efforts is impressive by any standard. Every state has done something to encourage marriage, reduce divorce, or strengthen two-parent families. In the past decade, ten states have introduced policy initiatives such as high-level commissions, media campaigns, proclamations, or conferences, or implemented laws and policies to establish and fund programs to strengthen marriage and reduce divorce. Many states have also made changes in their marriage and divorce laws, including incentives for couples to prepare for marriage with counseling or education. Five states offer reduced fees for marriage licenses to couples who use such services. Three states have enacted covenant marriage laws, and another twenty state legislatures have debated such legislation.

Likewise, many states offer fatherhood-promotion and marriage-education programs. Some encourage an unmarried father to marry the mother of his child. At least eleven states now fund fatherhood programs that promote co-parenting. The programs stress greater involvement by nonresident fathers, offer mediation services and co-parenting classes to help estranged parents resolve problems, and encourage marriage.

The most conspicuous state marriage-related programs are those called couples and marriage education. Thirty-two states have at least one such program, as do all branches of the U.S. military. Many cooperative extension county educators (once known as county extension agents) are trained family-life educators. Six states have launched new marriage-related activities that are being conducted by these agents through land-grant universities. Public schools also offer marriage education. Six states offer such programs through high schools as electives. Many more individual school districts do so as well. Florida requires four hours of relationship and marriage education for high school graduation.

States have also made big changes in their welfare regulations. The 1996 welfare reform law gave states considerable latitude in establishing such rules. In response, states reduced disincentives that discouraged couples from remaining together in households that receive welfare grants. Under the old Aid to Families with Dependent Children (AFDC) rules, welfare was generally available only to single-parent families, with limited funds for two-parent families. Since 2002, thirty-six states have eliminated two-parent family eligibility requirements, and another eleven have partially eliminated them. As of 2002, twenty-two states operated separate programs for two-parent families and funded them solely with state dollars. Families served are exempt from federal participation and work requirements. Nine states offer welfare recipients financial incentives to marry,

including a one-hundred-dollar monthly bonus. Other incentives exclude a spouse's earnings in determining financial eligibility or grant amounts, and forgive child-support arrearages owed by a noncustodial parent to the state if the parents marry or reunite.

### *Incentives for Action*

The economic implications of single parenthood have featured conspicuously in state debates about marriage and family policy. In 1999, for example, Oklahoma Governor Frank Keating launched the nation's largest marriage initiative, supported with \$10 million of unspent federal welfare funds, to cut the state's high divorce and out-of-wedlock birth rates. Keating's move came on the heels of a 1998 report showing that his state's economy was flagging in part because high rates of family breakdown were driving many Oklahomans into poverty. Likewise, Louisiana first authorized covenant marriage in 1997 following legislative debate that highlighted the costs of poverty resulting from divorce (Sanchez et al. 2002).

At the federal level, concern about marriage in the welfare reforms was driven primarily by increasing rates of unmarried births and corresponding claims on public assistance. Activists who had already been working to promote marriage understandably welcomed this novel role for the federal government. But both liberals and conservatives expressed reservations. Among conservatives, the debate was over whether the focus of federal efforts should be on reducing illegitimacy or mandating work for welfare recipients. Those endorsing the latter argued that there was little evidence that efforts to reduce unmarried births could work (Haskins 2006). Liberal concern was similar. The National Organization for Women (NOW), for example, objected that marriage promotion efforts divert welfare funds from basic economic supports for mother-headed families, intrude on private decisions, place some women at greater risk of domestic violence by coercing them to stay in bad or dangerous marriages, waste public funds on ineffective policies, limit state flexibility by earmarking welfare funds for specified programs, and generally lack public support (NOW Legal Defense and Education Fund 2005).

Although these and similar concerns continue, policy analysts Will Marshall and Isabel Sawhill (2004) see a political consensus emerging over complex challenges facing American families—single, teen, and unwed parenting; economic insecurity; health care; and balancing home and work. Like others, they call for comprehensive family policy to address all such issues.



Much of the contemporary federal concern about marriage and unmarried fertility sounds much like arguments first advanced in 1965 by Daniel Patrick Moynihan, then assistant secretary of labor for President Lyndon Johnson (Moynihan 1965). Moynihan claimed that female-headed households were a primary cause of poverty and welfare dependency among Black Americans. In 1984, welfare critic Charles Murray elaborated this theme, arguing that welfare encouraged dependency by making it economically rational for a poor mother to remain single and unemployed rather than marry.

The problem of welfare dependency became a central theme in the federal welfare reform debate that led to a major overhaul of welfare policies in 1996. As political scientist R. Kent Weaver writes, Murray's "conservative diagnoses and prescriptions for welfare reform were part of a broader conservative renaissance that began in the 1970s and gained momentum with the election of Ronald Reagan to the presidency in 1980. . . . Conservatives were far from united on their prescriptions for what to do about AFDC . . . but did succeed in making the reduction of welfare dependency the focus of welfare debates in the 1990s" (2000, 104–5).

Tackling welfare dependency would require dealing with issues of unmarried births, moving welfare recipients into the labor force, and making fathers contribute—financially, at least—to rearing their children. These issues, raised by Congress in initial deliberations about welfare reform during the 1980s and 1990s, continue to be debated today. Thus welfare reform was a turning point in American family policy because it sought to promote traditional family norms. It defined many demographic trends as problematic and dangerous (for example, increases in out-of-wedlock births, high dependency on state assistance for rearing children, high rates of single-mother families produced by divorce). In short, welfare reform made a public issue of what many had previously viewed as little more than private choices about alternative living arrangements.

A natural question to be asked about the various marriage-movement reforms being enacted is whether they might have any consequences of note on rates of marriage, divorce, unmarried childbirth, or cohabitation. All these proclamations, events, programs, acts, and (in a very few cases) laws are designed to combat the "retreat from marriage" that began in the second half of the twentieth century. Could they have their intended effects? It is much too soon to try to answer such a question definitively, although very serious research programs are now being conducted to do just that. The Supporting Healthy Marriages, Community Healthy Marriage Initiatives: An

Evaluation, and the Growing Healthy Families research projects sponsored by the Administration for Children and Families (U.S. Department of Health and Human Services 2006) have this as their explicit objectives. All three projects will span many years and will study thousands of individuals.

### **Conclusion**

We began this chapter by noting the changing values and demographics that have come to surround marriages in the United States. Some say these changes have supplanted a “culture of marriage” with a “culture of divorce” (Whitehead 1997). Rhetorical flourish aside, we argue that these changes stimulated concern about family and marriage patterns that has in turn fostered a national movement, what we and others call the marriage movement. We are only now beginning to ask serious scientific questions about the many programs and policies undertaken by those involved in the marriage movement. This present study is the only comprehensive evaluation yet conducted of one of the signal achievements of the marriage movement, the covenant marriage laws passed in Louisiana.

In the next chapter, we consider the legal, historical, and political forces that led to the passage of Louisiana’s covenant marriage legislation. Chapter 3 considers whether covenant marriage was implemented successfully in Louisiana. Chapter 4 examines what social science researchers call selection effects—what are the characteristics of those who choose covenant marriage, do they differ in significant ways from those who choose standard marriage, and most important for any rigorous study, do these differences affect the validity of the findings? Chapter 5 takes up in some detail a key way that covenant marriages are distinguished from standard marriages, namely, in the degree of religious sentiment and behavior that characterizes covenant marriages. While it is true that the two kinds of marriages here differ in many ways, they are most distinct in the role religious belief and faith plays. Compared even with very religious standard couples, the covenants are remarkable in their intensity of religiosity and shared mutuality of faith.

In the remaining two analysis chapters, we return again to the basic policy-relevant questions of whether covenant marriage, or its constituent components of premarital and marital counseling, promote marital quality and stability. Chapter 6 demonstrates that covenant marriages are not just different from standard marriages in the beginning, but they evolve and mature differently as the years pass. Chapter 7 documents that covenant



marriages have much lower divorce rates, about half the rate among standard couples. We find that the enhanced marital quality associated with maturing covenant marriages are tied very strongly to religiosity. Similarly, we find that the lower divorce rates of covenant marriage are driven by the effects of both the husband's and wife's religiosity and their commitment to an initial intensive participation in premarital counseling.

We conclude with reflections about the intended and unintended effects of marriage reform and the lessons we have learned from its various components. We speculate on the utility of premarital counseling (or education) as well as marriage counseling. We also close with some thoughts about the larger, more challenging issue raised by the connection between civil and religious marriage and the challenges this poses for social policy.

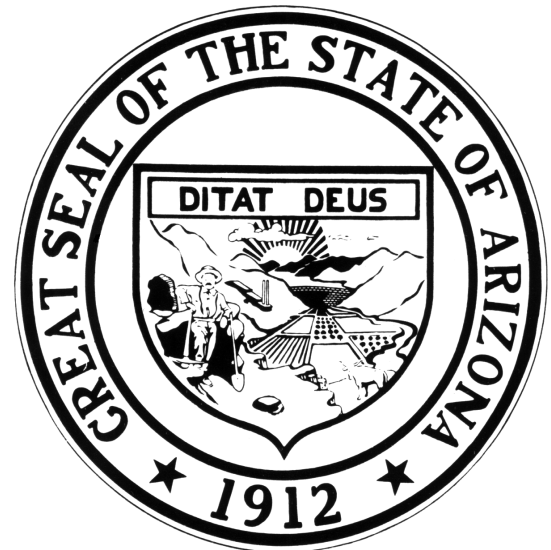
# EXHIBIT 18

# PUBLICITY PAMPHLET

Issued by  
**Janice K. Brewer**  
Arizona Secretary of State



Ballot Propositions  
&  
Judicial  
Performance  
Review



[www.azsos.gov](http://www.azsos.gov)  
1-877-THE VOTE

**General Election**  
**NOVEMBER 7, 2006**

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For a Spanish version of this publicity pamphlet call toll-free 1-877-THE VOTE (1-877-843-8683)  
Para una versión en español de este folleto informativo, llame gratis al 1-877-THE VOTE (1-877-843-8683).

**PROPOSITION 107**

**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING THE CONSTITUTION OF ARIZONA; BY ADDING ARTICLE XXX; RELATING TO THE PROTECTION OF MARRIAGE

**TEXT OF PROPOSED AMENDMENT**

Be it enacted by the People of Arizona:

1. Article: XXX. Constitution of Arizona is proposed to be added as follows if approved by the voters and on proclamation of the Governor:

ARTICLE XXX. MARRIAGE TO PRESERVE AND PROTECT MARRIAGE IN THIS STATE, ONLY A UNION BETWEEN ONE MAN AND ONE WOMAN SHALL BE VALID OR RECOGNIZED AS A MARRIAGE BY THIS STATE OR ITS POLITICAL

SUBDIVISIONS AND NO LEGAL STATUS FOR UNMARRIED PERSONS SHALL BE CREATED OR RECOGNIZED BY THIS STATE OR ITS POLITICAL SUBDIVISIONS THAT IS SIMILAR TO THAT OF MARRIAGE.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

**ANALYSIS BY LEGISLATIVE COUNCIL**

Pursuant to Arizona state statute, marriage between persons of the same sex is void and prohibited. Arizona law does not recognize a marriage contracted in any other state or country that is between two persons of the same sex.

Proposition 107 would amend the Arizona Constitution to provide that in order to preserve and protect marriage:

1. Only a union between one man and one woman shall be valid or recognized as a marriage by the State of Arizona or its cities, towns, counties or districts.
2. The State of Arizona and its cities, towns, counties or districts shall not create or recognize a legal status for unmarried persons that is similar to marriage.

**FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. Proposition 107 is not projected to have a state cost.

**ARGUMENTS "FOR" PROPOSITION 107**

**Protect Marriage Arizona's Statement**

Protect Marriage Arizona has been formed as a grassroots response to attacks on marriage in state after state. We say, "Let the people decide." We believe Arizona citizens should be given the opportunity to vote on our state's marriage policy, and we are confident that Arizona will join 20 other states that have voted to reaffirm the reality that marriage is the union of one man and one woman.

A state constitutional amendment provides the strongest possible legal protection for marriage against redefinition by activist state court judges. We also hope to show our national leaders that states want the opportunity to support an amendment to the U.S. Constitution protecting marriage.

Marriage between a man and woman is the basic building block of society. As the Supreme Court put it, in a case upholding laws that prevented marriage from being redefined to include polygamy, "marriage is the sure foundation of all that is stable and noble in our civilization."

Arizona promotes and benefits marriage because marriage between a man and a woman benefits Arizona. Children do best when they have the security of living with a married mother and father. With all the challenges to marriage in society today, the last thing Arizona needs is to redefine marriage in a way that guarantees some children will never have either a mom or a dad.

Unfortunately, today's courts seem bent on destroying that foundation. It's time for the people to respond by voting 'yes' on the Protect Marriage Amendment.

Larry Hall, Chair, Protect Marriage Arizona, Phoenix

*Paid for by "Protect Marriage Arizona"*

The Protect Marriage Arizona amendment does exactly what it is entitled to do, that is, protect the definition of marriage as the union of one man and one woman.

NAME, the National Association of Marriage Enhancement, encourages Arizonans to vote "Yes" on this amendment to protect, for future generations, the long-standing definition of marriage as one man and one woman.

The traditional definition of marriage must be protected. Some would say marriage is a right; it is not -- it is a privilege that carries responsibilities. Society confers legal benefits to marriage, because marriage benefits society. Historically, healthy marriages have been foundational building blocks to any successful society -- Arizona included. This amendment to Arizona's constitution will affirm marriage's traditional definition, ensuring it for future generations by prohibiting its redefinition by activist judges and others.

Research indicates many benefits for children who are raised by a mother and father, including: they are more likely to succeed academically, are physically healthier, emotionally healthier, demonstrate less behavioral

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

PROPOSITION 107

**Arizona**  
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problems, less likely to be victims of abuse, and more than 10 other profound benefits. Women, likewise, have the benefits from healthy marriages to a man, including: they are less likely to be victims of domestic violence, sexual assault or other violent crimes, and are emotionally healthier and eight other pronounced benefits. Men, also, receive benefit from marriage to a woman, including: they live longer, are physically healthier, wealthier, emotionally healthier, less likely to attempt or commit suicide, and seven other important benefits.

Marriage between one man and one woman protects the interests of children and society in a stable social order. Arizonans must do what is in the best interest of children and society: vote "Yes" to protect marriage and our future.

Dr. Leo Godzich, President, NAME, Phoenix      Randall Smith, Treasurer, NAME, Scottsdale  
*Paid for by "The National Association of Marriage Enhancement"*

Get the facts. Opponents of traditional marriage will say anything to get you to vote against protecting marriage. Here are some of their distortions.

**Myth:** Arizona does not recognize same-sex marriage, so this is unnecessary.

**Fact:** With lawsuits filed across the country to redefine marriage, we cannot sit and wait for the next lawsuit here. A constitutional amendment is the maximum protection Arizona can provide for the definition of marriage.

**Myth:** Hospital visitation and medical decision-making rights will be taken away.

**Fact:** Under state law, anyone can choose to have anyone visit them in the hospital or make medical decisions for them. The amendment doesn't change this.

**Myth:** Private contracts will be voided.

**Fact:** The amendment only applies to the government. It has nothing to do with private agreements.

**Myth:** Domestic-violence laws will be voided.

**Fact:** This amendment will have no effect on Arizona's domestic-violence laws because they cover anyone living in the same house, regardless of whether they are in a marriage-like relationship.

**Myth:** Inheritance rights will be voided.

**Fact:** Anyone can choose who they want to inherit their estate. The amendment does nothing to change this.

**Myth:** Businesses will be required to limit their employment benefits.

**Fact:** The amendment does not apply to businesses. In fact, without this amendment businesses that contract with municipalities in Arizona are at risk of being told they MUST offer domestic-partnership benefits.

**Myth:** Blocking recognition of marriage counterfeits is unusual.

**Fact:** Lots of states are choosing to protect marriage with amendment like this one. Of the 20 states that have passed marriage amendments, 11 have language prohibiting recognition of marriage counterfeits. They are: AR, GA, KY, LA, MI, NE, ND, OH, OK, TX, and UT.

THE CENTER FOR ARIZONA POLICY

Cathi Herrod, Interim President, The Center for      Peter Gentala, General Counsel, The Center for  
Arizona Policy, Scottsdale      Arizona Policy, Gilbert

*Paid for by "Center for Arizona Policy, Inc."*

The Protect Marriage Arizona amendment will preserve the definition of marriage as "a union between one man and one woman" and prohibit the creation of any other legal status similar to that of marriage. It will assure that marriage is defined by the voice of the people and not by a few activist judges.

A "yes" vote will protect Arizona from having marriage radically changed to a union of any two people regardless of gender. It will affirm that both mothers and fathers play significant roles in the raising of children and that the legal union between a man and a woman deserves special status in producing the next generation of responsible citizens.

A "yes" vote will not prohibit same-sex couples or anyone else from forming relationships. It will, however, keep schools, media, organizations, religious denominations, and other societal institutions from being forced to validate, and promote same-sex "marriage".

A "yes" vote will not invalidate anyone's civil rights. Marriage is about bringing men and women together, not about civil rights.

A "yes" vote will not restrict private companies from voluntarily granting benefits to domestic partners, nor will it prevent domestic relationships from taking advantage of existing laws that enable these individuals to share health insurance or death benefits, designate hospital visitation rights, or grant medical durable power of attorney to anyone.

A "yes" vote will affirm that marriage between a man and a woman is the foundation of a strong family and that strong families are the foundation of great nations.

Carol Soelberg, President, United Families  
Arizona, Mesa

Sharon Slater, President, United Families  
International, Gilbert

Nancy Salmon, Community Outreach Director,  
United Families Arizona, Mesa

Julie Walker, Executive Director, United  
Families International, Gilbert

*Paid for by "United Families International"*

**Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.**

*Issued by: Secretary of State Jan Brewer*

**PROPOSITION 107**

Vote Yes to protect marriage in Arizona!

Marriage between a man and a woman should be protected because it is the foundation of our society. Arizona uniquely promotes and supports marriage because marriage benefits society!

Marriage is extraordinarily beneficial for children. Countless studies have found that the best environment for a child to be raised in is a home with a married mother and father. Children benefit not only from the security of knowing that their mother and father are committed to one another for life, but also from the unique nurturing and mentoring that only a mother and father can give. Society does not benefit from "marriage" models that intentionally deny a child a mother or a father.

Marriage is good for men and good for women. In surveys, men and women report that marriage positively effects their health, financial security, and personal happiness.

Marriage also helps society by providing a stable social structure. When marriages and families break down, government must fill the void with programs to address the increased rates of poverty, drug abuse, delinquency, and a host of other problems that occur more often when children don't have moms and dads. Strong, stable, traditional marriages tend to produce family members that protect and provide for each other, reducing the strain on society and government.

Arizona has always promoted marriage as between a man and a woman. We don't need to change marriage--we need to protect it for future generations. For the benefit of children, men and women, and our society as a whole, please vote Yes on protecting marriage.

Cathi Herrod, Interim President, The Center for Arizona Policy, Scottsdale  
*Paid for by "Center for Arizona Policy, Inc."*

Peter Gentala, General Counsel, The Center for Arizona Policy, Gilbert

**Ballot Pamphlet Argument in Favor of Protect Marriage Arizona**

As business leaders of Arizona, we are proud to support the Protect Marriage Arizona amendment. Marriage is critically important to our society and businesses ought to support this measure. Here are a few reasons why.

First, this measure will not affect the ability of private businesses to choose what benefits to grant their employees. The amendment clearly applies only to public employers in the state of Arizona, for it states that no marriage substitutes can be recognized by the "state or its political subdivisions." Private businesses clearly do not fall in this category.

Second, if this measure does not pass, private businesses will actually be more vulnerable to forced changes in their benefits policies. If marriage is redefined by the courts, private businesses will be pressured and possibly even compelled to give benefits to same-sex couples or polygamous unions.

Third, marriage is good for society – and good for businesses! Studies have consistently shown that people who are married tend to be healthier and happier than those who are not married, contributing to a more productive work environment. Private businesses ought to be free to give benefits to attract and retain married employees.

When marriage is protected, families benefit, children benefit, and businesses benefit. This amendment will not restrict the rights of private businesses – on the contrary, it will help to protect those rights. We urge a YES vote on the Protect Marriage Amendment.

Tom Barnett, Phoenix  
John Rang, Kachina Automotive, Gilbert  
Dennis Barney, Landmark Interiors, Mesa  
Kenneth L. Nessler, Jr., Sun Valley Masonry, Inc., Phoenix  
*Paid for by "Protect Marriage Arizona"*

Robert Baum, Sun Valley Masonry, Inc., Paradise Valley  
Ross Farnsworth, Farnsworth Webb & Greer Insurance, Tempe  
Chris Danielson, 90.3 Family Life Radio, Phoenix

As a husband and father of two wonderful sons as well as the Republican candidate for Governor of Arizona, I ask you to support this Ballot Measure that protects the definition of marriage as the union of one man and one woman as the cornerstone of our society. It seems almost crazy that we must put this in writing since the importance of this bedrock principle has been proven in social, scientific and every other accepted standard of measurement throughout recorded history.

Again, activist judges who were appointed to determine the appropriate application of laws passed by legislatures and Congress, have over stepped their authority and created law without precedent or legislative foundation across America. It is now necessary for the people to speak through Constitutional Amendments to protect a primary pillar of our society.

Please join me in supporting this important Ballot Measure. **\*\*Paid for by Goldwater for Governor Committee.\*\***

Don Goldwater, Goldwater for Governor, Laveen

**Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.**

PROPOSITION 107

# EXHIBIT 19



DVD to be filed with  
the court once leave  
has been granted



# EXHIBIT 20

DVD to be filed with  
the court once leave  
has been granted

# EXHIBIT 21

## Arizona State Legislature

Bill Number Search:  

Forty-fourth Legislature - First Regular Session

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**COMMITTEE ON GOVERNMENT REFORM FEBRUARY 3, 1999 ARIZONA HOUSE OF REPRESENTATIVES**  
 Forty-fourth Legislature - First Regular Session  
**COMMITTEE ON GOVERNMENT REFORM**

Minutes of Meeting Wednesday, February 3, 1999 House Hearing Room 4 8:30 a.m.

(Tape 1, Side A)

The meeting was called to order at 8:45 a.m. by Chairman Cooley and attendance was noted by the secretary.

Members Present

Mrs. Brimhall Mrs. Landrum Mr. W. Gardner, V. Chairman  
 Mr. Cardamone Mr. Wieirs Mr. Cooley, Chairman

Members Absent

None

Speakers Present

Elizabeth Hatch, Majority Research Analyst, Committee on Government Reform

Karen Osborne, Maricopa County Election Director, Maricopa County

Names of people recognized by the Chair who appeared in support of H.B. 2184 but did not speak

(Page 3)

Names of people recognized by the Chair who appeared in support of H.B. 2368 but did not speak

(Page 4)

Names of people recognized by the Chair who appeared in opposition of H.B. 2368 but did not speak

(Page 4)

Isaac Gabriel, Majority Intern, Committee on Banking and Insurance

Representative Karen Johnson, Sponsor

Representative Steve May, Sponsor

Patricia Oldroyd, Concerned Women for America of Arizona

Jess Park, Citizen, Representing Himself

Dwight Cook, representing Himself

Names of people recognized by the Chair who appeared in opposition to H.B. 2524 but did not speak

(Page 7 and 8)

Eleanor Eisenberg, Executive Director, Arizona Civil Liberties Union

Kent Fairbarin, Assistant Director, League of Arizona Cities and Towns

Frank Meliti, Chairman, Traditional Values Coalition

Henry L. Barnwell, Pastor, Full Gospel Baptist Fellowship

John Atkins, representing Himself

Rev. Andrew Cosentino, Director, Interfaith League for Sound Government

Names of people recognized by the Chair who appeared in support of H.B. 2524 but did not speak

(Page 8)

Dr. Nicholas Hagen, representing Himself

Norm Helber, Chief Probation Officer, Maricopa County Adult Probation

Donad T. Nichols, General Manager, TnMeridian, Inc.

Kenneth Lucas, Community Relations Specialist, Valley Hope Treatment

Paula Burns, Deputy Director, Arizona Counsel on Compulsive Gambling

Laura Plimpton, Director, Arizona Lottery

Names of people recognized by the Chair who appeared in support of H.B. 2410 but did not speak  
(Page 10)

GladysAnn Wells, Director, Department of Library and Archives

Jim Allen, Director, Arizona Department of Health Services

Lee Payne, Majority Intern, Committee on Government Reform

Representative Mark Anderson, Spinsor

Ken Karouzos, representing Himself

Len Munsil, President, Center for Arizona Policy

Sally Bender, Assistant Director, County Supervisors Association

David Mendoza, Legislative Director, American Federation of State, County and Municipal Employees (AFSCME)

Names of people recognized by the Chair who appeared in support of H.B. 2452 but did not speak

(Page 13)

Russell Smolden, Manager of Government Relations, Salt River Project (SRP)

Names of people recognized by the Chair who appeared in support of H.B. 2081 but did not speak

(Page 13)

Guest List (Attachment 1)

#### CONSIDERATION OF BILLS

H.B. 2183, ballot measures; pamphlet description - WITHDRAWN

**Chairman Cooley announced that H.B. 2183 was withdrawn.**

H.B. 2411, federal incentives; 0.08; open containers - HELD

**Chairman Cooley announced that H.B. 2411 will be held.**

H.B. 2442, mobile home landlord tenant; technical correction - HELD

**Chairman Cooley announced that H.B. 2442 will be held.**

H.B. 2443, workers' compensation; increase benefit level - HELD

**Chairman Cooley announced that H.B. 2443 will be held.**

H.B. 2182, candidate nomination petitions - DO PASS AMENDED

Elizabeth Hatch, Majority Research Analyst, explained H.B. 2182 (Attachment 2) and the amendment (Attachment 3).

Karen Osborn, Maricopa County Election Director, Maricopa County, spoke in support of H.B. 2182. Ms. Osborn discussed the large number of signatures required to run for precinct committeemen. Ms. Osborn explained the difficulty I obtaining signatures from the remote areas and the fenced in areas and stated that ten signatures would suffice as it demonstrated the public's interest.

**Vice Chairman Gardner moved that H.B. 2182 do pass.**

Vice Chairman Gardner moved that the 7-line Cooley amendment dated 2/2/99 (Attachment 3) be adopted. The motion carried.

Vice Chairman Gardner moved that H.B. 2182 as amended do pass. The motion carried by a roll call vote of 4-0-0-2 (Attachment 4).

H.B. 2184, open primaries; ballot designation - DO PASS

Elizabeth Hatch, Majority Research Analyst, explained H.B. 2184 (Attachment 5).

Names of people recognized by the Chair who appear in support of H.B. 2184 but did not speak

Karen Osborn, Maricopa County Election Director, Maricopa County

**Vice Chairman Gardner moved that H.B. 2184 do pass. The motion carried by a roll call vote of 4-0-0-2 (Attachment 6).**

H.B. 2368, nonexplosive devises - DO PASS

Elizabeth Hatch, Majority Research Analyst, explained H.B. 2368 (Attachment 7).

**Vice Chairman Gardner moved that H.B. 2368 do pass.**

Names of people recognized by the Chair who appeared in support of H.B. 2368 but did not speak

Terry Smalley, B.J. Alan Company

Mike Williams, Lobbyist, U.S. Fireworks Safety Council

Tad Trout, Member, United States Fireworks Safety Council

Names of people recognized by the Chair who appeared in opposition of H.B. 2368 but did not speak

Penny Allee, Specialist/Government Affairs, Southwest Gas

Kent Fairbairn, Assistant Director, League of Arizona Cities and Towns

Tim Hill, Executive Vice President, Professional Firefighters of Arizona

Keith Meyer, Legislative Liaison, Arizona State Land Department

Bill Lanford, District Chief, Buckeye Valley Fire District

Jan Hawk, President, Arizona Fire District Association

Alan Brunacini, Fire Chief, City of Phoenix

John Vack, Executive Director, Prevent Blindness America

Tom Hinton, Administrative Director, U.S. Fireworks Safety Council

**Question was called to move H.B. 2368.**

The motion carried by a roll call vote of 4-2-0-0 9 (Attachment 8).

H.B. 2524, marriage; blood tests - DO PASS AMENDED

Isaac Gabriel, Majority Intern, Committee on Banking and Insurance, explained H.B. 2524 (Attachment 9) and the amendment (Attachment 10).

Representative Karen Johnson, Sponsor, spoke in support of H.B. 2524. Ms. Johnson explained the following three components of the bill:

#### Tax Dollars

Ms. Johnson stated that it is not the proper role of the government to use tax dollars to grant insurance benefits to couples that are cohabitating or to reward couples with tax dollar benefits, be they heterosexual or homosexual.

#### Medical Issues

Ms. Johnson explained the medical consequences of a sexually promiscuous lifestyle. Ms. Johnson stated that the typical married heterosexual relationship is often short lived and may result in sexually transmitted diseases or STD. Ms. Johnson added that with regard to homosexual relationships, research affirms that the average length of a relationship is 2.7 years and the life expectancy of a homosexual male who has AIDS is 39 years, while the life expectancy of a homosexual male who does not have AIDS is 42 years.

Ms. Johnson explained that the insurance rates will rise as a result of the types of diseases that follow the acts of those in a promiscuous heterosexual sex life as well as a homosexual lifestyle.

#### Moral Issues

Ms. Johnson stated that it is critical to our national health to restore social virtue and purity to our state and nation. Ms. Johnson questioned the "goodness" of living together without the benefit of marriage and the "goodness" of homosexuality and added that if cohabitating and homosexuality are essentially detrimental to the individual and to society, in addition to being against the law, society then has a responsibility to resist it and not reward such behavior with the benefit of state tax dollars. Ms. Johnson stated the different health risks involved with homosexual relationships and added that if the focus is kept on the medical consequences, moral judgement against such behavior are overwhelmingly supported by the best scientific data presently available.

Ms. Johnson stated that such judgement does not precede from prejudice, bigotry or homophobia but that it is grounded in the concrete effect brought on by the kinds of sexual activity in which gays, lesbians, bi-sexuals and promiscuous heterosexuals often participate in and given the extreme medical risks and the fundamental psychological problems involved, the undermining of the natural family and the threat to basic freedom, which a sexually promiscuous lifestyle constitutes, then these lifestyles are not harmless and certainly are not beneficial.

Ms. Johnson concluded that unlike laws, morals are carved in stone and that due to the consequences waiting at the "lower end of the behavioral spectrum", history tells us that good public policy can not accept varying levels of morality.

In response to inquiry from Mr. Cardomone as to whether any other cities or counties in Arizona have adopted a domestic partners ordinance, Ms. Johnson responded that Tucson has as well as Pima County and that Phoenix and Tempe have been looking into this.

Mr. Cardomone asked if Ms. Johnson had check with the Rules committee regarding whether or not this piece of legislation is constitutional under special legislation or equal protection statutes. Ms. Johnson explained that it would be making its way to the Rules committee if it leaves this committee.

Representative Steve May spoke in opposition of H.B. 2524. Mr. May stated that he felt an obligation to respond to Ms. Johnson's comments and that he could not sit quietly in his office because he felt that his family and his freedom were under attack. Mr. May explained that he was deeply offended and disgusted by the "lies" told by Ms. Johnson and he challenged Ms. Johnson to provide "real facts" regarding the statistics she related to the committee.

Specifically to the bill, Mr. May stated that the city of Tucson spends approximately \$14,000,000 per year in health benefits and that Tucson's domestic partners benefits cost \$25,000 per year. Pima County spends about \$225,000 per year on domestic partner benefits which is 11/2% of their total expenditures on total health benefits.

Mr. May stated that he should be treated fairly'under the law, that the bill is very poor public policy and posed the following questions:

Why are we dictating to the cities and counties and other political subdivisions management decisions?

Why are we removing their right to reimburse and compensate their employees as they best see fit?

Mr. May concluded by saying that what this piece of legislation is really about is taking away his ability to care for his family.

Patricia Oldroyd, Concerned Women for America of Arizona (CWAA), spoke in support of H.B. 2410. Ms. Oldroyd stated that the CWAA supports this bill for the following reasons:

The government should not take a position that would encourage people to ignore a healthy family structure because children raised in a married household are much happier than children raised in a household where partners are shifting and there is no permanent bonding.

Offering health insurance to domestic partners would almost be a "slap in the face" to the institution of marriage.

The administration of health insurance for domestic partners could be a logistics nightmare resulting in higher costs.

Mr. May spoke regarding his earlier testimony and retracted his statement directly calling Ms. Johnson a liar. Mr. May explained that he preferred to state that the facts were incorrect. Mr. May stated that he did not mean to call another Member a liar but would like that Member to prove the comments she stated were fact.

Jess Park, representing himself, spoke in favor of H.B. 2524. Mr. Park expressed his support of this bill by reading an article from the Gay Community News (Attachment 10).

Dwight Cook, Citizen, spoke in opposition to H.B. 2524. Mr. Cook explained that he is a gay man and that he works for Honeywell. Mr. Cook commented that Honeywell is one of the employers in the valley that has conducted a very careful analysis about whether or not to grant health benefits to same sex partners. Looking at their bottom line, their study determined that it was very much in their best interest to offer health benefits to same sex couples from the standpoint that it allowed them to compete in a very tight labor market and obtain the most qualified people for the jobs in their corporation. Mr. Cook pointed out that most corporations are evaluating this program and they are realizing that it is in their best interest to attract qualified labor to offer these benefits.

Mr. Cook stated that the data presented earlier had been refuted time and again by the American Psychological Association and the data regarding life expectancy was nothing more than an over published myth.

Mr. Cook added that the bill looked like a message of hatred and that if supporting long term relationships and monogamy is in the best interest of government, then granting health benefits to same sex partners does exactly that. It supports the people who have chosen to live together. Mr. Cook pointed out that many of those people would marry if they had the option.

Mr. Cook concluded that as a society, we don't want to push homosexuals into heterosexual relationships. Rather, allow homosexual relationships to live out their natural ability to be loving relationships and that is in the best interest of government.

Names of people recognized by the Chair who appeared in opposition to H.B. 2524 but did not speak:

Art Chapa, Legislative Counsel, Pima County Board of Supervisors

Eleanor Eisenberg, Executive Director, Arizona Civil Liberties Union (ACLU), spoke in opposition of H.B. 2524. Ms. Eisenberg stated that she tries to be dispassionate when addressing committees, however, this bill is nothing more than moral and sexual McCarthiasm. Ms. Eisenberg explained that she understands the state's interest in the stability of relationships and even marriage. Perhaps the answer then is allow people who are not heterosexual to marry and be covered.

Ms. Eisenberg pointed out that it should be in the best economic interest of the state to have people covered by insurance so that the risks can be spread rather than have people who are uninsured and the total care for their illness, if it should occur, to be born by the state. Ms. Eisenberg added that if this is an unconstitutional bill, it does set out a group of people by virtue of their status and treat them differently than others. Ms. Eisenberg stated that she believed this bill violates the equal protection clause of the United States Constitution and the Arizona Constitution and the applicability of the United States Constitution to the fourteenth amendment.

Ms. Eisenberg concluded that tax dollars would be well spent to provide this coverage and that the amendment is an improvement in that it would at least provide coverage to those who have children and that reflects an understanding that it is in the state's interest to insure people rather than not. Ms. Eisenberg suggested it may be possible to set standards if people are concerned about relationships not bound by marriage although certain people are getting divorced at rates that equal those that are dissolving relationships that are not bound by marriage.

Frank Meliti, Chairman, Traditional Values Coalition, spoke in support of H.B. 2524.

Henry L. Barnwell, Pastor, Full Gospel Baptist Fellowship, spoke in support of H.B. Mr. Barnwell referred to Roman 1 of the Holy Bible and placed emphasis on the word "health" and its meaning in both the Bible and in H.B. 2524.

John Atkins spoke in support of H.B. 2524. Mr. Atkins testified that he did not believe that tax dollars should be used to foster or promote illegal activity and pointed out that we have cohabitation laws and

sodomy laws in this state.

Kent Fairbairn, Assistant Director, Arizona League of Cities and Towns, spoke in opposition of H.B. 2410 on the basis of pre-emption. Mr. Fairbairn pointed out that the legislature, to date, had never gotten involved with local personnel policy and that there is nothing in state statute that restricts what a city or state can do as it relates to local personnel policies.

Mr. Gardner inquired as to whether or not Mr. Fairbairn had checked with the members of the league of cities and was speaking at their directive. Mr. Fairbairn replied that the League of Arizona Cities and had been extremely consistent over the years and opposes every piece of legislation that includes pre-emption of officials ability to make decision locally.

Names of people recognized by the Chair who appeared in opposition of H.B. 2524 but did not speak

Ruth Grove, representing herself

Robert Arnold, representing herself

Rev. Andrew Cosentino, Director, Interfaith League for Sound Government, spoke in support of H.B. 2524.

Names of people recognized by the Chair who appeared in support of H.B. 2524 but did not speak

Elder Harold Bates, Director Emeritus, Interfaith League for Sound Government



Charlotte Reed, representing herself  
Thayer Verschoor, representing herself  
(Tape 1, Side B)

Dr. Nicholas Hagan spoke in support of H.B. 2524.

Names of people recognized by the Chair who appeared in support of H.B. 2524 but did not speak

Tony Mackelprang, representing himself

Chuck Daggs, representing himself

Charlie Powell, representing himself

Kyle Hindman, representing himself

**Vice Chairman Gardner moved that H.B. 2524 do pass.**

Vice Chairman Gardner moved that the 14-line Cooley strike everything amendment dated 2/1/99 (Attachment 11) be adopted.

Vice Chairman Gardner moved that the 5-line Cooley amendment dated 2/2/99 (Attachment 12) to the 14-line Cooley strike everything amendment dated 2/1/99 (Attachment 10) be adopted. The motion carried.

Vice Chairman Gardner moved that the 14-line Cooley strike everything amendment dated 2/1/99 (Attachment 10) as amended be adopted. The motion carried.

Vice Chairman Gardner moved that H.B. 2524 as amended do pass. The motion carried by a roll call vote of 3-2-1-0 (Attachment 13).

H.B. 2410, compulsive gambling; prevention and treatment - DO PASS

Lee Payne, Majority Intern, explained H.B. 2410 (Attachment 14).

Norm Helber, Chief Probation Officer, Maricopa County Adult Probation, spoke in support of H.B. 2410. Mr. Helber stated he supported the bill primarily because compulsive gambling is referred to by many as the "hidden addiction" and in our state because of the voter supported initiatives, we have had sufficient funding for us to deal effectively with those that have other compulsive behavior, such as addictions to drugs or alcohol but we have not allotted anything for those who get caught up in the addiction of gambling. Mr. Helber explained that the way this bill is structured, the money would come from those who are supporting the state lottery and part of the funding from that would go to serve those individuals and families who are suffering from this addiction as well.

Donald T. Nichols, General Manager, Tn Meridian, Inc., spoke in support of H.B. 2410. Mr. Nichols discussed the devastation that takes place as a result of compulsive gambling and added that, because the state has elected to remain in the gaming industry, it is then correct and proper that the state provide some sort of resources to correct the problem of compulsive gambling.

Kenneth Lucas, Community Relations Specialist, Valley Hope Treatment, spoke in support of H.B. 2410. Mr. Lucas explained that the Valley Hope Treatment was opened in 1986 and since the Fall of 1995, has treated 40 persons for compulsive gambling and that many of those individuals had other addictions, such as drugs or alcohol. Mr. Lucas stated that treatment outcome studies reflect that the treatments work. Mr. Lucas pointed out that H.B. 2410 speaks directly to the problem of funding the treatment of compulsive gambling and stated that most who seek treatment do so after they are financially bankrupt. This means that treatment is denied because the state of Arizona lacks the statutory authority to intervene. Mr. Lucas concluded that a full month of treatment at Valley Hope Treatment Center costs \$7,000.

Paula Burns, Deputy Director, Arizona Council on Compulsive Gambling (ACCG), spoke in support of H.B. 2410. Ms. Burns stated that the ACCG began in 1994 to try to provide resources for people who suffered from compulsive gambling and their families. Ms. Burns explained that her job is to arrange training and certify professionals for family counselors and pointed out that four years ago, there were no

people in Arizona who were certified family gambling counselors and today there are 80. Ms. Burns explained the different counseling programs available through the ACCG. Ms. Burns concluded by discussing the problems of gambling and high school seniors and stated that it is the responsibility of the state to get involved with educational and awareness programs as well as funding for treatment.

Laura Plimpton, Director, Arizona Lottery, spoke in support of H.B. 2410. Ms. Plimpton stated that this bill would reduce the amount of money that goes into the general fund and anticipate funding the compulsive gambling fund as they did last year.

Names of people recognized by the Chair who appeared in support of H.B. 2410 but did not speak

Viki Davis, Assistant Legislative Liaison, Arizona Department of Health Services

**Vice Chairman Gardner moved that H.B. 2410 do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 15).**

H.B. 2521, vital records; transfer - DO PASS

Elizabeth Hatch, Majority Research Analyst, explained H.B. 2521 (Attachment 16).

GladysAnn Wells, Director, Department of Library and Archives, stated that her department does not seek this bill but will comply if necessary.

Jim Allen, Director, Arizona Department of Health Services (ADHS), spoke in opposition of H.B. 2521. Mr. Allen stated that H.B. 2521 is not in the best interest of serving the needs of the state in terms of transferring the office of vital records it would make it extremely difficult to handle their functions efficiently and effectively.

Representative Karen Johnson, Sponsor, discussed the importance of properly caring for vital records and stated that the best place for records to be retained and properly taken care of would be Library and Archive Records. In response to inquiry from Ms. Landrum regarding staff



overload as a result of the move and new responsibilities, Ms. Johnson stated that customer service would not suffer because of the move.

**Vice Chairman Gardner moved that H.B. 2521 do pass. The motion carried by a roll call vote of 5-1-0-0 (Attachment 17).**

H.B. 2519, gambling; minimum age - DO PASS

Lee Payne, Majority Intern, explained H.B. 2519 (Attachment 18).

Paula Burns, Deputy Director, Arizona Council on Compulsive Gambling, spoke in support of H.B. 2519.

Ms. Burns pointed out that if we are going to allow 18 year olds to gamble in the casinos in Arizona, then we need to educate them about the dangers of this disease.

Laura Plimpton, Assistant Director, Arizona Lottery, spoke in support of H.B. 2519.

**Vice Chairman Gardner moved that H.B. 2519 do pass. The motion carried by a roll call vote of 5-1-0-0 (Attachment 19).**

(Tape 2, Side A)

H.B. 2403, library employees: personnel system: exemption - DO PASS

Lee Payne, Majority Intern, explained H.B. 2403 (Attachment 20).

GladysAnn Wells, Director, Department of Library Archives, spoke in support of H.B. 2403.

In response to inquiry from Chairman Cooley, Ms. Wells replied that the Department of Library Archives reports to the Speaker of the House, the President of the Senate and two other selected members, in this case, Representative Kathy Foster and Senator Ruth Solomon.

Ms. Wells added that those employees who are on the merit system who have the option to stay where they are or elect to be exempt.

**Vice Chairman Gardner moved that H.B. 2403 do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 21).**

H.B. 2409, public schools, Internet access - DO PASS AMENDED

Elizabeth Hatch, Majority Research Analyst, explained H.B. 2309 (Attachment 22).

Elizabeth Hatch, Majority Research Analyst, explained H.B. 2309 (Attachment 22).

Representative Mark Anderson, Sponsor, spoke in support of H.B. 2409. Mr. Anderson explained that the purpose of this bill is to try to prevent minors from accessing pornography in school or public libraries, which are public facilities. Mr. Anderson stated that the bill has nothing to do with adults and is strictly focused on children. Mr. Anderson pointed that the federal funds the schools receive to install computers and the internet require that they have filters. When discussing possible opposition that may come from the library association, Mr. Anderson referred to page 2, line 6 of the bill regarding the implementation of a policy to restrict minors from gaining access to materials that is harmful to minors.

Ken Karouzos, Representing himself, spoke in support of H.B. 2409. Mr. Karouzos discussed the psychological dangers that can occur as a result of children viewing pornography.

Eleanor Eisenberg, Executive Director, Arizona Civil Liberties Union (ACLU), spoke in opposition of H.B. 2409. Ms. Eisenberg stated that this issue should be a parental decision and not dictated by government.

Len Munsil, President, Center for Arizona Policy, spoke in support of H.B. 2409.

**Vice Chairman Gardner moved that H.B. 2409 do pass.**

Vice Chairman Gardner moved that the 2-page Strike Everything Cooley amendment dated 2/1/99 (Attachment 23) be adopted. The motion carried.

Vice Chairman Gardner moved that H.B. 2409 as amended do pass. The motion carried by a roll call vote of 5-1-0-0 (Attachment 24).

H.B. 2441, waste tires - HELD

Lee Payne, Majority Intern, explained H.B. 2441 (Attachment 25).

Sally Bender, Assistant Director, County Supervisors Association, spoke in opposition to H.B. 2441. Ms. Bender expressed her concern that this bill is one of three that will be introduced regarding the waste tire program and stated that until she sees what a number of those changes are to the program, it is very difficult to gauge whether this \$1.13 fee will support the program given that the changes include bringing more tires into the program. Ms. Bender pointed out that retailers do keep .10 cents per tire of the tires they sell for an administrative fee.

**Chairman Cooley announced that H.B. 2441 will be held.**

H.B. 2452, state printing; private competition; study - DO PASS

Lee Payne, Majority Intern, explained H.B. 2452 (Attachment 26).

Mr. Wieirs, Sponsor, spoke in support of H.B. 2452. Mr. Wieirs asked the committee to support the study committee.

**Mr. Wieirs moved that H.B. 2452 do pass.**

David Mendoza, Legislative Director, AFSCME, spoke in opposition of H.B. 2452. Mr. Mendoza stated that H.B. 2452 is duplicative and added that there is no representation from the work force.

Names of people recognized by the Chair who appeared in support of H.B. 2452 but did not speak

Heidi Koopman, Executive Director, Fiscal Accountability and Reform Efforts (FAIR) Samantha Fearn, State Director, National Federation of Independent Business (NEIB)

**Question was called for motion on H.B. 2452. The motion passed by a**  
roll call vote of 4-2-0-0 (Attachment 27).

H.B. 2081. campaign contributions: organizations and associations - DO PASS AMENDED  
Lee Payne, Majority Intern, explained H.B. 2081 (Attachment 28) and the amendment (Attachment 29).

Russell Smolden, Manager Government Relations, Salt River Project (SRP), spoke in support of H.B. 2081 and the amendment.

Names of people recognized by the Chair who appeared in support of H.B. 2081 but did not speak

Michael Curtis, Arizona Municipal Power Users

Robert S. Lynch, Attorney, Irrigation and Electrical Districts Association

**Vice Chairman Gardner moved that the 22-line Cooley Amendment**  
dated 1/26/99 (Attachment 29) be adopted. The motion carried.

Vice Chairman Gardner moved that H.B. 2081 as amended do pass.  
The motion carried by a roll call vote of 6-0-0-0 (Attachment 30).

THE MEETING RECESSED AT 11:45 A.M.  
THE MEETING RECONVENED AT 4:55 P.M.  
All members were present.  
Speakers Present

Elizabeth Hatch, Majority Research Analyst

John Pearce, Attorney/Lobbyist, Arizona Petroleum Marketers Association

Charlie Stevens, Legislative Counsel, Western States Petroleum Association

Jim Bush, ARCO

Jesse Lugo, Member, Arizona Auto

Ruben Bermudez, President, Arizona Auto

Barry Aarons, Consultant, Equilon, Inc.

Debra Margraf, Executive Director, Arizona Automobile Trade Organization

Names of people recognized by the Chair who appeared in opposition of H.B. 2556 but did not speak

(Page 15)

Norris Nordyold, Programs Coordinator, City of Phoenix

Names of people recognized by the Chair who appeared in support of H.B. 2274 but did not speak:

(Page 15)

Tami Stowe, Majority Intern, Committee on Government Operations

Ed Wren, Legislative Counsel, Arizona Highway Patrol Association

Names of people recognized by the Chair who appeared in support of H.B. 2275 but did not speak:

(Page 16)

Jay Kaprosy, Legislative Liaison, Arizona Department of Education

#### CONSIDERATION OF BILLS

H.B. 2556. motor vehicle fuel pricing - DO PASS

Elizabeth Hatch, Majority Research Analyst, explained H.B. 2556 (Attachment 31).

John Pearce, Attorney/Lobbyist, Arizona Petroleum Marketers Association, discussed H.B. 2556 and expressed his opposition to H.B. 2556.

Charlie Stevens, Legislative Counsel, Western States Petroleum Association, spoke in opposition to H.B. 2556. Mr. Stevens stated that this bill will raise gasoline prices throughout the state. Mr. Stevens referred to the bill as "anti-competitive" and "unwarranted".

In response to inquiry from Chairman Cooley regarding the possibility of a "monopoly" with regard to gasoline prices, Mr. Stevens explained that there is no "monopoly" as it is prohibited by federal and state laws.

Jim Bush, ARCO, spoke in opposition of H.B. 2556. Mr. Bush explained that, prior to 1981, gasoline priced were high because pricing was controlled by the federal government. Mr. Bush discussed the issue of contracts with lessees and their obligation to sell a particular brand of gasoline. Mr. Bush added that his thoughts were that franchise owners may feel advantageous if this bill passes because prices may go up, causing their margin may go up and they will make more money. Mr. Bush concluded by stating that if this bill passes, it will not benefit the consumer.

Jesse Lugo, Member, Arizona Auto, spoke in support of H.B. 2556.

Ruben Bermudez, President, Arizona Auto, spoke in support of H.B. 2556. Mr. Bermudez asked the committee to consider and support the bill.

Barry Aarons, Consultant, Equilon, Inc., spoke in opposition of H.B. 2556. Mr. Aarons stated that by voting for this bill, you will be voting for the government to legally impose price controls on the sale of gasoline.

Debra Margraf, Executive Director, Arizona Automobile Trade Organization, spoke in support of H.B. 2556. Ms. Margraf stated that this bill is asking the competitive market work as it should. Ms. Margraf discussed the differences in gasoline prices in different cities throughout the valley and stated that she felt Phoenix should be considered one marketing zone and that the gasoline

retailers should be consistent with the pricing throughout their various locations.

Chairman Cooley asked Ms. Margraf about the concerns of the dealers who belong to her trade organization. Ms. Margraf explained that their concerns are in regards to the difference in pricing between the dealers.

Names of people recognized by the Chair who appeared in opposition of H.B. 2556 but did not speak

Wendy Briggs, Attorney, Mobil Oil

Bob Fannin, Attorney, Mobil Oil

Randy Smith, Director of Government Affairs, Mobile Oil

John K. Mangum, Tosco Corporation

**Vice Chairman Gardner moved that H.B. 2556 do pass. The motion carried by a roll call vote of 5-0-1-0 (Attachment 32).**

H.B. 2274. design-build pilot program; operation - DO PASS AMENDED

Elizabeth Hatch, Majority Research Analyst, explained H.B. 2274 (Attachment 33) and the amendment (Attachment 34).

Norris Nordvold, Programs Coordinator, City of Phoenix, spoke in support of H.B. 2274. Mr. Nordvold discussed the people he had worked with and stated that they were all comfortable with the amendment.

Names of people recognized by the Chair who appeared in support of H.B. 2274 but did not speak

Janice L. Burnett, Executive Director, Arizona Consulting Engineers Association

**Vice Chairman Gardner moved that H.B. 2274 do pass.**

Vice Chairman Gardner moved that the 2-page Cooley amendment dated 2/2/99 (Attachment 34) be adopted. The motion carried.

Vice Chairman Gardner moved that H.B. 2274 as amended do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 35).

H.B. 2275 - PSPRS: 75% at 25 years - DO PASS

Tami Stowe, Majority Intern, Committee on Government Operations, explained H.B. 2275 (Attachment 36).

Ed Wren, Legislative Counsel, Arizona Highway Patrol Association, spoke in support of H.B. 2275.

Names of people recognized by the Chair who appeared in support of H.B. 2275 but did not speak

Jack Cross, Administrator, Public Safety Personnel Retirement System (PSPRS)

Andy Swann, Highway Patrolman, Associated Highway Patrol of Arizona

Terry Sills, President, Phoenix Law Enforcement Association

Rick Knight, Lieutenant, Arizona Department of Public Safety

**Vice Chairman Gardner moved that H.B. 2275 do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 37).**

H.B. 2292. charter schools, omnibus - DO PASS

Elizabeth Hatch, Majority Research Analyst, explained H.B. 2292 (Attachment 38).

Jay Kaprosy, Legislative Liaison, Arizona Department of Education, spoke in support of H.B. 2292.

**Vice Chairman Gardner moved that H.B. 2292 do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 39).**

Without objection, the meeting recessed at 6:35 p.m.

Robyne Clark, Committee Secretary

(Original minutes, attachments, and tape filed in the Office of the Chief Clerk)  
COMMITTEE ON GOVERNMENT REFORM FEBRUARY 3, 1999 rc 2/5/99

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# EXHIBIT 22

**Case Nos. 13-4178, 14-5003, 14-5006**

**UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT**

DEREK KITCHEN, individually, et al.,  
Plaintiffs-Appellees,

v.

GARY R. HERBERT, in his official  
capacity as Governor of Utah, et al.,  
Defendants-Appellants.

Appeal from the United States District  
Court for the District of Utah,  
Civil Case No. 2:13-CV-00217-RJS

MARY BISHOP, et al.,  
Plaintiffs-Appellees,

and

SUSAN G. BARTON, et al.,  
Plaintiffs-Appellees/Cross-Appellants,

v.

SALLY HOWE SMITH, in her official  
capacity as Court Clerk for Tulsa County,  
State of Oklahoma,  
Defendant-Appellant/Cross-Appellee.

Appeal from the United States District  
Court for the Northern District of  
Oklahoma,  
Civil Case No. 04-CV-848-TCK-TLW

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**BRIEF OF AMICI CURIAE SOCIAL SCIENCE PROFESSORS IN SUPPORT OF  
DEFENDANTS-APPELLANTS AND REVERSAL**

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<i>Lofton v. Secretary of the Department of Children and Family Services</i> , 358 F.3d 804 (11th Cir. 2004).....	14
<i>Perry v. Schwarzenegger</i> , 704 F. Supp. 2d 921 (N.D. Cal. 2010).....	6

### Other Authorities

Douglas W. Allen et al., <i>Nontraditional Families and Childhood Progress Through School: A Comment on Rosenfeld</i> , Demography, November 2012, <a href="http://link.springer.com/article/10.1007/s13524-012-0169-x/fulltext.html">http://link.springer.com/article/10.1007/s13524-012-0169- x/fulltext.html</a> .....	14
Douglas W. Allen, <i>High school graduation rates among children of same-sex households</i> , Rev. Econ. Household, Sept. 2013 .....	23
Paul R. Amato, <i>More Than Money? Men’s Contributions to Their Children’s Lives?</i> , in <i>Men in Families, When Do They Get Involved? What Difference Does It Make?</i> 267 (1998).....	8
Paul R. Amato & Fernando Rivera, <i>Paternal Involvement and Children’s Behavior Problems</i> , 61 Journal of Marriage and the Family 375 (1999) .....	11
Gunnar Anderson et al., <i>The Demographics of Same-Sex Marriages In Norway and Sweden</i> , 43 Demography 79 (2006).....	25
Marilyn Coleman et al., <i>Reinvestigating Remarriage: Another Decade of Progress</i> , 62 Journal of Marriage and the Family 1288 (2000) .....	16

Scott Coltrane,  
*Family Man* 54 (1996) ..... 7

Suzanne A. Denham et al.,  
*Prediction of Externalizing Behavior Problems From Early to Middle  
 Childhood: The Role of Parental Socialization and Emotion  
 Expression*, in *Development and Psychopathology* 23 (2000)..... 8

M. DeWolff & M. van Ijzendoorn,  
*Sensitivity and Attachment: A Meta-Analysis on Parental Antecedents  
 of Infant Attachment*, 68 *Child Development* 571 (1997)..... FN2, P6

Greg Duncan & Jeanne Brooks-Gunn,  
*Consequences of Growing Up Poor* (1999) ..... 8

Ruth Feldman,  
*Oxytocin and Social Affiliation In Humans*, 61 *Hormones and  
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Mark V. Flinn et al.,  
*Fluctuating Asymmetry of Stepchildren*, 20 *Evolution of Human  
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Norval D. Glenn,  
*The Struggle for Same-Sex Marriage*, 41 *Society* 27 (2004) ..... 9, 19, 20

Colleen Hoff & Sean Beougher,  
*Sexual Agreements Among Gay Male Couples*, 39 *Archives of Sexual  
 Behavior* 774 (2010) ..... 25

Sandra L. Hofferth et al.,  
*The Demography of Fathers: What Fathers Do*, in *Handbook of Father  
 Involvement: Multidisciplinary Perspectives* 81 (2002) ..... 7

Michael E. Lamb,  
*Fathers: Forgotten Contributors to Child Development*, 18 *Human  
 Development* 245 (1975) ..... 5, 6

Robert Lerner & Althea K. Nagai,  
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 (Marriage Law Project, 2001)* ..... FN7 – P19



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Barack Obama,  
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## INTEREST OF AMICI CURIAE<sup>1</sup>

*Amici* have studied and published on parental and household distinctions and their association with child and young-adult developmental outcomes. *Amici's* expertise in these fields would assist the Court's consideration of the issues presented by these cases. *Amici* include (in alphabetical order):

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<sup>1</sup> No party's counsel authored the brief in whole or in part, and no one other than the amici curiae or their counsel contributed money that was intended to fund preparing or submitting the brief. This brief is filed with consent of all parties; thus no motion for leave to file is required. *See* Fed. R. App. P. 29(a).

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### **SUMMARY OF ARGUMENT**

A persistent claim by those supporting same-sex marriage is that there is “no difference” in the outcomes of children raised by a biological mother and father and those who have been raised by two women or two men. That claim is made by associations like the American Psychological Association (“APA”). But as recent scholarship indicates, the claim is difficult to support because nearly all of the studies upon which the “no difference” assertion is based are rather limited, involving non-random, non-representative samples, often with relatively few participants. Specifically, the vast majority of the studies were based on samples of fewer than 100 parents (or children), and typically representative only of well-educated, white women (parents), often with elevated incomes. These are hardly representative samples of the lesbian and gay population raising children, and therefore not a sufficient basis to make broad claims about child outcomes of same-sex parenting structures.

These and other methodological limitations make the APA's confident "no difference" conclusion suspect. The claim also contradicts longstanding research asserting the view that the ideal environment for raising children is a stable biological mother and father. The science on comparative parenting structures is relatively new, especially that concerning same-sex households. Therefore, a claim that another parenting structure provides the same level of benefit should be rigorously tested and based on sound methodologies and representative samples. Nearly all of the studies cited by the APA fail to meet those criteria.

Indeed, the only studies that were based on large, random, representative samples tended to reveal the opposite conclusion, finding significant differences in the outcomes of children raised by parents in a same-sex relationship and those raised by a married biological mother and father. What is clear is that much more study must be done on these questions. But there is no dispute that a biological mother and father provide, on average, an effective and proven environment for raising children. And it is reasonable to conclude that a mother and father function as a complementary parenting unit and that each tends to contribute something unique and beneficial to child development.

The States of Utah and Oklahoma thus have a rational interest in supporting that proven parenting structure by reserving the title and status of marriage to unions comprised of a man and a woman.

## ARGUMENT

### **I. Compelling Evidence Shows that Children Benefit from the Unique Parenting Contributions of Both Men and Women.**

It is a well-established and well-regarded sociological finding that “[c]hildren who grow up in a household with only one biological parent are worse off, on average, than children who grow up in a household with both of their biological parents . . . regardless of whether the resident parent remarries.” Sara McLanahan & Gary Sandefur, *Growing Up With a Single Parent: What Hurts, What Helps* 1 (1994); see also Wendy D. Manning & Kathleen A. Lamb, *Adolescent Well-Being in Cohabiting, Married, & Single-Parent Families*, 65 *J. Marriage & Fam.* 876, 890 (2003) (“The advantage of marriage appears to exist primarily when the child is the biological offspring of both parents.”); Kristen Anderson Moore, et al, *Marriage from a Child’s Perspective*, Child Trends Research Brief at 1-2 (2002) (“[I]t is not simply the presence of two parents . . . but the presence of two biological parents that seems to support children’s development.”).

Indeed, a few decades ago Justice William Brennan recognized what was likely considered a very unremarkable proposition when he stated that “the optimal situation for the child is to have both an involved mother and an involved father.” *Bowen v. Gilliard*, 483 U.S. 587, 614 (1987) (Brennan, J. dissenting). Experts have long contended that both mothers and fathers make unique contributions to



parenting. As sociologist David Popenoe explains, “[t]he burden of social science evidence supports the idea that gender-differentiated parenting is important for human development and that the contribution of fathers to childrearing is unique and irreplaceable.” David Popenoe, *Life Without Father: Compelling New Evidence that Fatherhood & Marriage are Indispensable for the Good of Children & Society* 146 (1996). Indeed, even Respondents’ expert, Professor Michael Lamb, advocated that same view prior to his advocacy for same-sex marriage, when he noted that “[b]oth mothers and fathers play crucial and qualitatively different roles in the socialization of the child.” Michael E. Lamb, *Fathers: Forgotten Contributors to Child Development*, 18 *Human Dev.* 245, 246 (1975).

Current research on the psycho-social development of children continues to affirm that the complementarity of an intact family, with a mother and a father serving unique relational roles, is optimal for a child’s healthy development. *See, e.g.*, Ruth Feldman, *Oxytocin and Social Affiliation in Humans*, 61 *Hormones & Behav.* 380-391 (2012) (noting the different roles that mothers and fathers play across species, the importance of those differences to human development, and suggesting that human oxytocin systems may account for the different yet complementary maternal and paternal functions). Indeed, in his testimony in the Proposition 8 trial, Dr. Lamb admitted he had previously stated that men and women are not “completely interchangeable with respect to skills and abilities” and

that “data suggests that the differences between maternal and paternal behavior are more strongly related to either the parents’ biological gender or sex roles, than to either their degree of involvement in infant care or their attitudes regarding the desirability of paternal involvement in infant care.” *Perry v. Schwarzenegger*, 704 F. Supp. 2d 921 (N.D. Cal. 2010), trial transcript at 1064 & 1068.

Dr. Lamb’s statement is consistent with a great deal of scholarship on the distinct ways in which separate maternal and paternal contributions promote positive child development outcomes. For example, distinctive maternal contributions are numerous and significant. The natural biological responsiveness of a mother to her infant fosters critical aspects of neural development and capabilities for interactivity in the infant brain.<sup>2</sup> Mothers are also able to extract the maximum return on the temporal investments of both parents in a two-parent home because mothers provide critical direction for fathers on routine caretaking activities, particularly those involving infants and toddlers. *See* Sandra L. Hofferth et al., *The Demography of Fathers: What Fathers Do*, in *Handbook of Father Involvement: Multidisciplinary Perspectives* 81 (Catherine Tamis-Lamonda &

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<sup>2</sup> *See* C.A. Nelson & M. Bosquet, *Neurobiology of Fetal and Infant Development: Implications for Infant Mental Health*, in *Handbook of Infant Mental Health* 37-59, (C.H. Zeanah Jr. ed., 2d ed. 2000); M. DeWolff & M. van Ijzendoorn, *Sensitivity and Attachment: A Meta-Analysis on Parental Antecedents of Infant Attachment*, 68 *Child Dev.* 571-91 (1997); M. Main & J. Solomon, *Discovery of an Insecure-Disorganized Disoriented Attachment Pattern*, in *Affective Development in Infancy* 95-124 (T.B. Brazelton & M.W. Yogman eds., 1986).

Natasha Cabrera eds., 2002); Scott Coltrane, *Family Man* 54 (1996). This direction is needed in part because fathers do not share equally in the biological and hormonal interconnectedness that develops between a mother and a child during pregnancy, delivery, and lactation.

In comparison to fathers, mothers generally maintain more frequent and open communication and enjoy greater emotional closeness with their children, in turn fostering a sense of security in children with respect to the support offered by the family structure. Ross D. Parke, *Fatherhood* 7 (Developing Child Series, Jerome Bruner et al. eds., 1996). Mothers' typical mode of parent-child play is predictable, interactive, and geared toward joint problem-solving, which helps children to feel comfortable in the world they inhabit. Eleanor Maccoby, *The Two Sexes* 266-67 (1998)<sup>3</sup>; see also Parke, *supra* at 5. Mothers also impose more limits and tend to discipline more frequently, albeit with greater flexibility when compared with fathers. Maccoby, *supra* at 273.

Mothers also uniquely play a greater role in cultivating the language and communication skills of their children. Parke, *supra* at 6. Mothers help children to understand their own feelings and respond to the feelings of others, in part by encouraging open discussion of feelings and emotions within the family unit. See

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<sup>3</sup> Professor Maccoby, who is a distinguished feminist psychologist at Stanford University and who championed the idea that sex differences were caused only by socialization, is now acknowledging the importance of biology in explaining sex differences in parenting. Maccoby, *supra* at 314.

Suzanne A. Denham et al., *Prediction of Externalizing Behavior Problems From Early to Middle Childhood: The Role of Parental Socialization and Emotion Expression*, in *Development and Psychopathology* 23-45 (2000); Maccoby, *supra* at 272. Active maternal influence and input is vital to the breadth and depth of children's social ties, and mothers play a central role in connecting children to friends and extended family. Paul R. Amato, *More Than Money? Men's Contributions to Their Children's Lives?*, in *Men in Families, When Do They Get Involved? What Difference Does It Make?* 267 (Alan Booth & Ann C. Crouter eds., 1998).

Fathers also make distinctive contributions to the upbringing of their children, and positive paternal contributions play a key role in avoiding a variety of negative outcomes that arise with greater frequency in homes where a father is not present. Having a father is associated with an increase in positive outcomes for children in domains such as education, physical health, and the avoidance of juvenile delinquency. McLanahan & Sandefur, *supra* (1994); Greg Duncan & Jeanne Brooks-Gunn, *Consequences of Growing Up Poor* (1999). As Professor Norval Glenn explains, "there are strong theoretical reasons for believing that both fathers and mothers are important, and the huge amount of evidence of relatively poor average outcomes among fatherless children makes it seem unlikely that these outcomes are solely the result of the correlates of fatherlessness and not of

fatherlessness itself.” Norval D. Glenn, *The Struggle for Same-Sex Marriage*, 41 Soc’y 27 (2004).

Fathers engage proactively in spontaneous play with their children, and “children who roughhouse with their fathers . . . quickly learn that biting, kicking, and other forms of physical violence are not acceptable.” Popenoe, *supra* at 144. A study conducted by developmental psychologist Daniel Paquette found that fathers are also more likely to supervise children at play while refraining from intervention in the child’s activities, a pattern that stimulates “exploration, controlled risk-taking, and competition.” Daniel Paquette & Mark Bigras, *The Risky Situation: A Procedure for Assessing the Father-Child Activation Relationship*, 180 Early Childhood Dev. & Care 33-50 (2010).<sup>4</sup> Boys who do not regularly experience the love, discipline, and modeling of a good father are more likely to engage in what is called “compensatory masculinity” where they reject and denigrate all that is feminine and instead seek to prove their masculinity by engaging in domineering and violent behavior. Popenoe, *supra* at 157.

Paternal modes of play activity are only one example of the ways in which fathers encourage their children to take risks. Compared to mothers, fathers are more likely to encourage children to try new things and to embrace novel situations and challenges. *See* Parke, *supra* at 6. One study summarized this aspect of

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<sup>4</sup> *See* <http://www.msnbc.msn.com/id/37741738> (last visited January 25, 2012).

paternal input and observed that “[f]athers, more than mothers, conveyed the feeling that they can rely on their adolescents, thus fathers might provide a ‘facilitating environment’ for adolescent attainment of differentiation from the family and consolidation of independence.” Shmuel Shulman and Moshe M. Klein, *Distinctive Role of the Father in Adolescent Separation-Individuation*, 62 *New Dir. Child & Adolesc. Dev.* 41, 53 (1993).

Fathers also tend to utilize a different discipline style than mothers, in that they discipline with less frequency, but greater predictability and less flexibility in terms of deviating from pre-determined consequences for particular behavior. *See* Thomas G. Powers et al., *Compliance and Self-Assertion: Young Children’s Responses to Mothers Versus Fathers*, 30 *Dev. Psychol.* 980-89 (1994). Children respond differently to paternal discipline, and are comparatively more likely to resist maternal commands and comply with paternal requests. Maccoby, *supra* at 274-75. This may be one reason why a number of studies have found that paternal influence and involvement plays an outsized role in preventing adolescent boys from breaking the law, and lowering the odds that a teenage girl will become pregnant. *See, e.g.*, Paul R. Amato & Fernando Rivera, *Paternal Involvement and Children’s Behavior Problems*, 61 *J. Marriage & Fam.* 375-84 (1999) (finding that paternal involvement is linked to lower levels of delinquency and criminal activity, even after controlling for maternal involvement); Mark D. Regnerus & Laura B.



Luchies, *The Parent-Child Relationship and Opportunities for Adolescents' First Sex*, 27 J. Fam. Issues 159-83 (2006) (study of 2000 adolescents noted that father-daughter relationship, rather than mother-daughter relationship, was an important predictor of whether and when adolescent girls transitioned to sexual activity); *see also* W. Brad Wilcox, et al., *Why Marriage Matters: Twenty-Six Conclusions from the Social Sciences*, 14, 22-23 (3d ed. 2011) (discussing evidence suggesting that female sexual development is slowed by early childhood exposure to pheromones of biological father, and accelerated by regular early childhood exposure to pheromones of adult male who is not child's biological father).

As President Obama has noted:

We know the statistics—that children who grow up without a father are five times more likely to live in poverty and commit crime; nine times more likely to drop out of schools, and twenty times more likely to end up in prison. They are more likely to have behavioral problems, or run away from home or become teenage parents themselves. And the foundations of our community are weaker because of it.

Barack Obama, Statement at Apostolic Church of God (June 15, 2008)<sup>5</sup>; *see also* James Q. Wilson, *The Marriage Problem* 169 (2002) (“The weight of scientific evidence seems clearly to support the view that fathers matter.”).

In sum, a substantial body of evidence exists documenting that both mothers and fathers make unique contributions to a child's development. Same-sex

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<sup>5</sup> Available at [http://www.realclearpolitics.com/articles/2008/06/obamas\\_speech\\_on\\_fatherhood.html](http://www.realclearpolitics.com/articles/2008/06/obamas_speech_on_fatherhood.html) (last visited January 25, 2013).

parenting structures, by definition, exclude either a mother or a father. Certainly same-sex couples, like other parenting structures, can make quality and successful efforts in raising children. That is not in question. But the social science evidence, especially evidence founded on conclusions from population-based samples, suggests that there remain unique advantages to a parenting structure consisting of both a mother and a father, political interests to the contrary notwithstanding. Therefore it remains rational for government to provide distinctive recognition and incentive to that proven parenting structure through the status of marriage.

**II. The Claim of “No Difference” In Outcomes of Children Raised By Gay and Lesbian Parents and Intact Biological Parents Is Empirically Undermined by Significant Methodological Limitations.**

Decades of study on various other parenting structures yield the near uniform conclusion that a biological mother and father provide optimal child outcomes. Mark Regnerus, *How Different Are the Adult Children of Parents Who Have Same-Sex Relationships? Findings from the New Family Structures Study*, 41 Soc. Sci. Research 752, 763 (2012) [hereinafter *How Different?*]. So the claim that another parenting relationship produces child outcomes just as good as (or even better than) intact biological parents is a surprising proposition, to say the least,

and one that must be rigorously tested (and until then, viewed with healthy suspicion).<sup>6</sup>

A closer examination of the studies purporting to show no difference between same-sex parenting and parenting by biological parents suggests that they cannot bear the weight that advocates place on them. Most striking is that all but one failed to involve a large, random, representative sample of the population. While this can be attributed to the fact that such a sample is difficult to locate randomly, it nevertheless ought to raise concern when they are used to support broad public policy changes, like those at issue in this case. In short, it is faulty to credibly, much less confidently, claim “no difference” with such thin support.

The Eleventh Circuit has recognized these limitations in the research on gay and lesbian parenting, noting “significant flaws in the studies’ methodologies and conclusions, such as the use of small, self-selected samples; reliance on self-report

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<sup>6</sup> Although outcomes of children raised by adoptive parents are often positive, outcomes for those children are not typically as positive as children raised by biological parents in an intact marriage, despite the rigorous screening process that adoption entails. Regnerus, *How Different?*, *supra* at 754-55 (“[S]tudies of adoption—a common method by which many same-sex couples (but more heterosexual ones) become parents—have repeatedly and consistently revealed important and wide-ranging differences, on average, between adopted children and biological ones. In fact, these differences have been so pervasive and consistent that adoption experts now emphasize that ‘acknowledgement of difference’ is critical for both parents and clinicians when working with adopted children and teens.” (citing Brent Miller et al., *Comparisons of Adopted and Non-Adopted Adolescents In A Large, Nationally Representative Sample*, 71 *Child Dev.* 1458 (2000)).

instruments; politically driven hypotheses; and the use of unrepresentative study populations consisting of disproportionately affluent, educated parents.” *Lofton v. Sec’y of the Dep’t of Children and Family Servs.*, 358 F.3d 804, 825 (11th Cir. 2004).

**A. The APA studies are based on small sample sizes.**

Most of the studies that the APA relies on to support its no-difference conclusion “are based on small, non-representative, convenience samples of fewer than 100 participants.” Loren D. Marks, *Same-Sex Parenting and Children’s Outcomes: A Closer Examination of the American Psychological Association’s Brief on Lesbian and Gay Parenting*, 41 Soc. Sci. Res. 735, 736-38 (2012); see also Douglas W. Allen et al., *Nontraditional Families and Childhood Progress Through School: A Comment on Rosenfeld*, Demography November 2012, <http://link.springer.com/article/10.1007/s13524-012-0169-x/fulltext.html>

[hereinafter *Comment on Rosenfeld*] (“Although there has been considerable research on the effect of family structure on child outcomes, almost none of the research using nationally representative samples has included same-sex parents as part of the analysis.”).

The hallmark of a rigorous study is a large, representative pool of participants drawn from a population-based random sample. Regnerus, *How Different?*, *supra* at 754 (2012). Indeed, it is very difficult to draw reliable

conclusions from the data used in small samples because the conclusions from such limited studies cannot be confidently extrapolated to the general population and the risk of erroneously attributing statistical insignificance to between-group comparisons (that is, mistakenly concluding there are no differences between groups) is high. Marks, *supra* at 736. “Even analyzing matched samples, as a variety of studies have done, fails to mitigate the challenge of locating statistically-significant differences when the sample size is small. This is a concern in all social science, but one that is doubly important when there may be motivation to confirm the null hypothesis (that is, that there are in fact no statistically-significant differences between groups).” Regnerus, *How Different?*, *supra* at 754.

Because of the small sample sizes in these studies, expected differences in children raised by biological and non-biological parents could not be measured in a meaningful way. For example, it is well established that having a stepfather in the home tends on average to result in less optimal child outcomes. Mark V. Flinn et al., *Fluctuating Asymmetry of Stepchildren*, 20 *Evol. Hum. Behav.* 465 (1999) (“In summary, the absence of a genetic relationship between stepchildren and stepparents may affect the quality and quantity of care—including specific behaviors that affect nutrition, sleep routines, hygiene, medical attention, work loads, instruction, comforting, protection and so forth—with consequent affect on growth.”); Marilyn Coleman et al., *Reinvestigating Remarriage: Another Decade*

*of Progress*, 62 J. Marriage & Fam. 1288, 1293 (2000) (“[M]ost researchers reported that stepchildren were similar to children living with single mothers on the preponderance of outcome measures and that step-children generally were at a greater risk for problems than were children living with both of their parents.”). That is relevant for the matter at hand, since every child in a “planned” gay or lesbian family has at least one nonbiological “step” parent. But because of the small sample sizes of same-sex parents represented in the studies (and especially of gay fathers), these outcome differences have not often surfaced (or even been evaluated), raising additional questions about the reliability of the studies purporting to show no differences. Alternately, comparisons are most often made between children in heterosexual stepfamilies and those in gay unions, which overlook the general consensus about the importance of two biological connections to begin with.

Even one of the larger studies that the APA cites, but does not discuss, showed significant outcome differences between children raised by same-sex parents and those raised by biological parents in an intact relationship. “Overall, the study has shown that children of married couples are more likely to do well at school in academic and social terms, than children of cohabiting and homosexual couples.” Marks, *supra* at 742-43 (quoting S. Sarantokas, *Children In Three Contexts: Family, Education, and Social Development*, 21 Children Australia 23



(1996), and describing the study's findings in detail, its comparative statistical strength, and the APA's puzzling de-emphasis of it).

**B. The APA's studies are largely based on homogeneous samples.**

Not only are most of the studies claiming no differences in same-sex parenting based on small sample sizes, they also tend to draw upon "homogeneous samples of privileged lesbian mothers to represent all same-sex parents." Marks, *supra* at 739. For example, many of the studies cited by the APA include no minorities with samples predominantly composed of white, well-educated, middle- to upper-class women. *Id.* at 738. As one study candidly acknowledged, "the study sample was small and biased toward well-educated, white women with high incomes. These factors have plagued other [same-sex parenting] studies, and remain a concern of researchers in this field." *Id.* (quoting Laura Lott-Whitehead and Carol T. Tully, *The Family Lives of Lesbian Mothers*, 63 *Smith Coll. Studies Soc. Work* 275 (1993)); *see also* C.J. Patterson, *Children of Lesbian and Gay Parents*, 63 *Child Dev.* 1025, 1029 (1992) ("Despite the diversity of gay and lesbian communities, both in the United States and abroad, samples of children [and parents] have been relatively homogenous . . . . Samples for which demographic information was reported have been described as predominantly Caucasian, well-educated, and middle to upper class.").

And very few of the APA-cited studies on same-sex parenting analyzed the outcomes of children raised by gay fathers. Only eight of the fifty-nine cited studies included gay fathers, and only four of those included a heterosexual comparison group. Marks, *supra* at 739. “Systematic research has so far not considered developmental outcomes for children brought up from birth by single gay men or gay male couples (planned gay father families), possibly because of the difficulty of locating an adequate sample.” Fiona Tasker, *Lesbian Mothers, Gay Fathers and Their Children: A Review*, 26 Dev. & Behav. Pediatr. 224, 225 (2005).

**C. Most of the samples in the APA-cited studies relied on non-random, convenience sampling.**

It is not surprising that the samples in these studies are so homogenous, given that most of the people in them were recruited by use of non-random, convenience (snowball) sampling. Regnerus, *How Different?*, *supra* at 753 (2012). For example, one data-collection effort that has been the subject of at least 19 different peer-reviewed publications to date “recruited entirely by self-selection from announcements posted ‘at lesbian events, in women’s bookstores, and in lesbian newspapers’ in Boston, Washington, and San Francisco.” *Id.* This method of recruitment was common among the APA-cited studies. *Id.* Such “snowball sampling is known to have some serious problems” because it is impossible to generalize the findings of such a specific subgroup to the general population. *Id.*

(quoting Tom A. Snijders, *Estimation on the Basis of Snowball Samples*, 36 *Bulletin de Methodologie Sociologique* 59 (1992)).

In short, because such studies' samples are garnered from people who have a great deal in common with each other, how well their findings characterize a broader population of gay families remains unknown. "By their own reports, social researchers examining same-sex parenting have repeatedly selected small, non-representative, homogeneous samples of privileged lesbian mothers to represent all same-sex parents." Marks, *supra* at 739; *see also* Walter R. Schumm, *What Was Really Learned From Tasker & Golombok's (1995) Study of Lesbian & Single Parent Mothers?*, 95 *Psych. Reports* 422, 423 (2004) ("[O]ne has to be very careful in interpreting research on homosexual issues and be wary of outcomes when samples are very small and often nonrandom, so the null hypothesis is not rejected but is used for political purposes as if a meaningful result had been obtained"). Other research has likewise found that studies purporting to show no difference between children raised by same-sex couples and those raised by married mothers and fathers share these significant limitations.<sup>7</sup>

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<sup>7</sup> One of the most extensive critiques of the research was offered by Professor Steven Lowell Nock of the University of Virginia. Nock Aff., *Halpern v. Attorney General of Canada*, Case No. 684/00 (Ontario Sup. Ct. Justice 2001), available at [http://marriagelaw.cua.edu/Law/cases/Canada/ontario/halpern/aff\\_nock.pdf](http://marriagelaw.cua.edu/Law/cases/Canada/ontario/halpern/aff_nock.pdf). *See also* Glenn, *supra* at 26-27; Schumm, *supra* at 423; Robert Lerner & Althea K. Nagai, *No Basis: What the Studies Don't Tell Us About Same-Sex Parenting* (Marriage Law Project, 2001).

If these studies were being employed to shed light on the outcomes of children raised by highly educated and affluent middle to upper class white women, their conclusions would have merit. But the studies ought not be generalized to the childhood and adolescent experiences of the wide spectrum of gay and lesbian parents, since gay and lesbian parents are, in reality, economically, racially, and socially far more diverse than those studies imply.

The issue is further complicated by the political climate surrounding this issue. “Given the widespread support for same-sex marriage among social and behavioral scientists, it is becoming politically incorrect in academic circles even to suggest that arguments being used in support of same-sex marriage might be wrong.” Glenn, *supra* at 25; *see also* Judith Stacey & Timothy Biblarz, (*How Does the Sexual Orientation of Parents Matter?*, 66 *American Sociol. Rev.* 159, 161 (2001) (“[T]oo many psychologists who are sympathetic to lesbigay parenting seem hesitant to theorize at all” and are apt to “downplay the significance of any findings of differences.”).

Given such limitations characteristic of a youthful domain of inquiry, the vast majority of the studies relied upon by the APA for its general claim that there is no difference in outcomes of children raised by gay and lesbian parents and those raised by heterosexual parents are poorly poised to address the broad propositions asserted in this case.

### **III. The Largest Population-Based Studies Do Not Confirm the “No Differences” Conclusion About Child Outcomes Among Same-Sex Parents.**

Recent research using larger, randomly selected, nationally representative samples suggests that there are significant differences in the outcomes of children raised by parents who have had a same-sex relationship and children raised by intact biological parents. This research, called the New Family Structures Study (NFSS), was conducted on young adults with a very large sample size of nearly 3,000 participants, which comprised a racially, socioeconomically, and geographically diverse group that reflects the diversity noted in demographic mappings of the gay and lesbian population in America. Regnerus, *How Different?*, *supra* at 755, 757. The study surveyed adults aged 18-39 who reflected on their parent(s)’ past same-sex relationship behavior, which occurred as recently as a few years ago or as far back as 30 or more years.<sup>8</sup> Among that sample, 175 people reported living with a mother who was (and may still be) in a same-sex romantic relationship, and 73 who had reported living with a father who had been in a same-sex romantic relationship.

The study looked at “social behaviors, health behaviors, and relationships” comparing child outcomes (as reported by the adult children in the study rather

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<sup>8</sup> The NFSS may best capture what might be called an “earlier generation” of children of same-sex parents, and includes among them many who witnessed a failed heterosexual union.

than by those who raised them) among various groups, including married biological parents, stepparents, single parents, and parents who had been in a same-sex romantic relationship, among other types of families. “When compared with children who grew up in biologically (still) intact, mother-father families, the children of women who reported a same-sex relationship look markedly different on numerous outcomes, including many that are obviously suboptimal (such as education, depression, employment status, or marijuana use).” *Id.* at 764. Specifically, some of the statistically significant differences where adult children who reported living in a household with their mother and her partner for at least some period of time (“MLR” for mother in a lesbian relationship) fared worse than children raised by intact biological parents (“IBF” for intact biological family) included:

- cohabitation (9% of the IBF and 27% of the MLR group),
- receiving welfare while growing up (17% of the IBF and 70% of the MLR group),
- currently receiving public assistance (10% of the IBNF and 49% of the MLR group),
- current full-time employment status (49% of the IBF and 17% of the MLR group),
- current unemployment (8% of the IBF and 40% of the MLR group),
- having an affair while married or cohabitating (13% of the IBF and 38% of the MLR group),
- having been touched sexually by a parent or other adult caregiver (2% of the IBF and 26% of the MLR group), and
- having been forced to have sex against their will (8% of the IBF and 27% of the MLR group).



Mark Regnerus, *Parental Same-Sex Relationships, Family Instability, and Subsequent Life Outcomes for Adult Children: Answering Critics of the New Family Structures Study with Additional Analysis*, 41 Soc. Sci. Res. 1367, 1372-74 (2012) [hereinafter *Parental Same-Sex Relationships*]; see also Douglas W. Allen, *High school graduation rates among children of same-sex households*, Rev. Econ. Household, Sept. 2013 (“Children living with gay and lesbian families in 2006 were about 65% as likely to graduate compared to children living in opposite sex marriage families.”).

Because of the smaller sample size for fathers who have had gay relationships, there were not as many significant findings as compared to mothers who have had lesbian relationships. However, adult children of fathers who are or have been in a same-sex relationship “are more apt than [adult children raised by intact biological parents] to smoke, have been arrested, pled guilty to non-minor offenses, and report more numerous sex partners.” Regnerus, *How Different?*, *supra* at 764. The study’s author asserts that the study is not poised to assess causation or definitively answer political questions. Indeed, the suboptimal outcomes may not be due to the sexual orientation or sexual behavior of the parent. Rather, the author simply asserts that the groups display numerous, notable distinctions, the exact sources of which would be difficult if not impossible to adequately sequester.

When the NFSS-based study was released in summer 2012, it initiated much heated discussion about same-sex parenting, and encountered widespread criticism and a level of scrutiny unusual for a published sociological study based on nationally-representative data. Regnerus, *Parental Same-Sex Relationships*, *supra* at 1367. One of the most frequent criticisms by supporters of same-sex marriage was that the study compared “apples to oranges,” by comparing the numerous adult children of stably intact biological parents with both adult children whose mother or father left a heterosexual union for a same-sex one, and the rare scenarios in which children were raised consistently and stably in a same-sex household. *Id.*

But as the author’s follow-up study noted, that criticism is unfair for at least two reasons. First, “if stability is a key asset for households with children, then it is sensible to use intact biological families in any comparative assessment.” *Id.* at 1368. Indeed, part of the problem of nearly all previous studies is that they seldom included a married biological family control group. *Id.* at 1368-69. Second, the fact that most of the same-sex households were at some point unstable raises the question of whether stable same-sex households were genuinely undercounted in the study, or whether same-sex relationships were more short-lived. *Id.* The last scenario is possible, if not probable, given other research on the comparative volatility of lesbian relationships.

A study of Norwegian and Swedish same-sex marriages notes that divorce risk is higher in same-sex marriages and that the ‘risk of

divorce for female partnerships actually is more than twice that for male unions'. Moreover, early same-sex marriages—those occurring shortly after a shift in marriage law—exhibited a similar risk of divorce as did more recent unions, suggesting no notable variation in instability over time as a function of new law or pent-up demand among more stable, longstanding relationships. **The study authors estimate that in Sweden, 30% of female marriages are likely to end in divorce within 6 years of formation, compared with 20% for male marriages and 13% for heterosexual ones.**

*Id.* at 1370 (emphasis added) (quoting Gunnar Anderson et al., *The Demographics of Same-Sex Marriages In Norway and Sweden*, 43 *Demography* 79, 89 (2006)).

Other studies show similar instability, especially among lesbian couples. *Id.* While gay men's relationships appear more stable than lesbian relationships, they are less likely to be monogamous. *Id.* (citing Colleen Hoff & Sean Beougher, *Sexual Agreements Among Gay Male Couples*, 39 *Arch. Sex. Beh.* 774 (2010)).

An important, unanswered question then is whether the NFSS-based study randomly undercounted stable same-sex parenting relationships, or whether its small number of such stable relationships (a) was a product of an earlier era exhibiting a poorer social climate for same-sex households, or (b) reflects possible greater instability in same-sex parenting relationships, thus limiting their easy location via random sampling. Whatever the answer, and it is empirically unknown, what is clear is that there remains much to be studied in this domain, and hence confident assertions of “no difference” ought to be viewed with suspicion. As the study author indicated,

Perhaps in social reality there are really two ‘gold standards’ of family stability and context for children’s flourishing—a heterosexual stably-coupled household and the same among gay/lesbian households—but no population-based sample analysis is yet able to *consistently confirm wide evidence* of the latter. Moreover, a stronger burden of proof than has been employed to date ought to characterize studies which conclude ‘no differences’, especially in light of longstanding reliance on nonrandom samples of unknown bias and the high risk of making [significant] errors in small-sample studies. Simply put, the science here is young. Until much larger random samples can be drawn and evaluated, the probability-based evidence that exists suggests that the biologically-intact two-parent household remains an optimal setting for long-term flourishing of children.

*Id.* at 1377 (citations omitted); *see also* Walter R. Schumm, *Methodological Decisions and the Evaluation of Possible Effects of Different Family Structures on Children: The New Family Structures Survey*, 41 Soc. Sci. Research 1357-66 (2012) (validating methodological decisions made in New Family Structures Study, and noting similar decisions in other large-scale surveys).

Other population-based studies have similarly identified better outcomes for children raised by a biological mother and father than other parenting structures. In his assessment of group differences in academic progress through school, Rosenfeld noted no differences in school progress for children raised by same-sex parents. Michael J. Rosenfeld, *Nontraditional Families and Childhood Progress Through School*, 47 Demography 755 (2010). However, a reanalysis of his high-quality, Census-based sample—this time including the children of all couples, not just those who were residentially stable for at least five years—revealed that

“children being raised by same-sex couples are 35% less likely to make normal progress through school.” Douglas W. Allen et al., *Comment On Rosenfeld* (noting findings that “are strikingly different from those of the original [Rosenfeld] study”). Thus the original “no differences” conclusion may be a result of dropping more unstable households from his analytic sample. While the Census is optimal for a comparison of same-sex and opposite-sex couples, it is not poised to assess the households of gay or lesbian single parents, since the Census does not ask questions about sexual orientation.

Indeed, no existing study yet bears the ability to randomly compare large numbers of children raised by gay couples with the same among heterosexual couples over a long period of time. The social science of same-sex parenting structures remains young, and subject to significant limitations about what can be known, given that the influence of household structures and experiences on child outcomes is not a topic for experimental research design. But those analyses that employ large, population-based samples continue to document differences, in contrast to contrary scholarly claims. With so many significant outstanding questions about whether children develop as well in same-sex households as in opposite-sex households, it remains prudent for government to continue to recognize marriage as a union of a man and a woman, thereby promoting what is known to be an ideal environment for raising children.

## CONCLUSION

Marriage is the legal means by which children are stably united with their biological mothers and fathers and poised for optimal development. Opposite-sex parenting allows children to benefit from distinctive maternal and paternal contributions. Given these facts, safeguarding marriage is a liberty to be accorded to children at least as much as to their parents.

Thus, *Amici* respectfully request that the Court reverse the lower court decisions.

Dated: February 10, 2014.

Respectfully submitted,

*s/ David C. Walker*

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## CERTIFICATE OF COMPLIANCE WITH RULE 32(A)

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Dated: February 10, 2014.

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I hereby certify that on February 10, 2014, I electronically filed the foregoing using the Court's CM/ECF system, which will send notification of such filing to the following:

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I hereby certify that:

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Dated: February 10, 2014.

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# EXHIBIT 23

# Child **TRENDS** RESEARCH BRIEF

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## *Marriage from a Child's Perspective: How Does Family Structure Affect Children, and What Can We Do about It?*

By Kristin Anderson Moore, Ph.D., Susan M. Jekielek, M.A., and Carol Emig, M.P.P. June 2002

**O***verview* Policies and proposals to promote marriage have been in the public eye for several years, driven by concern over the large percentages of American children growing up with just one parent.

*The Bush Administration has proposed improving children's well-being as the overarching purpose of welfare reform, and its marriage initiative is one of its chief strategies for doing so. In this context, what does research tell us about the effects of family structure – and especially of growing up with two married parents – on children?*

*This brief reviews the research evidence on the effects of family structure on children, as well as key trends in family structure over the last few decades. An extensive body of research tells us that children do best when they grow up with both biological parents in a low-conflict marriage. At the same time, research on how to promote strong, low-conflict marriages is thin at best. This brief also discusses promising strategies for reducing births outside of marriage and promoting strong, stable marriages.*

***This brief is one of a series prepared by researchers at Child Trends to help inform the public debate surrounding this year's reauthorization of the Temporary Assistance for Needy Families (TANF) block grant, the centerpiece of the 1996 welfare law.***

### **Family Structure and Child Well-Being**

Research findings linking family structure and parents' marital status with children's well-being are very consistent. The majority of children who are not raised by both biological parents manage to grow up without serious problems, especially after a period of adjustment for children whose parents divorce.<sup>1</sup> Yet, on average, children in single-parent families are more likely to have problems than are children who live in intact families headed by two biological parents.

Children born to unmarried mothers are more likely to be poor, to grow up in a single-parent family, and to experience multiple living arrangements during childhood. These factors, in turn, are associated with lower educational attainment and a higher risk of teen and nonmarital childbearing.<sup>2</sup>

Divorce is linked to academic and behavior problems among children, including depression, antisocial behavior, impulsive/hyperactive behavior, and school behavior problems.<sup>3</sup> Mental health problems linked to marital disruption have also been identified among young adults.<sup>4</sup>

Children growing up with stepparents also have lower levels of well-being than children growing up with biological parents.<sup>5</sup> Thus, it is not simply the presence of two parents, as some have assumed, but the presence of



*two biological parents* that seems to support children's development.

Of course, the quality of a marriage also affects children. Specifically, children benefit from a low-conflict marriage. Children who grow up in an intact but high-conflict marriage have worse emotional well-being than children whose parents are in a low-conflict marriage.<sup>6</sup> Indeed, domestic violence can be very destructive to children's development.<sup>7</sup>

Although research is limited, when researchers have compared marriage to cohabitation, they have found that marriage is associated with better outcomes for children. One reason is that cohabiting unions are generally more fragile than marriage. This fragility means that children born to unmarried, cohabiting parents are likely to experience instability in their living arrangements, and research shows that multiple changes in family structure or living arrangements<sup>8</sup> can undermine children's development.<sup>9</sup>

Thus research clearly finds that different family structures can increase or decrease children's risk of poor outcomes, for a variety of reasons. For example, families are more likely to be poor or low-income if they are headed by a single parent. Beyond this heightened risk of economic deprivation, the children in these families have poorer relationships with their parents, particularly with their biological father, and receive lower levels of parental supervision and monitoring.<sup>10</sup> In addition, the conflict surrounding the demise and breakup of a marriage or relationship can be harmful to children.

## **Trends in Family Structure and Children's Living Arrangements**

Given these consequences for children, it is a source of concern that an increasing percentage of children have been growing up with just one parent over recent decades. This circumstance has occurred for a variety of reasons, including

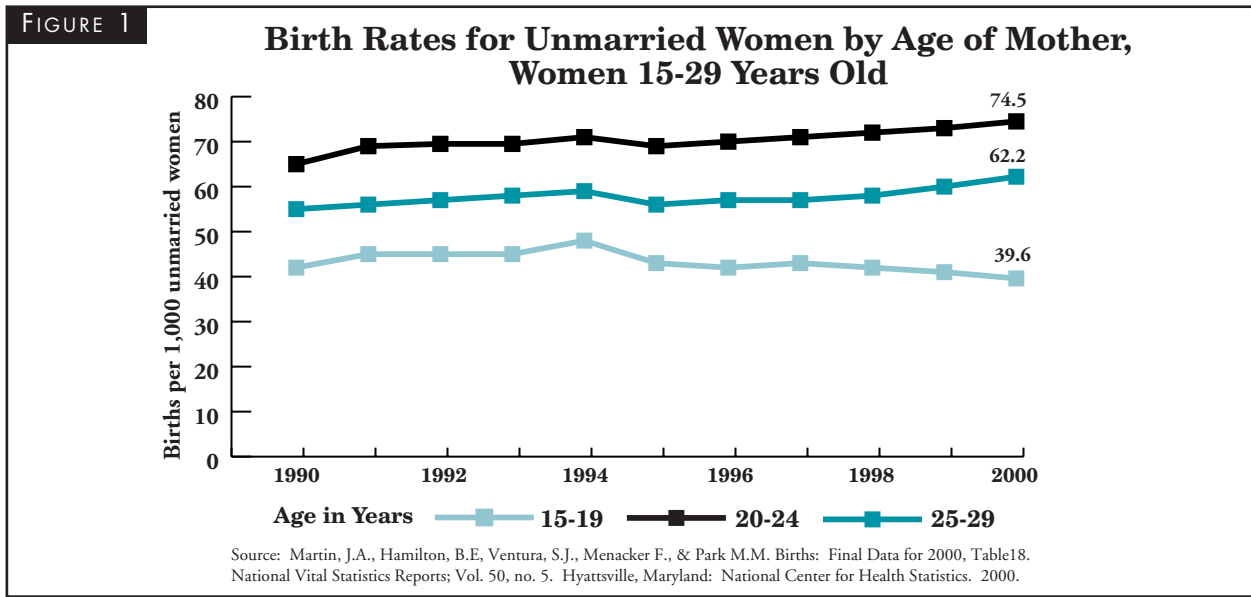
rising rates of divorce, nonmarital childbearing, and cohabitation.

**Rising divorce rates accounted for the initial increase in single parenthood during the latter half of the twentieth century.** Single-parent families formed by widowhood were the initial impetus for providing welfare and Social Security benefits for children in the 1930s. In the 1970s, however, divorce began to supplant widowhood as the primary cause of single-parent families.<sup>11</sup> Divorce rates continued to increase into the 1970s and early 1980s, before stabilizing and then declining in the late 1980s and 1990s.<sup>12</sup>

**Births to unmarried women increased steadily during the post-war decades, accelerating in the 1980s.** This trend also contributed to an increase in single parenthood. Over the last 40 years, an historic shift occurred in the percentage of children living with a parent who has never married. In the early 1960s, less than 1 percent of children lived with a parent who had never married. By 2000, nearly one in ten children lived with a never-married parent.<sup>13</sup> In addition, today nearly one-third of all births occur to unmarried women (including never-married, divorced, and widowed women), accounting for more than a million births annually.<sup>14</sup>

Contrary to popular perceptions, teenagers account for less than three in ten nonmarital births, with women in their twenties accounting for more than half.<sup>15</sup> Moreover, nonmarital births are not all first births. Only about half of all nonmarital births in 1998 were first births,<sup>16</sup> and more than one-third of unmarried mothers already have children by an earlier partner.<sup>17</sup>

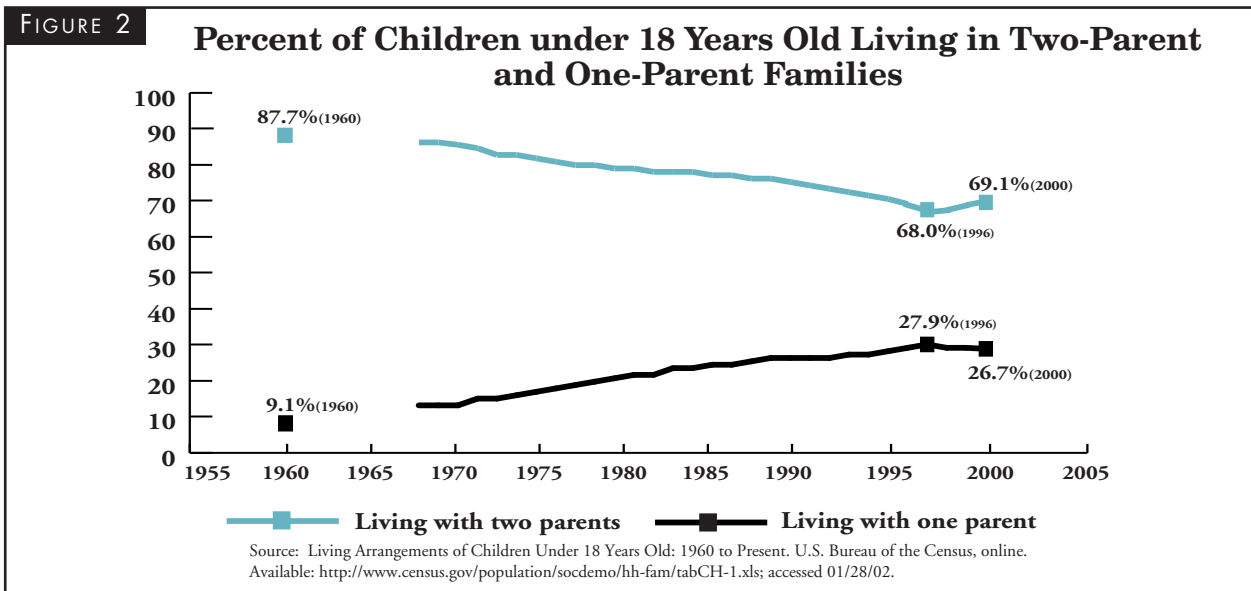
Recent data indicate that the nonmarital birth rate stabilized during the late 1990s. While this development has been hailed as good news, a closer examination of the data reveals a more complex picture. The overall decline in the nonmarital birth rate has been driven by declining



birth rates among teens. Among women in their twenties, the nonmarital birth rate continued to increase in the late 1990s<sup>18</sup> (see Figure 1).

**Cohabitation has increased markedly over the last several decades.** An unmarried parent is not necessarily a parent without a partner. The increase in families headed by a never-married parent has been driven by a dramatic increase in cohabiting couples – men and women who, while not legally married, nevertheless live together in a marriage-like relationship. And many of these couples have children. The percentage of adults who have ever cohabited jumped from 33 percent in 1987 to 45 percent in 1995, for example.<sup>19</sup>

**The proportion of children living with two parents declined for several decades but has recently increased slightly.** The percentage of children in the United States living with two parents decreased from about 88 percent in 1960 to 68 percent in 1996<sup>20</sup> (see Figure 2). There is some indication that this trend might be reversing, as the percentage of children living with two parents increased slightly to 69.1 percent by the year 2000, and the percentage of children living with just one parent decreased from 27.9 percent in 1996 to 26.7 percent in the year 2000.<sup>21</sup>



Trend data are less available on whether or not children in two-parent families are living with both biological parents or in a stepfamily. Recent data indicate that slightly less than two-thirds of all children live with both biological parents (63.6 percent in 1999, according to data from the National Survey of America's Families).<sup>22</sup>

**Welfare reform is only one factor that might explain the slight decrease in the percent of children living with only one parent.** The teen birth rate has been declining since 1991, when it was at its peak, and the nonmarital birth rate has been relatively stable since 1994. Also, low levels of unemployment and the generally strong economy that characterized much of the late 1990s probably made many men more attractive marriage partners. These same factors may have increased women's economic independence, however, lessening their financial "need" to marry. Also, changes in the Earned Income Tax Credit have increased family incomes, but the marriage penalty may discourage marriage. Rising male incarceration rates have also been cited as contributing to a diminished pool of "marriageable" men.<sup>23</sup>

Thus welfare reform is one of many factors that may be contributing to changes in family structure, but it is not the only or even the most important factor. Also, researchers will need to follow this trend over time to determine whether this recent, slight decline of children living in single-parent families will continue.

## Promoting Healthy Marriages and Reducing Nonmarital Childbearing

While research clearly indicates that children benefit from growing up with both biological parents in a low-conflict marriage, there has been very little rigorous research on how to promote and sustain healthy marriages. This is particularly the case for disadvantaged populations, such as parents likely to be affected by welfare reform.

Approximately eight in ten pregnancies to teens and never-married adults are unintended at the time of conception,<sup>24</sup> and 63 percent of pregnancies to formerly-married adults are unintended.<sup>25</sup> Helping couples avoid unintended pregnancies is therefore one logical strategy for increasing the likelihood that children are born to two married parents who are ready to assume the responsibilities of parenthood. However, while there is a growing knowledge base about how to discourage teen childbearing, there is not yet an equivalent body of research about how to reduce births outside of marriage by adult partners.

**Preventing Teen Pregnancy.** Several pregnancy prevention programs targeted at teens have been shown to be effective.<sup>26</sup> While purely informational sex education does not seem to change sexual behavior, education about pregnancy, contraception, and sexually transmitted diseases is more effective when it meets certain criteria: it is focused on specific behaviors; it is based on theory; it gives a clear message; it provides basic, accurate information; it includes activities, participant involvement models, and practice; it uses a variety of teaching methods; it helps teens develop communication skills; it uses trained staff; and it uses approaches appropriate for the age, culture, and experience of its students.<sup>27</sup>

In addition, programs that combine youth development and sexuality education, and service learning approaches that provide a sense of connectedness and positive alternatives – such as the Children's Aid Society program in New York City – have reduced adolescent sexual activity or childbearing in a number of sites. A similar result is associated with two high-quality early childhood intervention programs, notably the Abecedarian program, which operated in North Carolina, and the High/Scope Perry Preschool Project of Ypsilanti, Michigan.<sup>28</sup> In light of this evidence and strong public consensus for reducing teen childbearing, policy attention to such approaches for preventing teen pregnancy are likely to be fruitful.<sup>29</sup>

**Preventing Nonmarital Childbearing among Adults.** The majority of births outside of marriage are to adults ages 20 and over, not teens. At this point, though, other than providing contraceptive services, little is known about how to reduce nonmarital pregnancy among adults. Accordingly, it seems prudent to conduct studies of varied approaches to reduce sexual risk-taking, build relationships, and increase contraceptive use among couples older than twenty, as well as among teens.

**Helping Unmarried Parents to Marry.** Nearly half of all the births that take place outside of marriage occur to cohabiting couples,<sup>30</sup> making them a likely target of opportunity for marriage promotion efforts. Although many cohabiting couples have one or more children, the families they form are often fragile, with less than half of these relationships lasting five years or more.<sup>31</sup> Another kind of fragile family structure is what social scientists call a “visiting relationship.”<sup>32</sup> This refers to an unmarried mother and father who, while not living together, are romantically involved and have frequent contact.

Analyses of data from the Fragile Families and Child Wellbeing Study provide insights into both types of unions.<sup>33</sup> The study follows a group of approximately 5,000 children born to mostly unwed parents in urban areas at the turn of the 21st century. Of these children, half were born to unmarried mothers who were living with the father at the time of the birth, while another third were in visiting relationships. In both situations, most fathers were highly involved during the pregnancy and around the time of the birth, and a majority of the couples were optimistic about a future together.<sup>34</sup> Moreover, the study found that many unmarried mothers and fathers hold pro-marriage attitudes and want to marry the other parent of their newborn children.<sup>35</sup> These insights suggest that unmarried parents may be most receptive to marriage promotion efforts immediately around the time of birth.

Successful efforts to increase employment and education among disadvantaged adults may also indirectly promote marriage. Non-experimental analyses of data from the Fragile Families and Child Wellbeing Study suggest that the ability of either the mother or the father to get and keep a job (as indicated by levels of education and recent work experience) increases the likelihood that an unmarried couple with a child will marry. These same analyses also suggest that the likelihood that a couple will marry decreases if the mother has a child by a previous partner<sup>36</sup> – another reason to discourage teen childbearing. Eliminating or reversing the tax penalty for married couples on the Earned Income Tax Credit and in the income tax code may also remove a disincentive to marriage.<sup>37</sup>

**Strengthening Existing Marriages and Relationships.** The research consensus is that a “healthy marriage” – and not just any marriage – is optimal for child well-being. Marriages that are violent or high conflict are certainly “unhealthy,” for both children and adults.<sup>38</sup> Research provides some guidance on marital practices that are highly predictive of divorce, including negative communication patterns such as criticism, defensiveness, contempt, stonewalling, and rejection of a wife’s influence.<sup>39</sup>

At this point, though, researchers are only beginning to understand how to promote strong, stable marriages. The knowledge gap is particularly acute for highly disadvantaged couples, many of whom have economic and social as well as relationship problems. The *Becoming a Family Project* is a rare instance of a marriage promotion effort that has been rigorously evaluated (though not for disadvantaged couples). Couples were recruited for this project from the San Francisco Bay Area. Results suggest that a preventive intervention can both enhance marital stability and promote child well-being.<sup>40</sup> The program was designed to support communication

between partners as they make the transition to becoming parents (a period during which marital satisfaction often declines).

Results of an experimental investigation revealed that couples who took part in the program reported less decline in marital satisfaction in the first two years of parenthood than couples with no intervention. There were no separations or divorces among the parents participating in the couples groups until the children were three, whereas 15 percent of the couples without the intervention had already separated or divorced.<sup>41</sup> The longer-term evaluation was mixed. By the time the children completed kindergarten, there was no difference in divorce rate between the experimental and control groups, but the intervention participants who had stayed together maintained their marital satisfaction over the whole period, while satisfaction of couples in the control group continued to decline. These results suggest that the potential positive effects of an early intervention for partners becoming parents might be maintained longer with periodic “booster shots.”<sup>42</sup>

The *Prevention and Relationship Enhancement Program* (PREP) has received considerable attention in policy circles, in part because it is at the heart of Oklahoma’s much-publicized marriage promotion efforts. PREP is an educational approach available both to married and unmarried couples that emphasizes strategies that help marriages succeed. Non-experimental studies of PREP suggest that couples who plan to marry can be recruited to participate in the program<sup>43</sup> and that such couples who complete the program can improve their relationship skills.<sup>44</sup> The National Institute of Mental Health is currently funding a rigorous, large-scale evaluation to test the program’s effectiveness.

**Providing Premarital Counseling.** Unmarried couples with plans to marry may be stronger targets for strengthening relationships than those without plans to marry. Compared to unmarried parents with low expectations of marrying, unmarried parents with a greater likelihood of marrying have higher levels of agreement in their relationships, regardless of their living arrangements. Both

groups, however, rate lower on agreement than married couples. However, couples with plans to marry are similar to married couples when it comes to incidents of abuse and levels of supportiveness.<sup>45</sup> Relationship counseling might help couples decide whether to marry and also help them to strengthen their relationship. Finally, evidence that unmarried couples who marry have higher levels of acquired skills and education suggests that efforts to provide job training and education for fathers, as well as mothers, may enhance their marriage prospects.

## Implications for Public Policy

Marriage, divorce, and childbearing (particularly childbearing by teens and unmarried women) are highly controversial social issues in the nation today. They are also intensely personal and profound individual decisions, with the potential to alter – for better or worse – the life trajectories of adults and children. Not surprisingly, then, there is relatively little societal consensus on the role of public policy – the role of government – in this arena.

At least three conclusions drawn from research may help shape a productive public dialogue on these issues.

First, research clearly demonstrates that family structure matters for children, and the family structure that helps children the most is a family headed by two biological parents in a low-conflict marriage. Children in single-parent families, children born to unmarried mothers, and children in stepfamilies or cohabiting relationships face higher risks of poor outcomes than do children in intact families headed by two biological parents. Parental divorce is also linked to a range of poorer academic and behavioral outcomes among children. There is thus value for children in promoting strong, stable marriages between biological parents.

Second, while there may not be societal consensus on nonmarital childbearing, there *is* consensus that childbearing by teens is undesirable – for the teen, for her baby, and for the larger society. There is also mounting evidence that a variety of programs and interventions are effective at discouraging teen



pregnancy. While specific interventions (such as sex education, abstinence education, and the provision of contraceptives) may be controversial, the knowledge that a variety of effective approaches exist to prevent teen childbearing should help parents, communities, and government make progress on this front. In particular, programs that combine youth development and sexuality education, and community service approaches are effective.<sup>46</sup> Further, evidence indicates that high-quality early childhood programs can prevent adolescent childbearing a decade or more later.

Finally, there is not yet a proven approach for building strong marriages, particularly for disadvantaged unmarried couples – only promising insights from research studies and existing programs. This is an area in which carefully designed and rigorously evaluated demonstration programs could inform both private decisions and public policies.

Child Trends, founded in 1979, is an independent, nonpartisan research center dedicated to improving the lives of children and families by conducting research and providing science-based information to the public and decision-makers.

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#### Endnotes

<sup>1</sup>Hetherington M.E. & Kelly, J. (2002). *For better or for worse: Divorce reconsidered*. New York: W.W. Norton & Company.

<sup>2</sup>Seltzer, J. (2000). Families formed outside of marriage. *Journal of Marriage and the Family*, 62(4), 1247-1268; McLanahan, S. &

Sandefur, G. (1994). *Growing up with a single parent: What hurts, what helps*. Cambridge: Harvard University Press.

<sup>3</sup>Peterson, J.L., & Zill, N. (1986). Marital disruption, parent-child relationships, and behavior problems in children. *Journal of Marriage and the Family*, 48, 295-307. Amato, P. R. (2000). The consequences of divorce for adults and children. *Journal of Marriage and the Family*, 62(4), 1269-1287.

<sup>4</sup>Cherlin, A., Chase-Lansdale, P. L., & McRae, C. (1998). Effect of parental divorce on mental health. *American Sociological Review*, 63(2), 239-249.

<sup>5</sup>Coleman, M., Ganong, L., & Fine, M. (2000). Reinvestigating remarriage: Another decade of progress. *Journal of Marriage and the Family*, 62(4), 1288-1307.

<sup>6</sup>Amato, P.R. (2000).

<sup>7</sup>Domestic violence and children. *The Future of Children*, Winter 1999, 9(3). Los Altos, CA: The David and Lucile Packard Foundation.

<sup>8</sup>Graef, D.R. & D.T. Lichter. (1999). Life course transitions of American children: Parental cohabitation, marriage and single motherhood. *Demography*, 36(2), 205-217.

<sup>9</sup>Wu, L. L. & Martinson, B.C. (1993). Family structure and the risk of a premarital birth. *American Sociological Review*, 58, 210-232; Wu, L.L. (1996). Effects of family instability, income, and income instability on the risk of premarital birth. *American Sociological Review*, 61(3), 386-406; Moore, K.A., Morrison, D.R., & Gleib, Dana A. (1995). Welfare and adolescent sex: The effects of family history, benefit levels, and community context. *Journal of Family and Economic Issues*, 16(2/3), 207-238.

<sup>10</sup>Amato, Paul P.R. (2000).

<sup>11</sup>Cherlin, A.J. (1992) *Marriage, divorce, remarriage*. Cambridge: Harvard University Press.

<sup>12</sup>U.S. Census Bureau (2000). Statistical Abstract of the United States. The National Data Book. Table Number 77; <http://www.cdc.gov/nchs/fastats/divorce.htm>

<sup>13</sup>U.S. Department of Health and Human Services. (2001). Indicators of welfare dependence. Annual report to Congress 2001. Table Birth 4. Washington, D.C.

<sup>14</sup>Ventura, S., Backrach, C., Hill, L., Kaye, K., Holcomb, P., & Koff, E. (1995). The demography of out-of-wedlock childbearing. Report to Congress on out-of-wedlock childbearing. Hyattsville, Maryland: Public Health Service.

<sup>15</sup>Ventura S.J. & Bachrach, C.A. (2000). Nonmarital childbearing in the United States, 1940-1999. *National Vital Statistics Reports; Vol. 48, no. 16*. Hyattsville, Maryland: National Center for Health Statistics.

<sup>16</sup>Terry-Humen, E., Manlove, J., & Moore, K. A. (2001, April). Births outside of marriage: Perceptions vs. reality. *Research Brief*. Washington, DC: Child Trends.

<sup>17</sup>Mincy R. & Huang, C. C. (2001). Just get me to the church: Assessing policies to promote marriage among fragile families. Paper prepared for the MacArthur Network Meeting.

<sup>18</sup>Martin J.A., Hamilton B. E., Ventura S. J., Menacker F., & Park M. M. (2000) Births: Final data for 2000, Table 18. *National Vital Statistics Reports; Vol. 50, no. 5*. Hyattsville, Maryland: National Center for Health Statistics.

<sup>19</sup>Bumpass, L. & Lu, H. H. (2000). Trends in cohabitation and implications for children's family contexts in the United States. *Population Studies*, 45, 29-41.

<sup>20</sup>Source: Living arrangements of children under 18 years old: 1960 to present. U.S. Bureau of the Census, online. Available: <http://www.census.gov/population/socdemo/hh-fam/tabCH-1.xls>; accessed 01/28/02.

<sup>21</sup>Ibid. See also Dupree, A. & Primus, W. (2001). Declining share of children lived with single mothers in the late 1990s. Washington, DC: Center on Budget and Policy Priorities. Acs, G. & Nelson, S. (2001) Honey, I'm home: Changes in living arrangements in the late 1990's. *Assessing the New Federalism Policy Brief, B-38*. Washington, DC: The Urban Institute. Cherlin, A. & Fomby, P. (2002). A closer look at changes in living arrangements in low-income families. *Welfare, children, and families: A three-city study. Working paper 02-01*. Bavier, R. (2002). Recent increases in the share of young children living with married mothers. (Unpublished manuscript). Washington, DC: Office of Management and Budget.

# EXHIBIT 24



# National Health Statistics Reports

Number 74 ■ May 7, 2014

## Adverse Family Experiences Among Children in Nonparental Care, 2011–2012

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### Abstract

*Objective*—This report presents estimates of the proportion of children who have experienced selected adverse family events by the number of biological parents in the household, with a focus on comparisons among subgroups of children in nonparental care defined by caregiver type.

*Data sources*—Data were drawn from the 2011–2012 National Survey of Children’s Health, a nationally representative telephone survey of households with children conducted by the National Center for Health Statistics.

*Results*—Children in nonparental care were 2.7 times as likely as children living with two biological parents to have had at least one adverse experience, and more than 2 times as likely as children living with one biological parent and about 30 times as likely as children living with two biological parents to have had four or more adverse experiences. More than one-half of children in foster care had experienced caregiver violence or caregiver incarceration and almost two-thirds had lived with someone with an alcohol or drug problem. Estimates for children in other nonparental care subgroups were lower than for foster care, but still elevated above those of children living with biological parents.

*Conclusions*—Children in nonparental care, especially those in foster care, are particularly likely to have experienced adverse family events. These events could have occurred at any time in the child’s life and could have preceded or contributed to the child’s current living situation. Nevertheless, children in nonparental care may be vulnerable to poorer health and well-being outcomes that are often associated with having had adverse experiences.

**Keywords:** foster care • grandparent care • relative care • State and Local Area Integrated Telephone Survey

### Introduction

Adverse family experiences are potentially traumatic events or circumstances that children may have

experienced that can have lasting negative consequences into adulthood (1,2). Adverse family experiences have been linked to poor adult health

outcomes (1), risk of illicit drug abuse (3), and risk of suicide (4).

The 2011–2012 National Survey of Children’s Health (NSCH) included questions about nine adverse family experiences: whether the child had experienced 1) divorce or separation, 2) death, or 3) incarceration of a parent or guardian; whether the child had ever lived with anyone who 4) was mentally ill or suicidal or severely depressed or 5) had an alcohol or drug problem; whether the child 6) ever witnessed any violence in the household, 7) was the victim of violence or witnessed violence in the neighborhood, or 8) ever suffered racial discrimination; and 9) whether the child’s caregiver had often found it hard to get by on the family’s income.

A data brief based on NSCH data describing adverse family experiences for the population of all children was published online by the Child and Adolescent Health Measurement Initiative (5). An ASPE Research Brief by the current authors examined adverse family experiences, among other measures of health and well-being, for children living with two biological parents, children living with one biological parent and no other parents, and children living with no biological,



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step, or adoptive parents—i.e., children in nonparental care (6). This report extends that comparative analysis to include data on the cumulative number of different types of adverse family events experienced, as well as comparisons among subgroups of children in nonparental care defined by caregiver type, including children in foster care, grandparent care, and other nonparental care.

There are several reasons why a focus on adverse experiences among children in nonparental care is warranted. The extensive literature documenting that children of single parents have poorer well-being than children living with both of their parents (7) suggests that children living without at least one parent present may be further disadvantaged. In addition, caregiving transitions are problematic for children's well-being (8) and most children living apart from their parents have already experienced at least one change in caregiver. The cumulative effect of multiple traumas can be serious; research has shown that the more adverse events experienced, the higher the risk of serious health conditions or negative health outcomes (9).

It is possible that the caregiving situation is the result of having experienced adverse events or neglect that necessitated the removal of the child from their parents' household. These adverse events and circumstances could have occurred at any time in the child's life, and may have preceded or even contributed to the child's current living situation. Regardless of when the adverse events occurred, however, it remains the case that these children are particularly vulnerable to poor well-being.

Most data sources either do not have the sample size to make examination of children in nonparental care subgroups feasible, do not identify the living arrangements of children sufficiently to enable such an analysis, or do not include data on child well-being outcomes. The NSCH meets all of these requirements.

## Methods

The data are drawn from the 2011–2012 NSCH, which is a nationally representative survey sponsored by the Health Resources and Services

Administration's Maternal and Child Health Bureau and conducted by the Centers for Disease Control and Prevention's (CDC) National Center for Health Statistics (NCHS) as a module of the State and Local Area Integrated Telephone Survey (10,11). In 2011–2012, the NSCH was fielded as a random-digit-dial telephone survey of households with children aged 0–17 years in the United States; the sample included both landlines and cell phones.

Contacted households were screened for the presence of children, and one child was randomly selected from identified households with children to be the subject of the survey. A total of 95,677 interviews were completed from February 2011 to June 2012. The respondent was a parent or guardian in the household who was knowledgeable about the child's health. The relationships of all adults in the household to the sample child were captured. If there were no parents identified in the household, an additional question was asked to determine if the child was currently in foster care to identify those children in relative foster care whose foster parents were identified as "grandmother" or other relative.

Comparisons are made by the number of biological parents living in the child's household (two, one, or zero) and among subgroups of children in nonparental care. Adopted children have been shown to have poorer health outcomes but better health care access than biological children (12) and stepchildren have been shown to have poorer well-being than biological children, although this relationship can differ by whether the stepparent has adopted the child or not (13). Thus, children living with adoptive or stepparents have been excluded from the comparative analysis to avoid confounding the comparison or outcomes by number of parents.

A sampling weight was provided by NCHS with the data record for each child. This weight is based on the probability of selection of the child's telephone number, with adjustments for known survey response biases and further adjustments to ensure that

weighted estimates match demographic control totals from the Census Bureau's American Community Survey. Estimates based on these weights, including all national estimates produced for this report, are representative of the noninstitutionalized population of U.S. children aged 0–17 years.

Weighted point estimates and variances were calculated in SUDAAN to account for the complex sample design. Comparisons described in the text are statistically significant at the 0.05 level, unless otherwise noted.

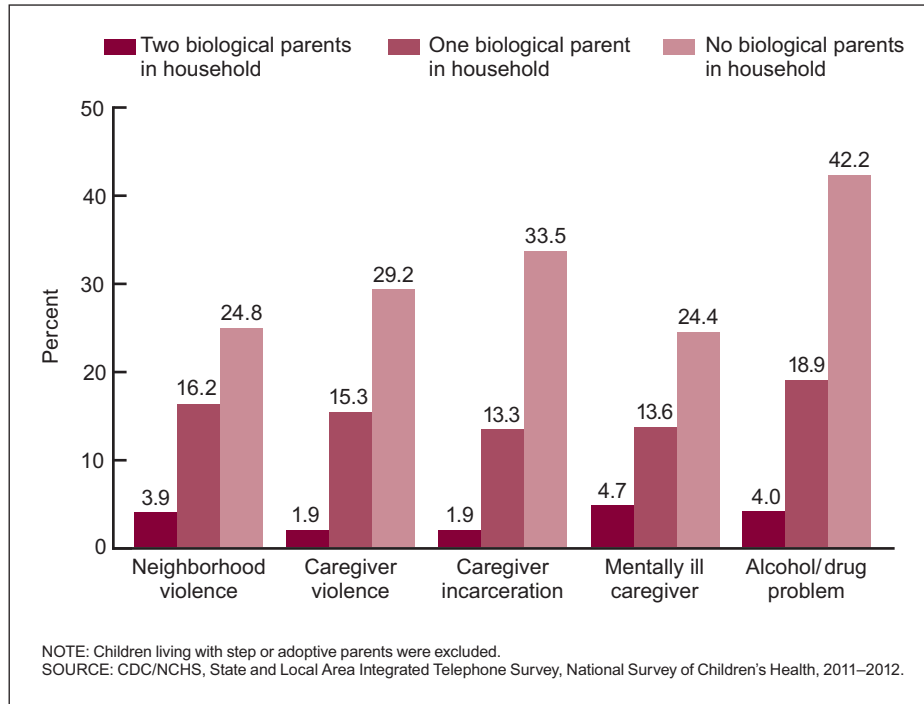
The overall NSCH response rate was 23.0%. When only noncooperation among eligible households was examined, more than one-half of eligible parents and guardians who were contacted to participate in the survey did so. Nonresponse bias analyses suggest that, although the potential for bias cannot be ruled out, nonresponse bias in weighted estimates is likely smaller than sampling error (10,11). Please see [Technical Notes](#) for details.

For more information about NSCH, including its sample design, data collection procedures, and questionnaire content, please visit: <http://www.cdc.gov/nchs/slait/nsch.htm>.

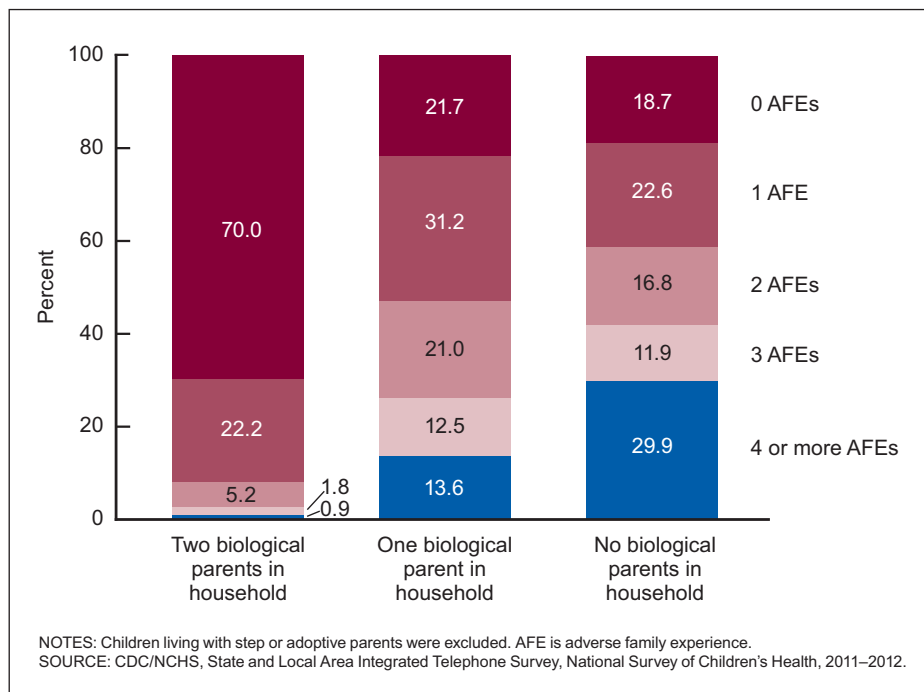
## Results

[Table 1](#) shows the sample sizes, population estimates, and percent distributions of children by the number of biological parents in the household and, for children in nonparental care, by caregiver type. Only 3.1% of all children, or nearly 2.25 million children, lived in nonparental care in 2011–2012. Among children in nonparental care, almost 15% were in foster care; 25.2% lived with their grandparent(s) only while 37.9% lived with grandparent(s) and others; and almost one-quarter lived without foster parents or grandparents, and were being raised by other relatives or nonrelatives.

[Table 2](#) presents prevalence estimates for each of the nine adverse family experiences by the number of biological parents in the household and, for children in nonparental care, by caregiver type. Selected findings from



**Figure 1. Percentage of children aged 0–17 years with selected types of adverse family experiences, by number of biological parents living in the household: United States, 2011–2012**



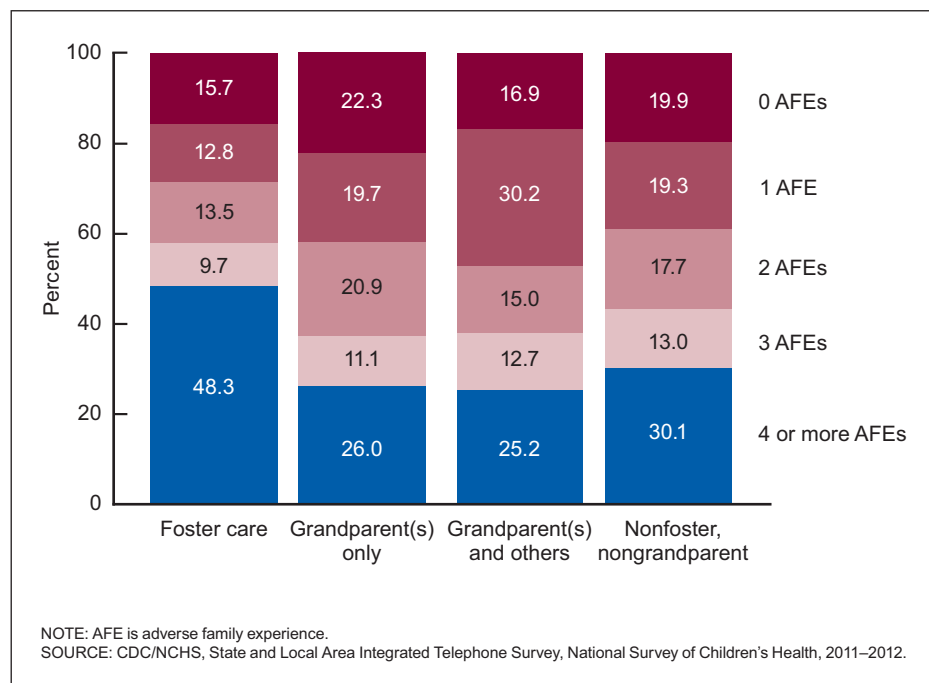
**Figure 2. Percent distribution of number of different types of adverse family experiences for children aged 0–17 years, by number of biological parents living in the household: United States, 2011–2012**

this table are highlighted in the figures and described in the text.

The number of biological parents in the household was inversely associated with the likelihood of having had an adverse family experience (Figure 1). Children living with one biological parent were between 3 and 8 times as likely as children living with two biological parents to have experienced neighborhood violence, caregiver violence, or caregiver incarceration or to have lived with a caregiver with mental illness or an alcohol or drug problem. Children in nonparental care, in turn, were about 1.5 to 2.5 times as likely as those living with one biological parent to have experienced each of these five adverse experiences. Thus, children in nonparental care were between 5 and 17 times as likely as children living with two biological parents to have experienced each of these five adverse experiences.

The cumulative number of different types of adverse family experiences varied by the number of biological parents in the household (Figure 2). Seventy percent of children living with both biological parents had experienced none of the adverse experiences assessed in the survey, compared with about 20% of children living with one biological parent or no parents. Thus, children living with no parents were 2.7 times as likely to have experienced at least one adverse experience, compared with children living with both biological parents (81.3% versus 30.0%). Almost one-third (29.9%) of children in nonparental care had experienced four or more adverse experiences, compared with only 13.6% of children living with one biological parent and less than 1% of children living with both biological parents.

When examining the prevalence of children with no adverse experiences versus any adverse experiences, the difference between children in nonparental care and children living with one biological parent was quite small. However, as the number of cumulative experiences compared increased, the differences between children in nonparental care and children living with one biological parent grew. Children in nonparental



**Figure 3. Percent distribution of number of different types of adverse family experiences for children aged 0–17 years in nonparental care, by type of nonparental caregiver: United States, 2011–2012**

care were about twice as likely as children living with one biological parent to have experienced four or more adverse events.

The number of different types of adverse family experiences for children in nonparental care varied among caregiver-type subgroups (Figure 3). About 80% of children in each subgroup had had at least one adverse experience and more than one-half of children in each subgroup had had at least two adverse experiences. Nearly one-half of children in foster care (48.3%) had had four or more adverse experiences, compared with 25%–30% of children in each of the other three caregiver subgroups. Among those other nonparental care subgroups, differences were smaller and mostly nonsignificant.

Some adverse family experiences were particularly prevalent among children in foster care (Figure 4). Children in foster care were significantly more likely than other children in nonparental care to have ever witnessed or experienced neighborhood violence, caregiver violence, or caregiver incarceration or to have lived with someone with mental

illness or an alcohol or drug problem. More than one-half of children in foster care had ever experienced caregiver violence or caregiver incarceration and almost two-thirds had lived with someone who had an alcohol or drug problem. Differences among the nonfoster subgroups were not significant.

## Summary and Discussion

Children in nonparental care were 2.7 times as likely as children living with two biological parents to have had at least one of the adverse experiences assessed in NSCH, and were more than 2 times as likely as children living with one biological parent and about 30 times as likely as children living with two biological parents to have had four or more different types of adverse experiences. Children in foster care were particularly likely to have had multiple types of adverse experiences; almost one-half of them had had four or more. More than one-half of children in foster care had ever experienced caregiver violence or caregiver incarceration and

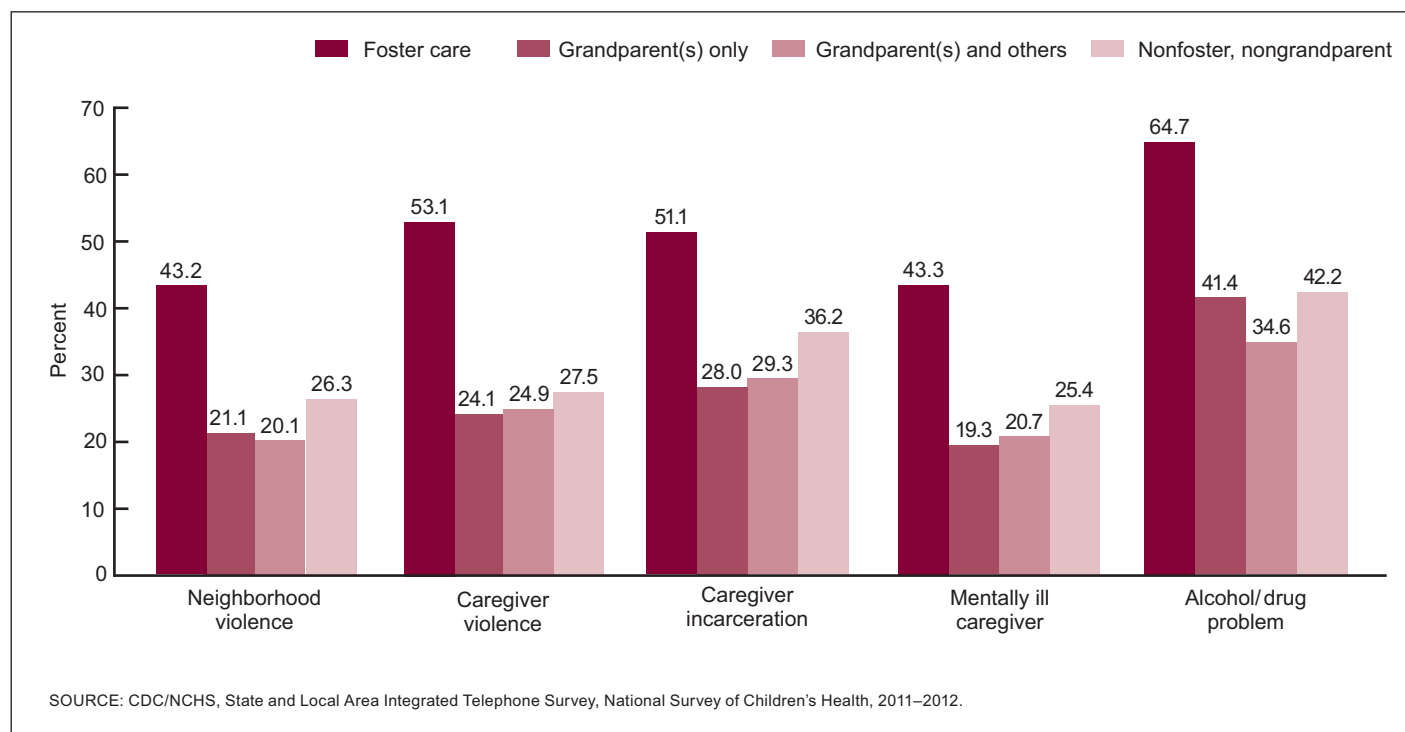
almost two-thirds had lived with someone who had an alcohol or drug problem.

It is likely that some children in nonparental care find themselves in that situation because they had experienced certain adverse family circumstances that necessitated the removal of the child from the birth family—that is, the adverse experience preceded and perhaps even contributed to the nonparental care status rather than being merely associated with it. For example, more than one-half of children entering foster care in 2007 had experienced severe parental neglect and nearly 30% had experienced parental alcohol or drug abuse as contributing reasons for entering foster care (14). Among children whose families were investigated for child abuse and neglect in 2008–2009, children living in foster or nonparental relative care 4 months after the investigation were much more likely to have a history of child maltreatment, caregiver incarceration, caregiver mental illness, caregiver alcohol abuse, caregiver drug abuse, and familial financial deprivation, compared with children still living with the investigated family (15). The comparisons in this report are not intended to suggest that being in nonparental care necessarily causes or is caused by adverse family experiences. As a cross-sectional survey, NSCH is not appropriate to use to draw causal inferences of this sort.

Nevertheless, children in nonparental care are particularly vulnerable to poor well-being outcomes. The cumulative effect of multiple traumas can be serious; research has shown that the more adverse experiences suffered, the higher the risk of serious health conditions or negative health outcomes (9). The very high prevalence of several adverse experiences among children in foster care may indicate that the child welfare system has stepped in to care for children in the worst circumstances.

Households in NSCH with children who were identified as living in nonparental care were asked to participate in a follow-up survey, the 2013 National Survey of Children in





**Figure 4. Percentage of children aged 0–17 years with selected types of adverse family experiences, by type of nonparental caregiver: United States, 2011–2012**

Nonparental Care (NSCNC). The NSCNC was sponsored by the Department of Health and Human Services' Office of the Assistant Secretary for Planning and Evaluation, with supplemental funding from the Annie E. Casey Foundation. Data collection for the NSCNC is now complete and data from the survey have just been released. The survey collected information on the health and well-being of the children and their caregivers and the children's living arrangements, custody issues, contact with parents, and service accessibility. More information about NSCNC, including public-use microdata, questionnaire content, sample design, and sample size, can be found at <http://www.cdc.gov/nchs/slait/nsnc.htm>.

## References

1. Felitti VJ, Anda RF, Nordenberg D, Williamson DF, Spitz AM, Edwards V, et al. Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. The Adverse Childhood Experiences (ACE) Study. *Am J Prev Med* 14(4):245–58. 1998.
2. Anda RF, Felitti VJ, Bremner JD, Walker JD, Whitfield C, Perry BD, et al. The enduring effects of abuse and related adverse experiences in childhood. A convergence of evidence from neurobiology and epidemiology. *Eur Arch Psychiatry Clin Neurosci* 256(3):174–86. 2006.
3. Dube SR, Felitti VJ, Dong M, Chapman DP, Giles WH, Anda RF. Childhood abuse, neglect, and household dysfunction and the risk of illicit drug use: The Adverse Childhood Experiences Study. *Pediatrics* 111(3):564–72. 2003.
4. Dube SR, Anda RF, Felitti VJ, Chapman DP, Williamson DF, Giles WH. Childhood abuse, household dysfunction, and the risk of attempted suicide throughout the life span: Findings from the Adverse Childhood Experiences Study. *JAMA* 286(24):3089–96. 2001.
5. Child and Adolescent Health Measurement Initiative. Overview of adverse child and family experiences among U.S. children. Data Resource Center for Child & Adolescent Health. Available from: [http://www.childhealthdata.org/docs/drc/aces-data-brief\\_version-1-0.pdf?Status=Master](http://www.childhealthdata.org/docs/drc/aces-data-brief_version-1-0.pdf?Status=Master).
6. Radel LF, Bramlett MD. Children in nonparental care: Findings from the 2011–2012 National Survey of Children's Health. ASPE research brief. Washington, DC: U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. Washington, DC. 2014. Available from: [http://aspe.hhs.gov/hsp/14/ChildrenNonparentalCare/rb\\_nonparentalcare.pdf](http://aspe.hhs.gov/hsp/14/ChildrenNonparentalCare/rb_nonparentalcare.pdf).
7. Dunifon R. Single parenthood and child well-being: Trends, theories, and evidence. In: Peters HE, Dush CK (eds.). *Marriage and Family: Perspectives and Complexities*. New York, NY: Columbia University Press. 93–113. 2009.
8. Fomby P, Cherlin AJ. Family instability and child well-being. *Am Sociol Rev* 72(2):181–204. 2007.
9. Robert Wood Johnson Foundation. The truth about ACEs. Infographic. 2013. Available from: <http://www.rwjf.org/en/about-rwjf/newsroom/newsroom-content/2013/05/Infographic-The-Truth-About-ACEs.html>.
10. Centers for Disease Control and Prevention, National Center for Health Statistics, State and Local

- Area Integrated Telephone Survey.  
2011–2012 National Survey of  
Children’s Health Frequently Asked  
Questions. April 2013. Available  
from: [http://www.cdc.gov/nchs/slait/  
nsch.htm](http://www.cdc.gov/nchs/slait/nsch.htm).
11. O’Connor KS, Bramlett MD, George  
JM, et al. Design and operation of  
the National Survey of Children’s  
Health, 2011–2012. National Center  
for Health Statistics. Vital Health Stat  
1. [Forthcoming].
  12. Bramlett MD, Radel LF, Blumberg  
SJ. The health and well-being of  
adopted children. *Pediatrics*  
119(S1):S54–60. 2007.
  13. Bramlett MD. When stepparents  
adopt: Demographic, health, and  
health care characteristics of adopted  
children, stepchildren, and adopted  
stepchildren. *Adopt Q* 13(3–4):248–  
67. 2010.
  14. Committee on Ways and Means, U.S.  
House of Representatives. Chapter  
11: Child welfare. In: Background  
Material and Data on the Programs  
within the Jurisdiction of the  
Committee on Ways and Means  
(“Green Book”). Washington, DC:  
U.S. Government Printing Office.  
2009.
  15. Committee on Ways and Means, U.S.  
House of Representatives. Chapter  
11: Child welfare. In: Background  
Material and Data on the Programs  
within the Jurisdiction of the  
Committee on Ways and Means  
(“Green Book”). Washington, DC:  
U.S. Government Printing Office.  
2012. Available from: [http://  
greenbook.waysandmeans.house.gov/  
2012-green-book/chapter-11-child-  
welfare](http://greenbook.waysandmeans.house.gov/2012-green-book/chapter-11-child-welfare).

**Table 1. Sample sizes, population estimates, and percentage distribution by caregiver type living in the household: Children aged 0–17 years, 2011–2012**

Item	Caregiver type living in the household						
	Two biological parents	One biological parent only	Nonparental care				
			Nonparental care total	Foster care	Grandparent(s) only	Grandparent(s) and others <sup>1</sup>	Nonfoster, nongrandparent
	Count						
Unweighted sample size . . . . .	63,776	17,752	3,617	461	1,287	1,234	635
Weighted population estimate <sup>2</sup> . . . . .	46,502	16,311	2,290	336	578	867	510
	Percent						
All children aged 0–17 years <sup>3</sup> . . . . .	63.1	22.1	3.1	0.5	0.8	1.2	0.7
Children in nonparental care <sup>4</sup> . . . . .	–	–	100.0	14.7	25.2	37.9	22.3

– Quantity zero.

<sup>1</sup>Includes aunts, uncles, guardians, siblings, cousins, in-laws, other relatives, and nonrelatives.<sup>2</sup>Rounded to thousands.<sup>3</sup>Percentages do not sum to 100 because the “other” group is omitted; this group, with 11.7% of all children, includes those living in households that include nonbiological parents such as step or adoptive parents.<sup>4</sup>Percentages do not sum to 100 due to rounding.

SOURCE: National Survey of Children’s Health, 2011–2012.

**Table 2. Percentages and mean number of adverse family experiences by caregiver type: Children aged 0–17 years, 2011–2012**

AFEs	Caregiver type living in the household						
	Two biological parents	One biological parent only	Nonparental care				
			Nonparental care total	Foster care	Grandparent(s) only	Grandparent(s) and others <sup>1</sup>	Nonfoster, nongrandparent
	Percent (standard error)						
Often hard for household to afford basics . . . . .	20.0 (0.39)	*38.9 (0.80)	*±33.0 (1.87)	*32.9 (4.72)	±22.9 (2.68)	*§37.9 (3.09)	*§36.1 (4.68)
Ever experienced racial discrimination . . . . .	2.8 (0.16)	*5.7 (0.37)	*5.5 (0.83)	4.6 (1.10)	±3.4 (0.99)	y5.3 (1.61)	*§8.6 (2.06)
Ever experienced death of caregiver . . . . .	0.4 (0.05)	*6.6 (0.36)	*±18.1 (1.63)	*±13.2 (3.21)	*±20.0 (3.19)	*±18.1 (3.09)	*±19.1 (2.80)
Ever experienced separation or divorce . . . . .	2.2 (0.15)	*47.9 (0.82)	*47.7 (1.97)	*53.5 (5.09)	*46.0 (3.58)	*48.1 (3.25)	*45.4 (4.48)
Ever witnessed caregiver violence . . . . .	1.9 (0.14)	*15.3 (0.63)	*±29.2 (1.83)	*±53.1 (5.15)	*±24.1 (3.35)	*±24.9 (2.72)	*±27.5 (3.84)
Ever witnessed neighborhood violence . . . . .	3.9 (0.17)	*16.2 (0.64)	*±24.8 (1.61)	*±43.2 (4.54)	*±21.2 (2.91)	*±20.1 (2.39)	*±26.3 (3.88)
Ever lived with mentally ill caregiver . . . . .	4.7 (0.19)	*13.6 (0.51)	*±24.4 (1.71)	*±43.3 (5.26)	*19.3 (2.99)	*±20.7 (2.51)	*±25.4 (3.75)
Ever experienced caregiver incarceration . . . . .	1.9 (0.14)	*13.3 (0.56)	*±33.5 (1.88)	*±51.1 (5.03)	*±28.0 (3.27)	*±29.3 (2.86)	*±36.2 (4.39)
Ever lived with anyone with alcohol or drug problem . . . . .	4.0 (0.19)	*18.9 (0.65)	*±42.2 (1.92)	*±64.7 (4.52)	*±41.4 (3.50)	*±34.6 (2.88)	*±42.2 (4.37)
Cumulative number of AFEs (0–9)							
0 . . . . .	70.0 (0.43)	*21.7 (0.70)	*18.7 (1.59)	*15.7 (3.77)	*22.3 (3.13)	*±16.9 (2.23)	*19.9 (4.17)
1 . . . . .	22.2 (0.40)	*31.2 (0.75)	±22.6 (1.75)	*±12.8 (2.61)	±19.7 (2.46)	*†§30.2 (3.38)	±19.3 (3.64)
2 . . . . .	5.2 (0.20)	*21.0 (0.66)	*±16.8 (1.44)	*±13.5 (3.22)	*20.9 (3.08)	*±15.0 (2.04)	*17.7 (3.59)
3 . . . . .	1.8 (0.14)	*12.5 (0.57)	*11.9 (1.09)	*9.7 (2.18)	*11.1 (1.76)	*12.7 (1.97)	*13.0 (2.53)
4 or more . . . . .	0.9 (0.09)	*13.6 (0.56)	*±29.9 (1.75)	*±48.3 (4.92)	*±26.0 (3.29)	*±25.2 (2.59)	*±30.1 (3.81)
	Mean (standard error)						
Number of AFEs . . . . .	0.4 (0.01)	1.8 (0.03)	*±2.5 (0.09)	*±3.2 (0.22)	*±2.2 (0.14)	*±2.4 (0.14)	*±2.6 (0.21)

y Indicates unreliable estimate (relative standard error &gt; 0.3).

\* Estimate differs at 0.05 level from that of two biological parents.

± Estimate differs at 0.05 level from that of one biological parent.

† Estimate differs at 0.05 level from that of foster care.

§ Estimate differs at 0.05 level from that of grandparent(s) only.

j Estimate differs at 0.05 level from that of grandparent(s) and others.

<sup>1</sup>Includes aunts, uncles, guardians, siblings, cousins, in-laws, other relatives, and nonrelatives.

NOTES: Children living with step or adoptive parents were excluded. AFE is adverse family experience.

SOURCE: National Survey of Children’s Health, 2011–2012.



## Technical Notes

### Response rate and analysis of nonresponse

The 2011–2012 National Survey of Children’s Health (NSCH) overall response rate was 23.0%. The low response rate was largely due to the inclusion of cell phone interviews, which was necessary to provide good coverage of the population of children, but resulted in lower response rates compared with previous iterations of the survey that only included landline numbers in the sample. The lower response rates for cell phone interviews largely resulted from the higher proportion of telephone numbers that were not answered and therefore provided no indication of whether the number belonged to an eligible household. When only noncooperation among eligible households was examined, more than one-half of eligible parents and guardians who were contacted to participate in the survey did so.

To reduce the potential for bias, the sampling weights were adjusted for nonresponse and further adjusted to match external demographic control totals. As summarized in the online documentation (10) and detailed in the methodology report (11), nonresponse bias analyses were conducted using several recommended approaches to examine estimates before and after the nonresponse weighting adjustment. Bias was found to greatly decrease after the weighting adjustment, and estimated biases using the final weights were small—in each case, the maximum estimated bias was within the 95% confidence interval for the survey estimate, indicating that nonresponse bias was consistently smaller than potential sampling error. Bias estimates were so small that, for most of the key survey variables examined, changing the method used to estimate bias changed the estimated direction of the bias.

### Definition of terms

*Adverse family experiences*—NSCH included questions about the following adverse family experiences: whether the child had ever lived with a parent or guardian who 1) got divorced or

separated after the child was born, 2) died, or 3) served time in jail or prison after the child was born; whether the child ever lived with anyone who 4) was mentally ill or suicidal or severely depressed for more than a couple of weeks or 5) had a problem with alcohol or drugs; whether the child 6) ever heard or saw any parents, guardians, or other adults in the household slap, hit, kick, punch, or beat each other up, 7) was the victim of violence or witnessed any violence in the neighborhood, or 8) was ever treated or judged unfairly because of his or her race or ethnic group; and 9) how often it had been very hard for the child’s caregiver to get by on the family’s income (e.g., it was hard to cover the basics like food or housing). This measure of financial deprivation was considered an adverse experience if the response was “very often” or “somewhat often” rather than “rarely” or “never.” With one exception, these adverse family experiences could have occurred at any time in the child’s life, and the caregiver who may have been incarcerated, mentally ill, or violent (for example) may have been the child’s parent, current nonparental caregiver, or another caregiver the child had previously lived with. The exception was the measure of financial deprivation, which asked about the current caregiver’s family rather than all the families that the child may have lived with in his or her lifetime.

*Number of parents in household*—Children were categorized as living with both biological parents, living with one biological parent, or living with no biological parents. Children living with step or adoptive parents were excluded.

*Foster care*—Children in foster care were either a) those with a reported foster mother and/or foster father living in the household, or b) those with no biological, step, adoptive, or foster parents living in the household but whose caregiver reported that the child was currently in foster care. Because the NSCH sample represents noninstitutionalized children only, the foster care sample includes only children in household foster care; foster children in group homes or institutions were not represented.

*Grandparent-only care*—Children living in grandparent-only care had one or more grandparents but no other people living in the household. Because it was unknown whether a child’s sibling was another child being cared for by grandparents or an adult who was providing care for the child, children living with grandparents plus siblings were grouped with “grandparents and others.”

*Grandparent(s) and others*—Children living with grandparent(s) and others had one or more grandparents plus one or more of the following relations living in the household: aunts, uncles, guardians, siblings, cousins, in-laws, other relatives, or nonrelatives.

*Nonfoster nongrandparent*—Children in nonfoster nongrandparent care were those in nonparental care who did not meet the criteria for foster care and had no grandparents living in the household. Their caregivers included aunts, uncles, guardians, siblings, cousins, in-laws, other relatives, or nonrelatives.

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# EXHIBIT 25

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Bowling Green State University

## Adolescent Well-Being in Cohabiting, Married, and Single-Parent Families

*Cohabitation is a family form that increasingly includes children. We use the National Longitudinal Study of Adolescent Health to assess the well-being of adolescents in cohabiting parent stepfamilies (N = 13,231). Teens living with cohabiting stepparents often fare worse than teens living with two biological married parents. Adolescents living in cohabiting stepfamilies experience greater disadvantage than teens living in married stepfamilies. Most of these differences, however, are explained by socioeconomic circumstances. Teenagers living with single unmarried mothers are similar to teens living with cohabiting stepparents; exceptions include greater delinquency and lower grade point averages experienced by teens living with cohabiting stepparents. Yet mother's marital history explains these differences. Our results contribute to our understanding of cohabitation and debates about the importance of marriage for children.*

An extensive literature exists that examines the importance of family structure (defined by marital status) for child well-being. Marital status acts as an indicator of the potential number of caretakers and may imply certain characteristics or qualities of the child's family life. This emphasis on marital

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*Key Words:* adolescence, child well-being, cohabitation, family structure, marriage, stepfamilies.

status was perhaps more appropriate when relatively few children lived in cohabiting unions. Recent estimates indicate that two fifths of children are expected to spend some time in a cohabiting parent family (Bumpass & Lu, 2000), and 41% of cohabiting unions have children present (Fields & Casper, 2000). Despite this shift in children's experience in cohabitation, research on the implications of cohabitation for children's lives is relatively sparse.

In this paper we examine the well-being of adolescents in cohabiting stepparent families. We use the term cohabiting stepfamily to indicate living with one biological parent and the parent's partner (cohabiting stepfamily). We address three key questions in this paper. First, do teenagers in cohabiting stepparent families have similar academic and behavioral outcomes as teenagers living with two married biological parents? We begin with this question because over half of the children in the United States live with two married biological parents (Fields, 2001), and most research on family structure contrasts how children in specific family types fare compared with children living with married, two-biological-parent families. Second, do children residing with cohabiting stepparents fare better or worse than children living with single mothers? We focus on children living with unmarried mothers and determine how their cohabitation status influences child well-being. Third, do adolescents in cohabiting stepfather families fare as well as adolescents living in married stepfather families? We test whether children living with step-

fathers fare better when their mother is married, rather than cohabiting. For each question, we evaluate whether the effects of parental cohabitation are explained by socioeconomic circumstances, parenting, and family instability.

This paper builds on prior research and moves beyond previous work in several key ways. First, by employing a large data source (National Longitudinal Study of Adolescent Health), our analyses are based on a relatively large number of adolescents in cohabiting stepfather families. Second, the rich nature of the data allows us to include potentially important factors that represent family processes and may help account for some observed effects of family structure. Third, we are not limited to a single indicator of well-being and focus on multiple measures of well-being that are appropriate for teenagers. Finally, to better understand the implications of cohabitation on child well-being, we focus on family-type comparisons based on similar household structure (stepfather presence; cohabiting stepfather vs. married stepfather) or mother's marital status (unmarried mothers; cohabiting mother vs. single mother).

## BACKGROUND

### *Cohabitation As a Family Structure*

Children in the United States are increasingly likely to spend some of their lives residing in a cohabiting parent family. Indeed, two fifths of cohabiting households include children (Fields & Casper, 2000). In 1999, 6% of children were living with a cohabiting parent (Acs & Nelson, 2001). Bumpass and Lu (2000) estimate that two fifths of children in the United States are expected to experience a cohabiting parent family at some point during their childhood, and children born during the early 1990s will spend 9% of their lives living with parents who are in cohabiting unions.

Adolescents in cohabiting parent families typically are living with their mother and her cohabiting partner. Based on the 1996 Survey of Income and Program Participation, half (54%) of the children in cohabiting parent families lived with one biological parent (Fields, 2001). Given the instability of cohabiting unions for children, older children in cohabiting parent families primarily live with their mother and her partner who is not their biological parent (Manning, Smock, & Majumdar, in press). Brown (2002) reports that almost all children over the age of 12 in cohabiting parent families are living with only one biological parent.

Thus, cohabitation for adolescents (unlike for young children) represents a family that is structurally similar to a stepfamily.

### *Cohabitation and Family Life*

Children in cohabiting parent families experience family life that differs from those raised with married or single parents. Children raised in cohabiting couple families may experience different developmental outcomes, in part because of the family environment or context in which children are raised. We discuss three potential contextual mechanisms through which family structure, and specifically cohabiting parent families, may influence child well-being: economic circumstances, instability, and parenting.

*Economic status.* Children raised in families with higher socioeconomic status experience more positive cognitive and social developmental indicators of well-being (e.g., Carlson & Corcoran, 2001; Duncan & Brooks-Gunn, 1997; McLanahan & Sandefur, 1994). Indicators of both family income and mother's education exert positive effects on child development, but income rather than mother's education seems to have a stronger influence on child outcomes (Duncan & Brooks-Gunn). It appears that income typically does not explain the effects of family structure on child well-being, but for some outcomes, it does reduce the effect of family structure (Carlson & Corcoran; Duncan & Brooks-Gunn; Hill, Yeung, & Duncan, 2001; McLanahan & Sandefur). On average, children raised in cohabiting parent families experience economic situations that are better than those of children in single-parent families (e.g., greater parental education and family earnings), but more stressful economic situations than children in married couple families (e.g., greater poverty and food insecurity; Acs & Nelson, 2002; Manning & Lichter, 1996).

*Family stability.* Family stability is positively related to child and young adult behavior (Hao & Xie, 2001; Hill et al., 2001; Wu & Martinson, 1993). At times family stability has a stronger influence on child outcomes than family structure. It is argued that the stress of family change hinders normal developmental transitions among children (Hao & Xie; Hill et al.; Wu & Martinson). Family stability may be particularly important in assessments of the effect of cohabitation because children born to cohabiting parents ex-

perience higher levels of instability than children born to married parents (Manning et al., in press).

*Parenting.* Parental monitoring is important for keeping children's behavior on task and ensuring that children meet their individual responsibilities. Empirical evidence supports the notion that parental monitoring has positive effects on children. For example, McLanahan (1997) reports lack of supervision by parents is associated with poor school performance among children in single and stepparent families. Another core feature of parenting is parental support, which is positively related to desirable outcomes for children and adolescents (e.g., Baumrind, 1991). For instance, interacting with children in positive ways has been shown to raise grade point averages and decrease externalizing behaviors (e.g., O'Connor, Hetherington, & Clingempeel, 1997). Parent-child relationships that cross household boundaries also influence children's development. Evidence suggests that closeness to nonresident fathers is positively associated with child well-being (Amato & Gilbreth, 1999; White & Gilbreth, 2001).

Parenting in cohabiting unions may have become easier as cohabitation moves toward social acceptance, but cohabiting unions with children present still do not benefit from legal and social recognition (e.g., Durst, 1997; Mahoney, 2002). Thus the responsibilities of cohabiting partners to children are not specified, creating sources of parenting ambiguity in terms of obligations and rights of cohabiting partners to their partner's children. Research that distinguishes parenting behaviors of cohabitators from married couples or single parents supports the notion that slightly more negative parenting practices occur among cohabiting parents (Brown, 2002; Dunifon & Kowaleski-Jones, 2000; Hofferth & Anderson, 2003; Thomson, McLanahan, & Curtin, 1992). Yet parenting indicators do not explain the effect of parental cohabitation on child well-being (Dunifon & Kowaleski-Jones; Thomson, Hanson, & McLanahan, 1994; White & Gilbreth, 2001).

#### *Cohabitation and Child Outcomes*

To date, a limited but growing number of studies examine the social well-being of children living in cohabiting parent families (e.g., Brown, 2001; DeLeire & Kalil, 2002; Dunifon & Kowaleski-Jones, 2002; Hao & Xie, 2001; Nelson, Clark, & Acs, 2001; Thomson et al., 1994). Often these researchers contrast the well-being of children in co-

habiting parent families with children living with two biological married parents. The focus of most of these studies is not specifically on cohabitation but more broadly on how family structure influences child well-being. The results of these studies indicate that children in cohabiting parent families fare worse than their counterparts in married, two-biological-parent families.

A limitation of this approach is that it confounds the effects of marriage and living with two biological parents. Research on family structure recognizes the importance of adults' biological ties to children and argues that children in two-biological-parent families fare better than children living with a stepparent (see Coleman, Ganong, & Fine, 2000). Following this logic, the biological relationship of cohabiting partners should be considered in the analysis of child well-being. Many of the children who are living in cohabiting parent families, particularly older children, are not living with their biological father, making the traditional married stepparent family a more appropriate comparison group. To better understand the influence of cohabitation, we argue that comparisons should be made across families who share either the same biological relationships to parents (two biological parents or stepfamilies) or parental marital status (married or unmarried), and differ in terms of the presence or absence of a cohabiting partner (Manning, 2002).

The findings from empirical work suggest that teenagers and children in cohabiting parent stepfamilies sometimes fare worse in terms of behavior problems and academic performance than children in married stepparent families (Brown, 2001; Buchanan, Maccoby, & Dornbusch, 1996; Morrison, 2000; White & Gilbreth, 2001). Other research suggests that adolescents and children in cohabiting stepparent families share similar levels of behavior problems and academic achievement as children in married stepparent families (Brown; Morrison, 1998, 2000). The findings seem to depend on the gender and age of the child as well as the specific dependent or outcome variable (e.g., math scores vs. verbal scores or internalizing vs. externalizing behavior).

Only a few studies contrast the well-being of children in unmarried mother families who have a cohabiting parent with those who do not. Analysis of the 1999 National Survey of American Families (NSAF) suggests teenagers living in single-mother and cohabiting stepparent families share similar levels of behavior problems (Acs & Nelson, 2002). Work using longitudinal data and



multivariate, fixed effects models finds that teenagers living with cohabiting mothers and unmarried mothers share similar levels of behavior problems (Morrison, 1998).

Two shortcomings of prior work are limited samples and a narrow range of covariates. First, a few studies are restricted only to children of divorce (Buchanan et al., 1996; Morrison, 1998, 2000). The implications of cohabitation may differ among children who have lived with married biological parents compared with children who have never lived with their biological father. In addition, other data sources (such as the National Survey of Families and Households [NSFH]) have small numbers of children in cohabiting, two-biological-parent and cohabiting stepparent families, and sample sizes become even smaller when two waves of data are used (e.g., Hao & Xie, 2001; White & Gilbreth, 2001). Finally, data sources such as the National Longitudinal Survey of Youth (NLSY) include less than optimal measures of parental cohabitation. Parental cohabitation is measured annually, so research using these data is biased toward longer term cohabiting unions (more than 1 year; Dunifon & Kowaleski-Jones, 2002; Morrison, 2000). Thus, analyses using the NLSY may be underestimating the negative effects of cohabitation because only longer term unions are included in the data.

A second shortcoming is that some research includes only a narrow set of independent variables. Thus, prior studies cannot explore potential explanations about why children in cohabiting parent families fare differently than children in other family types, disentangling the effects of family structure from other factors. First, a few studies include only socioeconomic indicators, such as gender, parental education, and poverty (Hanson, McLanahan, & Thomson, 1997; Nelson et al., 2001). Second, other research does not include measures of family instability or indicators of relationship quality (Acs & Nelson, 2002; Thomson et al., 1994). The NSAF does not include questions about duration of the parents' relationship or relational history (Acs & Nelson; Brown, 2001; Nelson et al., 2001). Other studies that include measures of family stability do not incorporate measures of the resident parents' relationship quality (DeLeire & Kalil, 2002; Dunifon & Kowaleski-Jones, 2002; Hao & Xie, 2001). Third, many studies do not include measures of parenting strategies when evaluating the effects of parental cohabitation on well-being (exceptions include Brown, 2001, and Dunifon & Kowaleski-

Jones). Also, nonresident biological fathers are often ignored. Rarely have relationships with nonresident fathers been considered in assessments of how children living with cohabiting parents fare, despite the fact that this relationship may be advantageous to the child's well-being (White & Gilbreth, 2001).

#### CURRENT INVESTIGATION

Three broad questions are addressed in this paper. First, the literature shows that children are generally better off when they live with two biological, married parents (e.g., Brown, 2002; McLanahan & Sandefur, 1994). In addition, in 1996 over 50% of the children in the United States were living in married, two-biological-parent families (Fields, 2001). Therefore, a basic starting point is to demonstrate whether teenagers living with cohabiting stepparent families fare the same or worse than children living with two married, biological parents.

Given the vast literature that supports the relative strength of the married, two-biological-parent family, of greater interest in this analysis will be other family structure comparisons. Our second question is whether cohabitation provides any advantage for children living with unmarried mothers. Based on both social control and economic deprivation perspectives, children in single-parent families may fare worse than children in cohabitation because they lack the benefits of income and parenting that a cohabiting partner may provide. As a result, we anticipate that children in cohabiting-parent families will fare better than children in single-mother families. A competing hypothesis is that children experience some disadvantages by living with a mother's unmarried partner who may not be a fully integrated family member and may compete for their mother's time and attention. Family roles may not be as clearly established in cohabiting stepfamilies, perhaps creating confusion over parenting responsibilities and weak child-stepparent relationships. This hypothesis is consistent with the role ambiguity perspective used to understand stepfamilies. In this case, adolescents in cohabiting stepfamilies would fare worse than adolescents in single-mother families. Finally, we may find no effect of cohabitation as the benefits and costs of a cohabiting parent outweigh one another. The bulk of research on stepfamilies indicates that children in stepfamilies and single-mother families share similar developmental outcomes (Coleman et al., 2000). Thus



we may find that adolescents who live in cohabiting stepfamilies fare as well as children who reside with a single mother.

Third, do children experience any advantage by living in a married (or traditional) rather than in a cohabiting stepparent family? We determine whether children in married stepparent families fare as well as children in cohabiting stepparent families. Marriage provides the socioeconomic benefits and stability that cohabitation does not offer. Moreover, family roles may be clearly defined and child-stepparent relationships more formalized in married than in cohabiting stepparent families. We expect children in married stepfamilies to have better developmental outcomes than children in cohabiting stepfamilies. Once we account for the parent's relationship with the child, family stability, and socioeconomic characteristics, however, these differences according to marital status may no longer exist. These findings may suggest that marriage itself does not create the advantage experienced by children in married stepparent families. If differences persist, then such findings would indicate that some feature of cohabitation itself (i.e., role ambiguity) may have negative consequences for children in this type of family structure.

Previous work provides some initial evidence about the effects of cohabitation on child well-being. In this project we build on previous studies in four key ways. First, many of the previous studies do not distinguish between adolescents and younger children. Our focus on adolescents limits our conclusions to one stage of childhood, but at the same time allows us to detail the effects of family structure for a critical period of development. We examine outcomes that are most salient for adolescents.

Second, most adolescents in cohabiting parent families are living with only one biological parent (Brown, 2001). Thus, answers to questions about the effects of cohabitation require being specific about the family type contrasts. The traditional approach is to compare the well-being of all children in cohabiting families with those in married, two-biological-parent families. Yet, contrasting the well-being of adolescents in married and cohabiting stepfamilies is more appropriate because these families share the same basic structure (biological mother and her cohabiting partner).

Third, we include a range of indicators of well-being. For example, we do not rely on a single measure to indicate academic achievement. We include measures of Peabody Picture Vocabulary

Tests, grades in school, and college expectations. As any one measure may suffer some shortcomings, taken together we have indicators of well-being that tap several dimensions of adolescent behavior and academic well-being.

Fourth, we are able to include key variables that may explain some of the effects of family structure on child outcomes. We include measures of parenting characteristics (closeness to mother and nonresident father, as well as monitoring); socioeconomic status (mother's education and family income); and family stability (number of mother's marriages and duration of relationship). Most prior work has accounted for one or more of these measures, but no study has accounted for all of these factors simultaneously.

In addition to our measures of socioeconomic status, family stability, and parenting, we control for a number of sociodemographic and child characteristics, including race and ethnicity, mother's age, child's age and sex, number of children in the household, and importance of religion to the child. Although residing in a cohabiting or single-parent family is increasingly common for all children, it is a more common feature of the life experiences of Black and Hispanic children (Bumpass & Lu, 2000). We also control for mother's age; older mothers may be more skilled at parenting, which in turn may result in increased attentiveness to children's needs. The number of one's siblings is related negatively to academic achievement (e.g., Carlson & Corcoran, 2001), presumably because more children in the household means parents possess fewer instrumental and emotional resources to invest in each child individually. In terms of the characteristics of the adolescent, boys tend to experience more behavior problems than girls, and girls tend to have higher academic achievement than boys (Carlson & Corcoran). We control for child's age, as older children may experience fewer behavior problems as a function of maturity. We also control for the importance of religion to the adolescent, as involvement with an institution that encourages adherence to particular moral standards may act as an agent of social control to discourage deviant behavior in young people. Families who encourage religious attendance may also more closely monitor the actions of their children.

## METHOD

### *Data*

We draw on the first wave of the National Longitudinal Adolescent Study of Adolescent Health

(Add Health). The Add Health is based on interviews with students in grades 7 through 12 and their parents in 1995. These data are based on a sample of 80 high schools and 52 middle schools from the United States. We use the contractual data that include in-home interviews administered to 18,924 students with a response rate of 78.2% (Udry, 1998). These sample schools were selected with unequal probability of selection. Once design effects are taken into account, these data are nationally representative of adolescents in the United States (see Bearman, Jones, & Udry, 1997). We use procedures in a software package, STATA, to ensure our results are nationally representative with unbiased estimates (Chantala & Tabor, 1999).

In this paper we use the first wave of the Add Health data. This cross-sectional analysis provides a basic starting point for understanding whether parental cohabitation is associated with indicators of child well-being. Researchers often emphasize how changes in family structure influence child outcomes without understanding whether and how specific family structures are associated with child outcomes. Furthermore, fixed effects models do not allow for the analysis of how core, fixed, sociodemographic variables such as race or gender influence adolescent outcomes.

The Add Health is appropriate because it contains a large number of adolescents living in cohabiting parent families, includes key measures of consequential adolescent outcomes, and has rich measures of family processes that may explain some of the observed differences in family structure. Other data sources, such as the National Survey of American Families and Current Population Survey, provide information only about the current family situation and no details about family stability. Yet the Add Health data do not include details about family structure histories.

Our analytic sample depends on the question that we address. Dividing the sample is necessary because not all of the predictors used for analyses of married, two-biological-parent families can be applied to the unmarried and stepparent families (e.g., number of mother's prior marriages and nonresident father closeness). We begin by contrasting the well-being of children in cohabiting stepparent families to those living in married, two-biological-parent families, including all possible family types. Our analytic sample consists of 13,231 adolescents. Our next analysis is limited to teens living in stepfamilies and single-mother families. We make two sets of specific family comparisons. First, we examine the well-being of

adolescents living with unmarried mothers (single-mother vs. cohabiting-mother families) so we can estimate the effect of cohabitation among unmarried mothers. Second, we focus on teenagers living with stepfathers (married stepfather families vs. cohabiting stepfather families) so we can determine the influence of formal marital status among children living with stepfathers. Our analysis of teens living with single mothers and stepfathers is based on 5,504 respondents.

### *Dependent Variables*

We include a range of indicators of well-being. The indicators of behavior problems are ever having been expelled or suspended from school, experiencing trouble in school, and self-reported delinquency scores. The suspension or expulsion measure is a dichotomous measure simply indicating whether the respondent ever received an out of school suspension from school or an expulsion from school. This is coded such that 1 = *yes* and 0 = *no*. Unlike the other outcomes, expulsion or suspension may occur prior to the formation of the current family, but provides a rough indicator of problem behavior. The second measure, problems in school, assesses the respondent's difficulty in the school context. The four items comprising the scale indicate the degree, since the start of the school year, the respondent has had problems getting along with teachers, paying attention in school, getting homework done, and getting along with other students. (All items are coded such that 0 = *never*, 1 = *just a few times*, 2 = *about once a week*, 3 = *almost every day*, and 4 = *every day*.) The responses are summed so the scores may range from 0 to 16. This measure has a Cronbach  $\alpha$  reliability of .69. The delinquency scale is composed of 15 items asking the frequency that respondents engaged in a series of delinquent acts over the past 12 months, including painting graffiti or signs on someone else's property or in a public place; deliberately damaging property; lying to parents or guardian about whom respondent had been with; taking something from a store without paying for it; getting into a serious physical fight; hurting someone badly enough to need medical care; running away from home; driving a car without the owner's permission; stealing something worth more than \$50; going into a house or building to steal something; using or threatening to use a weapon to get something from someone; selling marijuana or other drugs; stealing something worth less than \$50; taking

part in a fight where a group of friends was against another group; or being loud, unruly, or rowdy in a public place. Responses (scored such that 0 = *never*, 1 = *one or two times*, 3 = *three or four times*, 3 = *five or more times*) were summed such that the scores ranged from 0 to 45. After the items were summed, cases were omitted from analysis when less than 75% (11 items) of the items had valid responses. Cases where 75% or more of the items had valid data were given the mean of the scale on any items with missing data. This strategy allows us to retain respondents in our sample and base delinquency scores on a minimum of 11 items. The delinquency measure has a high Cronbach  $\alpha$  reliability of .85.

Measures of cognitive development or academic achievement and expectations are student-reported grade point average, Peabody Picture Vocabulary Test, and college expectations. Only one measure may not be an adequate indicator of academic achievement. Low grade point average is a dichotomous measure indicating whether, of four subject areas in school (English, mathematics, history or social studies, and science), the respondent received two or more grades of D or lower. Respondents receiving *two or more Ds or Fs* were coded as 1, and respondents receiving *one or no Ds or Fs* were coded as 0. We use this measure of poor academic performance because grading systems vary considerably across schools, and student grades depend on the types of classes students attend (e.g., advanced placement courses vs. a general curriculum). The second indicator is an abbreviated version of the Peabody Picture Vocabulary Test. We use the age-standardized scores with a mean of 100 and a standard deviation of 15. This is considered a measure of verbal cognitive ability or development. The third indicator measures expectations for college. Respondents were asked how much they want to go to college (responses ranging from 1 = *low* to 5 = *high*). The mean response on this question was high with a value of 4.

#### *Independent Variables*

*Family structure.* The key independent variable is family structure. Cohabitation family status is established by the adolescent response in the household roster question and by the parent's response to relationship questions. If either the adolescent or the parent reports that the parent has a cohabiting partner, then the family is coded as a cohabiting parent family. We find very few adolescents

live in two-biological-parent cohabiting families. This is consistent with findings from other data (Brown, 2002). Thus, we limit our analyses of cohabitation to adolescents living with their biological mother and her cohabiting partner (cohabiting stepfather families). Our family structure categories include two married biological parents, single mother, married stepfather, and cohabiting stepfather. Table 1 shows the distribution of the independent variables according to each family type. Among adolescents living in stepfamilies, one third live with cohabiting parents and two thirds live with married parents. Among adolescents living with unmarried mothers, 13% are living with their mother and her cohabiting partner. The unmarried mothers may be never married, divorced, or widowed. These findings mirror those reported in the NSAF and NSFH (Brown, 2002; Bumpass, 1994).

The remaining independent variables are divided into three categories: sociodemographic, parenting or socialization variables, and family stability. The distribution for each of the independent variables is provided in Table 1.

*Sociodemographic.* Race and ethnicity respondents is based on their own response and coded into four categories: Black, White, Latino, and Other. The "Other" category includes groups that are too small to distinguish in analyses. In both stepparent and unmarried mother families, the majority of the adolescents are White, whereas 15% are Black and 12% Latino. The family income measure is logged and the family income values are higher among teens in married stepparent families than in the other family types. A shortcoming of the Add Health data is that a considerable share (23%) of the sample has missing data on income. To avoid deleting all of these cases, respondents with missing income are coded to the mean value of income and a dummy variable is included in the model that indicates which respondents were missing on income. Mother's age is coded as a continuous variable, and the mean value is 32. Mother's education is coded on an ordinal scale (1 = *eighth grade or less*; 2 = *more than eighth grade, but did not graduate from high school*; 3 = *went to a business, trade, or vocational school in place of high school*; 4 = *received a GED*; 5 = *high school graduate*; 6 = *went to college but did not graduate*; 7 = *graduated from a college or university*; 8 = *had professional training beyond college*). On average, single mothers have a high school education, and mothers in married

TABLE 1. DISTRIBUTION OF INDEPENDENT VARIABLES, BY FAMILY STRUCTURE (N = 13,231)

	Married Two Biological Parents	Single Mother	Married Stepfather	Cohabiting Stepfather
<b>Sociodemographic</b>				
Race				
White	.75 (.02)	.49 (.04)	.73 (.02)	.56 (.04)
Black	.07 (.01)	.33 (.04)	.11 (.02)	.19 (.03)
Hispanic	.11 (.02)	.13 (.02)	.11 (.02)	.19 (.03)
Other	.07 (.01)	.05 (.01)	.06 (.01)	.07 (.01)
Log family income	3.75 (.03)	3.01 (.04)	3.63 (.03)	3.19 (.05)
Missing income (1 = yes)	.12 (.01)	.21 (.01)	.08 (.01)	.15 (.03)
Mother's age	41.2 (.17)	39.15 (.22)	38.19 (.23)	37.53 (.28)
Mother's education	5.49 (.09)	5.04 (.10)	5.43 (.09)	4.89 (.13)
Child's age	15.28 (.12)	15.35 (.14)	15.33 (.13)	15.20 (.17)
Child's sex (1 = male)	.52 (.01)	.47 (.01)	.51 (.02)	.54 (.03)
Importance of religion to child	3.34 (.02)	3.33 (.02)	3.31 (.03)	3.21 (.04)
Number of children in household	1.24 (.03)	1.28 (.06)	1.45 (.05)	1.41 (.09)
<b>Family Stability</b>				
Number of mother's marriages	1.01 (.25)	1.45 (.03)	2.12 (.03)	2.16 (.06)
Duration of relationship	15.20 (.20)	□	6.67 (.23)	4.44 (.27)
<b>Parenting</b>				
Monitoring by parents	1.93 (.06)	1.70 (.07)	1.97 (.08)	1.82 (.10)
Closeness to mother	4.56 (.02)	4.58 (.02)	4.63 (.02)	4.49 (.05)
Closeness to nonresident father	□	3.06 (.03)	3.13 (.05)	3.11 (.07)
Missing closeness to nonresident father (1 = yes)	□	.25 (.01)	.26 (.02)	.27 (.03)
N	7,727	3,593	1,352	559

Note: From the National Longitudinal Survey of Adolescent Health.

stepfamilies have the highest levels of education. Religiosity is measured by responses to questions about the importance of religion in the life of the adolescent. The responses range from 1 to 4, with 1 indicating *not at all important* and 4 indicating *very important*. The mean response is 3.3, indicating religion is considered *fairly important*. The mean age of the child is 15 and the ages range from 11 to 21. The sample is evenly split between boys and girls. On average, about one other child lives in the household.

*Family stability.* Indicators of family stability include mother's relationship history and duration of current relationship. The number of mother's prior *marriage-like* relationships is included as a control variable. These relationships are asked about in reference to the 18-year period prior to Wave I, or from 1977–1995, so these refer to changes in mother's relationships during the course of the child's lifetime. Single mothers have been in, on average, only one marriage-like relationship, and cohabiting and married mothers in



this sample have been in, on average, two relationships. The following indicator of stability is applied only to the stepfamily analysis. Stability of the stepfamilies is measured in terms of the duration of the parental relationship. The mean duration of the cohabiting stepfamilies is 4.4 years, and the mean duration of the married stepfamilies is 6.7 years. This is consistent with findings from the NSFH (Hao & Xie, 2001).

*Parenting.* The parenting measures focus on control and support. Parental control is based on a seven-item scale with high values indicating high control. The questions are coded dichotomously (0 = *yes* and 1 = *no*) and then summed. Adolescent respondents are asked whether parents let them make their own decisions about the time they must be home on weekend nights, the people they hang around with, what they wear, how much TV they watch, which TV programs they watch, what time they go to bed on week nights, and what they eat. The  $\alpha$  reliability of the scale is .64. The mean level of control is 1.83, indicating a fairly low level of parental supervision.

Closeness to resident mother is an individual item, asking teens how close they feel to their mothers, coded 1 = *not at all*, 2 = *very little*, 3 = *somewhat*, 4 = *quite a bit*, 5 = *very much*. The average closeness to mothers ranges between *quite a bit* to *very much*. Unfortunately, the data do not include questions about closeness to cohabiting stepfathers. For those respondents who report having a nonresident biological father, the same question is included as a predictor. The average value is *somewhat close*. We also include a dummy variable measuring whether responses were missing on closeness to nonresident father. This strategy allows us to retain the variable in our analyses; approximately one quarter of the sample is missing on the indicator of closeness to nonresident father.

### *Design*

We correct for design effects and the unequal probability of selection using STATA (Chantala & Tabor, 1999). The analytic method depends on the nature of the dependent variables. Logistic regression is used for analyses of dichotomous dependent variables, whether the adolescent was expelled or suspended from school and whether the teen received low grades. Ordinary least square regressions are estimated for all remaining outcomes.

Our analytic strategy is to estimate a series of models for each outcome. We first estimate a zero-order or bivariate model that includes only the family structure variable. The second model we present adds the remaining factors, including socioeconomic, parenting, and family stability measures. We also enter variables separately to assess how they contribute to the fit of the models, but because of space constraints, we do not present the results in the tables.

## RESULTS

### *Distribution of Adolescent Outcomes*

Table 2 presents the mean and median values of the dependent variables according to each family type. This provides information about the basic levels of the well-being indicators and shows the range of values for the measures of well-being. Most teenagers, regardless of family type, were not expelled or suspended from school. Two fifths of the adolescents in single-mother and cohabiting stepfather families were expelled or suspended, and three tenths of teens living in married stepfather families experienced school suspension or expulsion. Delinquency levels range from 0 to 45, so those reported are quite low, and the mean values are highest for teens living in cohabiting stepfather families. In terms of school problems, the values fall within a narrow range from 3.95 to 4.79, suggesting that the majority of teenagers have just a few troubles in school. The measure of academic achievement shows that the vast majority of teens in each family type have not received Ds or Fs in two or more subjects. The Peabody Picture Vocabulary Test is an indicator of cognitive development, and the scores range from 98 to 104, with adolescents in married, two-biological-parent families scoring best. Finally, most teens possess high expectations for attending college, and there appears to be only slight variation according to family type.

### *Cohabiting Stepparent and Married, Two-Biological-Parent Families*

Our first aim is to contrast the well-being of children in cohabiting stepfamilies to children living in married, two-biological-parent families (reference category in Table 3). The inclusion of the entire sample for these analyses prevents us from using the couple-level indicators (duration, relationship quality); number of mother's prior mar-

TABLE 2. MEANS (STANDARD ERRORS) OF OUTCOME VARIABLES (N = 13,231)

Dependent Variables	Married Two Biological Parents	Unmarried Single Mother	Step Married	Step Cohabiting
<b>Suspension/expulsion</b>				
<i>M</i>	.18 (.01)	.39 (.02)	.30 (.02)	.41 (.30)
Median	0	0	0	0
<b>Delinquency</b>				
<i>M</i>	3.76 (.10)	4.67 (.15)	4.29 (.18)	5.44 (.33)
Median	3	3	3	3
<b>School problems</b>				
<i>M</i>	3.95 (.06)	4.52 (.09)	4.60 (.11)	4.79 (.19)
Median	3	4	4	4
<b>Low grade point average</b>				
<i>M</i>	.09 (.01)	.15 (.01)	.14 (.01)	.19 (.02)
Median	0	0	0	0
<b>PPVT</b>				
<i>M</i>	103.87 (.56)	98 (.78)	102 (.62)	98 (1.02)
Median	104	97	101	98
<b>College expectations</b>				
<i>M</i>	4.50 (.03)	4.37 (.03)	4.42 (.04)	4.28 (.07)
Median	5	5	5	5

Note: From the National Longitudinal Survey of Adolescent Health. Means are weighted using Wave I grand sample weight. PPVT = Peabody Picture Vocabulary Test.

riages; and relationship with nonresident fathers in the models. We highlight the findings related to the well-being of teenagers living in cohabiting stepparent families. Notably, adolescents living in married, two-biological-parent families generally fare better than teenagers living in any other family type.

The first three columns show that teens who reside in cohabiting stepfather families experience 122% (exponential value of 0.80) higher odds of being expelled from school, greater levels of delinquency, and more school problems than teenagers residing with two married, biological parents. The next three columns indicate that adolescents living with cohabiting stepfathers are more likely to have a low grade point average or experience 90% (exponential value of 0.64) greater odds of low grades and score worse on the vocabulary test. Teenagers living with cohabiting stepfathers have similar expectations of going to college as teenagers living with two married, biological parents. At the bivariate level, college expectations are lower among teens living with cohabiting stepfathers than teens living with two biological married parents. The effects of the other covariates vary across adolescent outcomes. We find that higher levels of family income and mother's education are typically related to higher levels

of child well-being. Girls appear to fare better than boys. Younger children more often have higher levels of delinquency, school problems, low GPA, and lack college expectations. Religiosity often is associated with higher levels of child well-being. Teenagers who are closer to their mothers have fewer behavioral and academic problems.

*Cohabiting Stepparent, Married Stepparent, and Single-Mother Families*

The first row of Table 4 shows the effect of living with married rather than cohabiting stepparents on adolescent problem behaviors. These sets of findings reflect the importance of formal marital status. The second row presents the effect of living with a single mother rather than cohabiting stepparents on teenage problem behaviors. These results indicate how mothers' cohabitation influences teenage well-being among unmarried mothers. The first model shows the zero-order or bivariate effects, and the second model presents the effects of family structure, net of the other variables. We present the family structure effects for each model and then discuss the effects of the remaining covariates.

The first column shows that at the bivariate

TABLE 3. REGRESSION COEFFICIENTS ESTIMATES OF ADOLESCENT BEHAVIORAL AND ACADEMIC OUTCOMES  
 (N = 13,231)

	Suspend Expel <sup>a</sup>	Delinquency	School Problems	Low GPA <sup>b</sup>	PPVT	College Expectations
Family structure (Married, two biological)						
Cohabiting stepfather	.80□□□ (.13)	1.32□□ (.32)	.76□□□ (.17)	.64□□□ (.17)	-2.36□□ (.70)	-.10 (.06)
Married stepfather	.56□□□ (.08)	.61□□ (.21)	.69□□□ (.12)	.52□□□ (.12)	-.93 (.47)	-.05 (.04)
Single mother	.62□□□ (.09)	.95□□□ (.19)	.66□□□ (.09)	.38□□□ (.10)	-.85□ (.40)	-.04 (.03)
Sociodemographic characteristics						
Race (White)						
Black	.99□□□ (.11)	.22 (.18)	-.20 (.14)	0.005 (.12)	-9.09□□□ (.68)	.10□□ (.04)
Hispanic	.17 (.13)	1.02 (.24)	-.27 (.17)	.19 (.14)	-7.10□□□ (.74)	.08 (.05)
Other	.03 (.13)	.72 (.26)	-.003 (.17)	-.18 (.15)	-3.42□□□ (.86)	.16□□ (.05)
Log family income	-.25□□□ (.06)	-.03 (.11)	.01 (.05)	-.20□□□ (.05)	2.16□□□ (.27)	.10□□□ (.02)
Missing income (no)	.01 (.07)	-.35 (.20)	-.0001 (.11)	.24□ (.12)	-1.59□□ (.51)	-.02 (.04)
Mother's age	-.01□ (.005)	.005 (.01)	0.002 (.006)	-.01 (.01)	.03 (.03)	.01□□ (.002)
Mother's education	-.14□□□ (.02)	-.006 (.03)	-.03 (.02)	-.13□□□ (.02)	1.44□□□ (.11)	-.07□□□ (.01)
Child's age	.11□□□ (.03)	-.12□□ (.04)	-.04 (.03)	-.03 (.03)	-.30□ (.12)	.07□□□ (.01)
Child's sex (female)	.97□□□ (.06)	1.62□□□ (.11)	.81□□□ (.07)	.51□□□ (.08)	1.36□□□ (.30)	-.17□□□ (.03)
Importance of religion to child	-.15□□□ (.04)	-.75□□□ (.09)	-.27□□□ (.06)	-.25□□□ (.05)	-.29 (.24)	.10□□□ (.02)
Number of children in household	.04 (.03)	-.001 (.05)	.02 (.03)	0.002 (.03)	-.79□□□ (.15)	-.01 (.01)
Parenting						
Monitoring	.002 (.02)	-.11□ (.05)	-.04 (.03)	.01 (.03)	-1.14□□□ (.14)	-.03□ (.01)
Closeness to mother	-.17□□□ (.04)	-1.29□□□ (.10)	-.64□□□ (.05)	-.19□□□ (.04)	-.75□□□ (.20)	.11□□□ (.02)
Intercept	-.45 (.58)	12.4□□ (1.07)	7.80□□□ (.57)	1.36□ (.58)	91.79□□□ (2.38)	3.55□□□ (.21)
F-value <sup>c</sup>	-6585.5□□□	25.7□□□	26.7□□□	-4396.2□□□	77.9□□□	29.1□□□
R <sup>2</sup> <sup>d</sup>	.13	.09	.06	.05	.25	.07

Note: Reference category for variables is presented in parentheses. Unstandardized coefficients are presented, and standard errors are shown in parentheses. PPVT = Peabody Picture Vocabulary Test.

<sup>a</sup>Logistic regression was used for suspended or expelled, 1 = yes. <sup>b</sup>Logistic regression was employed for low grade point average (1 = low grades). <sup>c</sup>The log likelihood is shown for the models predicting suspension or expulsion and low grade point average. <sup>d</sup>The R<sup>2</sup> is the pseudo R<sup>2</sup> for the models predicting suspension or expulsion and low grade point average.

□ p < .05. □□ p < .01. □□□ p < .001.

level, teenagers living in married stepparent families have significantly lower odds of being suspended or expelled from school than teens residing in cohabiting stepparent families. The second model shows that this family structure effect can be explained by the other covariates. No single factor explains the effect of family structure: Sociodemographic variables in conjunction with the

parenting variables (closeness to mother and monitoring) reduce the effect of marital status. Thus in the multivariate model teens living in married and cohabiting stepparent families share similar odds of being suspended or expelled from school. We shift the reference category to single mothers and find that children living in married stepfather families have similar odds of being suspended or



TABLE 4. REGRESSION COEFFICIENTS ESTIMATES OF ADOLESCENT BEHAVIORAL OUTCOMES (N = 5,504)

	Suspension/Expulsion <sup>a</sup>		Delinquency		School Problems	
	Model 1	Model 2	Model 1	Model 2	Model 1	Model 2
Family structure (Cohabiting stepfather)						
Married stepfather	-.52□□□ (.14)	-.21 (.15)	-1.15□□ (.36)	-.68□ (.35)	-.19 (.22)	-.10 (.20)
Single mother	-.11 (.12)	-.06 (.14)	-.76□ (.35)	-.06 (.37)	-.27 (.19)	0.005 (.20)
Sociodemographic characteristics						
Race (White)						
Black		.97□□□ (.12)		.23 (.25)		-.30 (.18)
Hispanic		.11 (.17)		1.17□□ (.39)		-.33 (.21)
Other		.15 (.18)		1.00□ (.47)		.16 (.30)
Log family income		-.22□□□ (.06)		.05 (.15)		.07 (.07)
Missing income (no)		.15 (.11)		-.31 (.27)		.01 (.14)
Mother's age		-.01 (.01)		.01 (.02)		.02 (.01)
Mother's education		-.16□□□ (.02)		-.04 (.05)		-.05 (.03)
Child's age		.07□ (.03)		-.21□□□ (.06)		-.09□ (.04)
Child's sex (female)		.96□□□ (.09)		2.01□□□ (.22)		.94□□□ (.12)
Importance of religion to child		-.17□□ (.05)		-.72□□□ (.15)		-.25□□ (.08)
Number of children in household		.05 (.03)		0.001 (.08)		.04 (.05)
Family stability						
Number of mother's marriages		.16□□□ (.04)		.39□□ (.15)		.15□ (.07)
Parenting						
Monitoring		-.02 (.02)		-.13 (.10)		-.06 (.05)
Closeness to mother		-.21□□□ (.05)		-1.18□□□ (.16)		-.55□□ (.07)
Closeness to nonresident father		-.06□ (.03)		-.29□□□ (.08)		-.13□□ (.06)
Missing closeness to nonresident father (no)		.02 (.09)		-.16 (.24)		-.06 (.12)
Intercept	-.35□□	.73	5.44□□□	13.97□□□	4.79□□	7.95□□□
F-value <sup>b</sup>	-3591.45	-3225.41	4.84□	11.95□□□	2.03	7.73□□□
R <sup>2</sup> <sup>c</sup>	.01	.11	.00	.09	.00	.06

Note: Reference category for variables is presented in parentheses. Unstandardized coefficients are presented, and standard errors are shown in parentheses.

<sup>a</sup>Logistic regression was used for suspended or expelled, 1 = yes. <sup>b</sup>The log likelihood is shown for the models predicting suspension or expulsion. <sup>c</sup>The R<sup>2</sup> is the *pseudo R*<sup>2</sup> for the models predicting suspension or expulsion and low grade point average.

□ p ≤ .05. □□ p ≤ .01. □□□ p ≤ .001.

expelled as their counterparts living in single-mother families (results not shown). The next row indicates that adolescents living with single mothers have similar odds of being expelled or sus-

pending from school as adolescents living with their mother and her cohabiting partner. This is true in both the bivariate and multivariate models.

In terms of delinquency, teens living in married

stepfather families have significantly lower levels than teens living in cohabiting stepfather families. The results in the next column suggest that the inclusion of the remaining covariates reduces but does not fully explain the marital status effect. The multivariate model indicates that teenagers living in married rather than cohabiting stepparent families have significantly lower delinquency scores. We also find that teenagers living with married stepfathers have lower levels of delinquency than teens living with single mothers (results not shown).

Delinquency is significantly lower among adolescents living with just their mother than those living with their mother and her cohabiting partner. Yet the next column includes all of the covariates and shows that these differences are no longer statistically significant. The effect of family structure on delinquency is primarily explained by the number of mother's marriages.

The last two columns in Table 4 present the effects of the covariates on school problems. The bivariate and multivariate model results show that teenagers in cohabiting and married stepfather families have similar levels of school problems. Further analyses indicate that married stepfathers and single mothers have similar school problems (results not shown). The next row shows teenagers living with single mothers and cohabiting partners share similar levels of trouble in school.

The remaining covariates in Table 4 operate in the expected direction and vary somewhat depending on the particular outcome. Younger teenagers and boys consistently are more likely to experience problems. The indicator of importance of religion is also negatively associated with problem behaviors. The greater the number of mother's marriages, the higher the incidence of problem behaviors. Closeness to mother as well as closeness to nonresident father are associated with fewer problem behaviors.

Further analyses of only teenagers living in stepfamilies reveal that duration of the parental relationship is usually not associated with adolescent behavior problems (results not shown). We also tested whether the effects of family type differ according to the duration of the parental relationship. Analyses of interaction effects indicate that the effects of family type differ according to duration for only one outcome, school problems (results not shown). The effect of marital status on school problems is greater early in the relationship and then diminishes at later union durations.

Table 5 shows the effects of cohabitation on academic well-being, and the table format mirrors Table 4. The first column of Table 5 shows that teenagers living in married stepfather families have lower odds of earning low grades than teens in cohabiting stepfather families. Yet the inclusion of the remaining covariates (income in particular) explains this difference. We also do not find statistical differences between teens living in married stepfamilies and single-mother families (results not shown). The next row shows that adolescents living with unmarried mothers who are cohabiting have higher odds of having low grades than teens living with single mothers. The inclusion of the remaining covariates shifts the relationship between family structure and grades such that teens in cohabiting stepparent and single-mother families share similar odds of having low grades. The family structure differences are explained by our indicator of family stability, the number of mother's marriages.

The next two columns present the effects of family structure on verbal ability. At the bivariate level, adolescents in married stepfather families score higher on the vocabulary test than teens in cohabiting stepfather families. The effect of cohabitation is reduced with the inclusion of the explanatory variables; however, the family effect is marginally significant ( $p = .06$ ). In contrast, teenagers living in married stepfather and single-mother families share similar levels of verbal ability (results not shown). Adolescents living in unmarried mother families without cohabiting partners and with cohabiting partners have statistically similar verbal ability scores, suggesting that teens' mother's cohabitation status is not related to cognitive development.

The last two columns focus on college expectations. The bivariate results demonstrate that adolescents living in married stepfather families possess higher college expectations than adolescents living in cohabiting stepfamilies. The final column, however, shows that these family structure differences no longer persist when the remaining covariates are included. The positive effect of marriage on college expectations reduces to non-significance when income or mother's education is included in the model. Similarly, teenagers living with married stepfathers and single mothers do not differ in terms of college expectations (results not shown). In both bivariate and multivariate models, youth living in cohabiting stepfather families and single-mother families share similar expectations for college. Among children living

TABLE 5. REGRESSION COEFFICIENTS ESTIMATES OF ADOLESCENT ACADEMIC OUTCOMES (N = 5,504)

	Low Grade Point Average <sup>a</sup>		Peabody Picture Vocabulary Test		College Expectations	
	Model 1	Model 2	Model 1	Model 2	Model 1	Model 2
Family structure (Cohabiting stepfather)						
Married stepfather	-.38 □ (.18)	-.11 (.19)	4.21 □□□ (.99)	1.65 (.86)	.13 □ (.06)	.06 (.07)
Single mother	-.33 □ (.16)	-.20 (.18)	.36 (.98)	1.29 (.80)	.09 (.07)	.04 (.06)
Sociodemographic characteristics						
Race (White)						
Black		.03 (.15)		-8.62 □□□ (.77)		.11 □ (.05)
Hispanic		.20 (.18)		-6.17 □□□ (.98)		.03 (.08)
Other		-.03 (.23)		-2.91 □ (1.12)		.14 □ (.07)
Log family income		-.20 □□ (.06)		1.97 □□□ (.33)		.09 □□□ (.02)
Missing income (no)		.37 □ (.18)		-2.39 □□□ (.64)		-.09 (.06)
Mother's age		-.01 (.01)		.03 (.05)		0.004 (.003)
Mother's education		-.09 □□ (.03)		1.51 □□□ (.14)		.05 □□□ (.01)
Child's age		-.04 (.03)		-.49 □□ (.16)		-.09 □□□ (.01)
Child's sex (female)		.48 □□□ (.11)		1.64 □□□ (.46)		-.20 □□□ (.04)
Importance of religion to child		-.16 □ (.08)		-.58 (.39)		.11 □□□ (.03)
Number of children in household		-.03 (.04)		-1.00 □□□ (.19)		-.01 (.02)
Family stability						
Number of mother's marriages		.13 □□ (.05)		-.37 (.31)		-.03 (.02)
Parenting						
Monitoring		-.04 (.03)		-1.29 □□□ (.20)		-.02 (.02)
Closeness to mother		-.22 □□ (.07)		-.96 □□□ (.30)		.08 □□□ (.02)
Closeness to nonresident father		-.09 □ (.04)		-.08 (.23)		.04 □ (.02)
Missing closeness to nonresident father (no)		-.12 (.12)		-1.80 □□□ (.49)		-.10 (.05)
Intercept	-1.43 □□□	1.75 □	97.74 □□□	95.39 □□□	4.28 □□	4.20 □□□
F-value <sup>b</sup>	-1778.52	-2245.05	.11	45.68 □□□	2.03	12.54 □□□
R <sup>2</sup> <sup>c</sup>	.08	.04	.01	.26	.001	.07

Note: Reference category for variables is presented in parentheses. Unstandardized coefficients are presented, and standard errors are shown in parentheses.

<sup>a</sup>Logistic regression was employed for low grade point average (1 = low grades). <sup>b</sup>The log likelihood is shown for the models predicting low grade point average. <sup>c</sup>The R<sup>2</sup> is the *pseudo* R<sup>2</sup> for the models predicting suspension or expulsion and low grade point average.

□ p ≤ .05. □□ p ≤ .01. □□□ p ≤ .001.

with unmarried mothers, the cohabiting parent does not appear to improve or worsen adolescents' school aspirations.

In terms of the remaining covariates, we find minority youth more often have lower academic outcomes than Whites. Mother's education, family income, and religiosity are associated with higher academic achievement. Boys have lower college expectations and grades than girls. Closeness to mothers and nonresident fathers is related to higher college expectations and grades. Additional analyses of just teenagers in stepfamilies show that the quality of parental relationships and duration of parental relationship are not associated with most adolescent academic outcomes. One exception is that duration of stepparent's relationship is positively tied to adolescent college expectations.

#### DISCUSSION

Recent debates have emerged about the advantage of marriage for adults and children (e.g., Waite & Gallagher, 2000). Adolescents in married, two-biological-parent families generally fare better than children in any of the family types examined here, including single-mother, cohabiting stepfather, and married stepfather families. The advantage of marriage appears to exist primarily when the child is the biological offspring of both parents. Our findings are consistent with previous work, which demonstrates children in cohabiting stepparent families fare worse than children living with two married, biological parents (e.g., Acs & Nelson, 2002; Brown, 2001; DeLeire & Kalil, 2002; Hao & Xie, 2001).

Researchers argue that we need to expand our traditional understanding of stepfamily life to include cohabiting stepfamilies (Stewart, 2001). The marital status of men in stepfamilies appears to influence adolescent well-being. Among adolescents living in stepfamilies, those living with married rather than cohabiting mothers are sometimes advantaged, although this is not consistent across all outcomes. At the bivariate level, teenagers living with married stepfamilies experience more positive behavioral and academic outcomes (except school problems), than teens living in cohabiting stepfamilies. Yet, at the multivariate level, many of the observed family structure differences can be explained by the covariates in our models. Differences in delinquency attributable to cohabitation and marital status, however, cannot be explained by the factors included in our model. Ad-

ditional data about the relationship between cohabiting and married stepfathers' relationships to their wives and partners' children may help to explain this marriage advantage. We lack measurement of role ambiguity, which may serve to distinguish parenting roles in cohabiting and married stepfamilies. Married stepfathers may have a more clearly defined obligation to their stepchildren than cohabiting stepfathers (Hofferth & Anderson, 2003). The act of remarriage may carry with it a more pronounced expectation of stepfather involvement (e.g., spending time with stepchildren and contributing financially to their upbringing) that has positive consequences for child well-being.

The results from this paper suggest that teenagers living with unmarried mothers do not seem to benefit from the presence of their mother's cohabiting partner. We argued at the outset that it may be important to distinguish between unmarried mothers who are cohabiting and those living alone. In terms of adolescent outcomes, we do not appear to gain much by distinguishing between cohabiting stepfather and single-mother families. We do find differences at the bivariate level, however, in terms of delinquency and low grades in school. Thus, as found in the stepfamily literature (e.g., Coleman et al., 2000), men's presence alone seems neither sufficient nor necessary to create positive outcomes for children. Indeed, our results show that stepfathers (married or cohabiting) provide limited benefit when contrasted with single-mother families. Our findings suggest that neither parental cohabitation nor marriage to a partner or spouse who is not related to the child (stepfamily formation) is associated with uniform advantage in terms of behavioral or academic indicators to teenagers living in single-mother families. These results are consistent with research focusing on behavior problems (Acs & Nelson, 2002; Morrison, 1998). Our findings are not consistent with Nelson et al. (2001) who reported negative effects of parental cohabitation. One explanation may be that we explain our negative effects of parental cohabitation on delinquency and grade point average by mother's marriage history, a variable that is not included in the data set used by Nelson et al.

We attempt to capture the fluidity and stability of families. Our core measure of family stability, the number of the mother's prior marriage-like relationships (during the child's lifetime), is an important contributor to children's well-being. Mother's relationship history is related to many

adolescent outcomes. In fact, this measure explains differences in delinquency and low grade point average among teenagers living with cohabiting stepfathers and single mothers. This is consistent with researchers who emphasize the importance of family stability rather than family structure for predicting child well-being (Hao & Xie, 2001; Hill et al., 2001; Wu & Martinson, 1993). We also evaluate whether family structure effects differ according to duration of the relationship. In stepfamilies, duration of the current relationship is only related to college expectations. Perhaps the stability of the relationship reflects the stepfather's willingness to provide financial assistance for college. This is similar to findings reported by Hao and Xie (2001), that time spent in the current union is not associated with child misbehavior. We find that family structure effects do not differ according to duration of the stepparent's relationship, except for school problems. This suggests that the effect of cohabitation is typically similar when stepfamilies first form and during later years.

We try to account for economic status (mother's education and family income), and similar to prior studies find that economic circumstances are associated with adolescent well-being (e.g., Duncan & Brooks-Gunn, 1997). These factors are particularly important for understanding differences in the effect of cohabitation in stepfamilies. Most of the bivariate differences based on parental marital or cohabitation status in stepfamilies are explained by socioeconomic factors (e.g., family income, race or ethnicity, mother's education, child's sex and age). Thus, the higher levels of mother's education and family income observed in married stepfather families explains some of the differences in child outcomes in stepfather families.

Our findings also speak to how parenting and the complexity of family influence children's lives. Parental control is not uniformly associated with better teenage outcomes, but this measure is not capturing early adolescent parenting and focuses narrowly on limit setting. With regard to parental support, we find that closeness of teens to their biological mothers and nonresident fathers is positively related to many indicators of adolescent well-being and is more often a significant predictor of adolescent outcomes than parental monitoring. Hence, our findings appear to be more consistent with attachment than with social control theories of child development. Our work suggests that it is important to account not only for the

structure of families, but also for the nature of relationships that exist within and across households. Another measure, which could be considered to be part of family life socialization, is religiosity, and we observe similar levels across family types. We find that the teens who were more religious than other teens fared better in terms of behavior and academic outcomes, but this variable does not explain the effects of family structure.

This paper suffers from several shortcomings. First, we employ cross-sectional data, so our findings are suggestive because longitudinal analyses are necessary to accurately evaluate how parental cohabitation or marriage causes changes in an adolescent's well-being (see Hao & Xie, 2001). For example, we may find that mothers with children who have greater behavior problems and poor school performance are more likely to cohabit than marry. Thus, there could be selection into family types based on the adolescent behaviors. In a similar vein, the causal nature of the covariates is not clearly specified in our models. Our covariates represent factors that may be related to entry into specific types of families (e.g., education or religiosity) as well as effects of family structure (e.g., income). We are not able to account for selection in our models, but we believe that we have provided important baseline information about parental cohabitation and adolescent well-being. Second, some potentially important variables are omitted from our analyses. Measures that tap into stepfamily processes, such as relationships with cohabiting stepfathers or parenting problems in stepparent families, are not available in the Add Health. As discussed above, stepfathers who are cohabiting may face quite different parenting circumstances than stepfathers who are married. Another factor that is associated with child well-being and found to be important among cohabiting families is maternal depression (Brown, 2001). Unfortunately, measures of maternal depression are not included in the Add Health. Finally, our measure of economic circumstances is far from ideal. There is a high level of missing data on family income in the Add Health. We hoped to alleviate this limitation by accounting for mother's education, but acknowledge it is not a substitute for income.

The issue of cohabitation and child development has become more important as cohabitation has become an increasingly large part of children's family experiences (Bumpass & Lu, 2000; Graefe & Lichter, 1999). The findings from this



paper represent an initial step toward understanding the implications of parental cohabitation on adolescent well-being. Research that focuses on younger children and examines the well-being of children born into cohabiting parent families is warranted. Future efforts must consider potential selection issues from both the adult's and child's perspective as well as model the fluid nature of cohabiting unions.

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REFERENCES

Acs, G., & Nelson, S. (2001). *Honey, I'm home. Changes in living arrangements in the late 1990s* (New Federalism National Survey of America's Families B-38). Washington DC: Urban Institute.

Acs, G., & Nelson, S. (2002). *The kids alright? Children's well-being and the rise in cohabitation* (New Federalism National Survey of America's Families B-48). Washington DC: Urban Institute.

Amato, P. R., & Gilbreth, J. G. (1999). Nonresident fathers and children's well-being: A meta-analysis. *Journal of Marriage and the Family, 61*, 557-573.

Baumrind, D. (1991). Parenting styles and adolescent development: In R. Lerner, A. C. Petersen, & J. Brooks-Gunn (Eds.), *Encyclopedia of adolescence* (pp. 746-759). New York: Garland.

Bearman, P., Jones, J., & Udry, R. (1997). *The National Longitudinal Study of Adolescent Health*. Chapel Hill, NC: University of North Carolina.

Brown, S. (2001, March). *Child well-being in cohabiting unions*. Paper presented at the Annual Meeting of the Population Association of America, Washington, DC.

Brown, S. (2002). Child well-being in cohabiting families. In A. Booth & A. Crouter (Eds.), *Just living together: Implications of cohabitation for children, families and social policy* (pp. 173-188). Mahwah, NJ: Lawrence Erlbaum.

Buchanan, C. M., Maccoby, E. E., & Dornbusch, S. M. (1996). *Adolescents after divorce*. Cambridge, MA: Harvard University Press.

Bumpass, L. (1994, December). *The declining significance of marriage: Changing family life in the United States*. Paper presented at the Potsdam International Conference, The Netherlands.

Bumpass, L., & Lu, H. (2000). Trends in cohabitation and implications for children's family contexts. *Population Studies, 54*, 29-41.

Carlson, M., & Corcoran, M. (2001). Family structure and children's behavioral and cognitive outcomes. *Journal of Marriage and Family, 63*, 779-792.

Chantala, K., & Tabor, J. (1999). *Strategies to perform a design-based analysis using the Add Health data*. Chapel Hill, NC: Carolina Population Center, University of North Carolina.

Coleman, M., Ganong, L., & Fine, M. (2000). Reinvestigating remarriage: Another decade of progress. *Journal of Marriage and the Family, 62*, 1288-1307.

DeLeire, T., & Kalil, A. (2002). Good things come in 3s: Single-parent multigenerational family structure and adolescent adjustment. *Demography, 39*, 393-434.

Duncan, G., & Brooks-Gunn, J. (Eds.). (1997). *Consequences of growing up poor*. New York: Russell Sage Foundation.

Dunifon, R., & Kowaleski-Jones, L. (2002). Who's in the house? Race differences in cohabitation, single parenthood and child development. *Child Development, 73*, 1249-1264.

Durst, R. (1997). Ties that bind: Drafting enforceable cohabitation agreements. *New Jersey Law Journal, 147*, S13-S14.

Fields, J. (2001). Living arrangements of children. *Current Population Reports, 70*-74.

Fields, J., & Casper, L. (2000). America's families and living arrangements. *Current Population Reports, 20*-537.

Graefe, D. R., & Lichter, D. T. (1999). Life course transitions of American children: Parental cohabitation, marriage, and single parenthood. *Demography, 36*, 205-217.

Hanson, T., McLanahan, S., & Thomson, E. (1997). Economic resources, parental practices, and children's well-being. In G. J. Duncan & J. Brooks-Gunn (Eds.), *Consequences of growing up poor* (pp. 190-238). New York: Russell Sage Foundation.

Hao, L., & Xie, G. (2001). The complexity and endogeneity of family structure in explaining children's misbehavior. *Social Science Research, 31*, 1-28.

Hill, M., Yeung, W., & Duncan, G. (2001). Childhood family structure and young adult behaviors. *Journal of Population Economics, 14*, 271-299.

Hofferth, S., & Anderson, K. (2003). Are all dads equal? Biology versus marriage as a basis for paternal investment. *Journal of Marriage and Family, 65*, 213-232.

Mahoney, M. (2002). The economic rights and responsibilities of unmarried cohabitants. In A. Booth & A. Crouter (Eds.), *Just living together: Implications of*



- cohabitation on families, children, and social policy* (pp. 247-254). Mahwah, NJ: Lawrence Erlbaum.
- Manning, W. (2002). The implications of cohabitation for children's well-being. In A. Booth & A. Crouter (Eds.), *Just living together: Implications of cohabitation on families, children, and social policy* (pp. 121-152). Mahwah, NJ: Lawrence Erlbaum.
- Manning, W., & Lichter, D. (1996). Parental cohabitation and children's economic well-being. *Journal of Marriage and the Family*, 58, 998-1010.
- Manning, W., Smock, P., & Majumdar, D. (2003). The relative stability of cohabiting and marital unions for children. *Population Research and Policy Review*.
- McLanahan, S. (1997). Parent absence or poverty: Which matters more? In G. Duncan & J. Brooks-Gunn (Eds.), *Consequences of growing up poor* (pp. 35-48). New York: Russell Sage Foundation.
- McLanahan, S., & Sandefur, G. (1994). *Growing up with a single parent: What hurts, what helps*. Cambridge, MA: Harvard University Press.
- Morrison, D. R. (1998, March). *Child well-being in step families and cohabiting unions following divorce: A dynamic appraisal*. Paper presented at the Annual Meeting of the Population Association of America, Chicago, IL.
- Morrison, D. R. (2000, March). *The costs of economic uncertainty: Child well-being in cohabitating and remarried unions following parental divorce*. Paper presented at the Annual Meeting of the Population Association of America, Los Angeles, CA.
- Nelson, S., Clark, R., & Acs, G. (2001). *Beyond the two-parent family: How teenagers fare in cohabiting couple and blended families*. (New Federalism National Survey of America's Families B-31). Washington, DC: Urban Institute.
- O'Connor, T. G., Hetherington, E. M., & Clingempeel, W. G. (1997). Systems and bi-directional influences in families. *Journal of Social and Personal Relationships*, 14, 491-504.
- Stewart, S. (2001). Contemporary American stepparenthood: Integrating cohabiting and nonresident step-parents. *Population Research and Policy Review*, 20, 345-364.
- Thomson, E., Hanson, T., & McLanahan, S. (1994). Family structure and child well-being: Economic resources vs. parental behavior. *Social Forces*, 73, 221-242.
- Thomson, E., McLanahan, S., & Curtin, R. B. (1992). Family structure, gender, and parental socialization. *Journal of Marriage and the Family*, 54, 368-378.
- Udry, J. R. (1998). *The National Longitudinal Study of Adolescent Health (Add Health), Waves I & II, 1994-1996* [Data file]. Chapel Hill, NC: Carolina Population Center, University of North Carolina.
- Waite, L. J., & Gallagher, M. (2000). *The case for marriage*. New York: Doubleday.
- White, L., & Gilbreth, J. (2001). When children have two fathers: Effects of relationships with stepfathers and noncustodial fathers on adolescent outcomes. *Journal of Marriage and Family*, 63, 155-167.
- Wu, L., & Martinson, B. (1993). Family structure and the risk of a premarital birth. *American Sociological Review*, 58, 210-232.

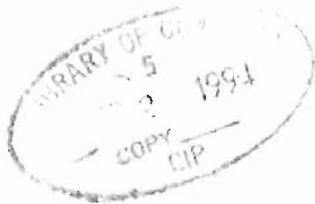
# EXHIBIT 26

**GROWING  
UP WITH A  
SINGLE  
PARENT**

What Hurts,  
What Helps

Sara McLanahan  
Gary Sandefur

HARVARD UNIVERSITY PRESS  
Cambridge, Massachusetts  
London, England 1994



For Sara, Jay, and  
Anna McLanahan,  
Leah and Lynn Garfinkel,  
Becky and Carol Sandefur

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CIP

**CHAPTER ONE**

**WHY WE CARE  
ABOUT SINGLE  
PARENTHOOD**

In the summer of 1992, the Vice President of the United States, Dan Quayle, condemned Murphy Brown—the lead character in a popular television show—for giving birth out of wedlock. In doing so he focused national attention on single mothers and reopened an old debate over the consequences of family structure for children and for the nation as a whole. The public reaction was intense and sharply divided. Some people argued that single motherhood had no known long-term negative consequences for children. Others claimed it was the major cause of child poverty, delinquency, and high school failure. And still others argued that even if single motherhood were harmful in some way, we should not say so for fear of stigmatizing single mothers and their children.<sup>1</sup>

We disagree with all three positions. First, we reject the claim that children raised by only one parent do just as well as children raised by both parents. We have been studying this question for ten years, and in our opinion the evidence is quite clear: *Children who grow up in a household with only one biological parent are worse off, on average, than children who grow up in a household with both of their biological parents, regardless of the parents' race or educational background, regardless of whether the parents are married when the child is born, and regardless of whether the resident parent remarries.* Compared with teen-



agers of similar background who grow up with both parents at home, adolescents who have lived apart from one of their parents during some period of childhood are twice as likely to drop out of high school, twice as likely to have a child before age twenty, and one and a half times as likely to be "idle"—out of school and out of work—in their late teens and early twenties.

But are single motherhood and father absence therefore the root cause of child poverty, school failure, and juvenile delinquency? Our findings lead us to say no. While living with just one parent increases the risk of each of these negative outcomes, it is not the only, or even the major, cause of them. Growing up with a single parent is just one among many factors that put children at risk of failure, just as lack of exercise is only one among many factors that put people at risk for heart disease. Many people who *don't* exercise never suffer a heart attack, and many children raised by single mothers grow up to be quite successful.

One way to assess the impact of family structure on a problem such as high school failure is to compare the dropout rate of all children with the dropout rate of children in two-parent families that have suffered no disruption. During the 1980s, the dropout rate was about 19 percent overall and about 13 percent for children who lived with both their parents.<sup>2</sup> So even if there were no family disruption, the high school dropout rate would still be at least 13 percent. Clearly, most school failure is being caused by something other than single motherhood. But just as clearly, children with an absent parent are at significantly greater risk than their peers who have two biological parents at home.

Finally, we reject the argument that people should not talk about the negative consequences of single motherhood for fear of stigmatizing single mothers and their children. While we appreciate the compassion that lies behind this position, we disagree with the bottom line. Indeed, we believe that *not* talking about these problems does more harm than good. Nearly a third of infants born today are children of unmarried mothers. Of the children born to married parents, about 45 percent are expected to experience their parents' divorce before reaching age eighteen.<sup>3</sup> In other words, well over half of the children born in 1992 will spend all or some of

their childhood apart from one of their parents. If we want to develop policies to help these children, and if we want to persuade citizens that government should try to help, we must begin by acknowledging that a substantial proportion of our nation's youth is at risk.

While talking about the downside of single motherhood may make some adults (and children) feel worse off in the short run, it may make everyone better off in the long run. At a minimum, parents need to be informed about the possible consequences to their children of a decision to live apart. (No one would argue that information on the potential benefits of exercise should be withheld because it stigmatizes couch potatoes.)

In this book, we argue that growing up with only one biological parent frequently deprives children of important economic, parental, and community resources, and that these deprivations ultimately undermine their chances of future success. Low income—and the sudden drop in income that often is associated with divorce—is the most important factor in children's lower achievement in single-parent homes, accounting for about half of the disadvantage. Inadequate parental guidance and attention and the lack of ties to community resources account for most of the remaining disadvantage.

We view the lack of parental and community resources as a deficit in what the sociologist James Coleman calls *social capital*.<sup>4</sup> Social capital is an asset that is created and maintained by relationships of commitment and trust. It functions as a conduit of information as well as a source of emotional and economic support, and it can be just as important as financial capital in promoting children's future success. The decision of parents to live apart—whether as a result of divorce or an initial decision not to marry—damages, and sometimes destroys, the social capital that might have been available to the child had the parents lived together.

It does this, first and most importantly, by weakening the connection between the child and the father. When a father lives in a separate household, he is usually less committed to his child and less trusting of the child's mother. Hence he is less willing to invest time and money in the child's welfare. A weakened father-child relationship can also undermine a child's trust in both parents and



increase his uncertainty about the future, making him more difficult to manage. And finally, family disruption may reduce a child's access to social capital outside the family by weakening connections to other adults and institutions in the community that would have been available to the child had the relationship with the father remained intact. This can happen because the father moves out of town, breaking the link between the child and the father's network of friends and associates, or because the mother and child move to a new neighborhood or city, breaking the child's connections not just with the father but with teachers, friends, and neighbors.

We base our conclusions on evidence taken from four nationally representative data sets, including three longitudinal surveys and a fourth survey with retrospective data on children's living arrangements growing up. (Each of these data sets, including the major variables, is described in detail in Appendix A.) We examine a wide variety of child outcomes, including high school grades and graduation, college attendance and graduation, early childbearing and marriage, and early labor force attachment. While this set of outcomes does not cover all aspects of well-being, we believe it is a good indicator of a child's chances of economic success in adulthood, defined as being able to support oneself at a standard of living above the poverty line and being able to maintain a steady income throughout the year and from one year to the next. While economic independence and security are not the only measures of success, in a market-oriented economy such as ours they are fundamental. Without some degree of economic independence, a person is unlikely to achieve high self-esteem or a sense of control over her life (psychological success). Nor is she likely to command the respect of her peers (social success). Financial dependence and insecurity also make it harder to achieve family stability and community cohesion, other indicators of social success.

Since many of the outcomes we focus on in this book are relatively rare among children from advantaged backgrounds, middle-class parents may question whether a study of such events is relevant to their child's situation. We believe it is, for several reasons. First, some of our indicators, such as high school grade-point average and college performance, are directly relevant to middle-class par-

ents' concerns. Second, while the chance that a middle-class child will drop out of high school or become a teen mother is very low, it is higher than the likelihood that he or she will be severely injured or killed in a car accident. Yet parents take the latter very seriously. And finally, we believe that much can be learned from studying the factors that buffer children from the negative consequences of rare events. These same factors are likely to be important buffers in other areas of children's lives, and presumably middle-class parents want to know about them.

For example, our study shows that income loss and residential mobility may be just as damaging for children as low income and living in a poor neighborhood. This suggests that, in the event of a divorce, middle-class parents should make an effort to ensure a stable income for their child and should minimize the number of times the child changes schools or neighborhoods. They should do this not to lower the risk that their teenage daughter might become pregnant or drop out of high school (unlikely events in divorced middle-class families) but to lower the risk that her grade-point average and interest in a college education will decline.

In most of our analyses, our family classification scheme is based on two criteria: (1) whether or not a child was living with both biological parents at age sixteen; and, if not, (2) whether the custodial parent was married or not. We treat all families with two biological parents alike, even though we recognize that some parents are psychologically "absent" despite living in the same household as their child, and that some separated or divorced parents are very close to their children although they are living in a different household. Children who were living with only one of their biological parents at age sixteen are classified as living in either a "single-parent family" or a "stepfamily," depending on whether the resident parent was single or remarried. Single parents may be divorced, separated, never married, or widowed.

We reserve the term "two-parent family" for children who were living with both biological parents at age sixteen. While stepfamilies are often classified as two-parent families in some studies, we believe this is a serious distortion of the families' experiences. Nearly all children in stepfamilies have lived in a single-parent family at one