

Families and the Law: Issues and Impacts

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If someone asked you to describe me laws and regulations that influence you and your family in a typical day, how would you respond? Here are some highlights of one person’s day with a description of the associated laws listed under each activity.

- The radio woke me at 6 a.m. I turned on the lights, did my exercises, took a shower and got dressed.

Laws govern the provision of water, electricity, and waste disposal, as well as requiring labels with fabric content and care instructions for clothing, towels and other textiles.

- I had juice, cereal, toast, and coffee for breakfast.

Laws and regulations govern food labeling as well as many steps in the production, distribution, advertising and sale of food products.

- I received a telephone call from a neighbor. She had just learned that her son and daughter-in-law are getting a divorce. She wondered what happened to what she thought was a happy marriage. She is worried about being able to see her grandchildren if their mother gets custody.

The laws involved here deal with divorce, child custody and support, and distribution of property.

- I went to the car to begin my day of errands, meetings, shopping and volunteer work. The car is American with some parts made in another country. I always use unleaded gasoline and fasten my seat belt. I travel 30 miles an hour through residential areas, driving on the right side of the road,

observing stop signs and signals given by other motorists.

Laws affecting transportation include global imports, gasoline labeling, and a variety of rules and regulations about driving and the use of roads and highways.

- My first destination was the public library, where I delivered a box of used books for a book sale and picked up some books-on-tape for my aunt. Next, I dropped off some cans and newspapers at the recycling center. Then I visited a young cousin at the children’s ward in the hospital.

Many laws affect all these activities—governmental bodies arrange and/or finance educational and professional services, require testing and licensing for service providers, and promote and regulate recycling.

- I grabbed a quick “fast food” lunch, stopped at the bank to make a deposit, and then went shopping for a new air conditioner.

Laws here involve the monetary system, energy conservation information labeling, and business/consumer transactions.

- Later in the afternoon, I worked at the community’s newly formed women’s crisis center, where women in urgent need of help as a result of domestic violence can find a safe place to stay with food, clothing and support services provided.

Government influence here may involve housing and zoning, financing, provision of educational and other services, and perhaps criminal investigation.

- Dinner was a potluck supper at the church with a fund-raising auction to help finance remodeling to make rooms accessible to those with disabilities.

The law affecting this activity is the Americans with Disabilities Act, which now requires most public buildings to be accessible to persons in wheelchairs.

- Trying to unwind before going to bed, I skimmed the newspaper headlines and watched a television program interspersed with a variety of commercial messages.

Laws that apply here deal with freedom of speech and use of the media.

Many laws affect citizens in their everyday lives. A wide variety of governmental functions can be observed in the many roles of law and government in just one person’s day. Some government policies regulate actions, others provide protection, still others provide services or financial support. Laws and other public policies involve social services, education, housing, nutrition, food safety, consumer rights and responsibilities, and the environment—as well as agriculture, defense, and international affairs.



Functions of Laws and Regulations

Some laws have a direct impact on family living. Other laws affect families in an indirect way. Laws are supported by a variety of rules and regulations, generally intended to maintain social and economic stability. Many functions of government are closely interrelated with functions of the private sector.

Over time, there has been a shift of functions away from the private market and institutions (including the family) toward the government. For example, highways—built and maintained by federal dollars—have taken the place of private roadways. It is still possible for private companies to build and maintain roads and collect tolls from those who use them, but it would be difficult to develop an adequate system to handle today's volume of traffic. Government now plays a larger role in such areas as public health and safety, in family structure and functioning and in affirmative action. These trends have their basis in population growth, urbanization, and changes in values and expectations.

A basic issue receiving more and more attention today is "What is the appropriate role of government?" This question is particularly important when citizens try to examine laws and policies from the perspective of their impact on the family.

Rules and Procedures

One function of government at national, state and local levels is to establish the "rules of the game." Laws and regulations define rights, responsibilities and procedures which are necessary to the operation of economic, social, and political systems. These laws do not specify what is to be done; rather, they set up certain rules within which decisions and actions are made.

Some examples of laws and regula-

tions serving this function are those which determine the ownership of property; worker/employer relations; credit; legal contracts; many other consumer/business transactions; and requirements for voting, campaigning and open meetings.

Public Goods

Another role of government is provision of public goods. It is difficult or impossible to provide some goods and services entirely through the private marketplace because there is no way of excluding non-paying customers from receiving them; consequently, prices cannot be set to cover the cost of production. These goods and services, often referred to as public goods, are consumed or used jointly by everyone. National defense and the monetary system are examples. Government must provide them because there is not enough incentive for the private sector to make them available in adequate amounts.

Many things purchased or provided by government are not true public goods but are goods that provide "external benefits," that is, benefits to the general public in addition to those directly receiving them. Since education provides benefits to the total society (not just to the individual students), government at least partially pays for school buildings, teachers' salaries, supplies and equipment.

Public Well-being

Through different levels of government, services that enhance the public well-being can be provided to all of the public or to certain parts of the public who particularly need assistance. Some examples are: government regulations to protect the health and safety of children in child care establishments and in schools; safety regulations in nursing homes; standards for the education and training of health care providers; and

safety standards for food and medicines.

Government services provide health care and programs for those who otherwise could not afford them, such as food stamps; the Women, Infant and Children (WIC) nutrition program; other aid to individuals and families who lack adequate income; and disaster relief to those experiencing earthquakes or floods. In these situations, what is provided or required, as well as the procedures, is specified.

Other Government Functions

Many laws and regulations involve both the public and private sector. Sometimes the government uses subsidies (such as crop supports) to encourage production of some goods while levying taxes to reduce the consumption of others (such as cigarettes or alcohol). Taxes and interest rates may be changed to deal with inflation or recession.

Some laws directly affect family life through regulations on marriage, divorce, custody of children, adoption, retirement benefits, and the role of spousal assets in determining eligibility for medical care.

Issues Affecting Families

Public issues, laws and policies have social, economic and environmental effects, which are felt by individuals, families, industry, management, labor, consumers, producers and taxpayers. Existing laws, issues and proposed policies can be analyzed from many perspectives. The family perspective has often been ignored. Family members who are involved in the analysis of issues and proposed policies can help determine the effect of issue or policy on their family and community and communicate their ideas to policy makers.

Today, there are many different family structures or types, such as nuclear families, extended families,

single parent families, blended families, young families, and other families in various stages of the life cycle.

Public policies affect different types of families in different ways. The issues involved can be extremely complex. Policies that deal only with children and do not focus on the way the family can support the child (or the way the family contributes to the problem) cannot contribute to long-term reductions in problems. On the other hand, preserving the family unit regardless of other conditions (such as confirmed spouse or child abuse) may not be the best choice for all family members.

People have different basic assumptions and values regarding the definition and role of families in society. They view government's responsibility in solving society's and families' problems in different ways. Answers to these questions may bring out many different perspectives.

- What is a family? Do traditional definitions of family lead to appropriate policies for the diverse family structures in existence today?
- What is a family issue? How broad is the scope or definition of a family-related issue? Family policies can be explicit (intended to directly affect families) or implicit (not intended to affect families, but having an indirect impact).
- What should be the role of government in family-related issues? In what ways, if at all, should policies influence maternal employment? Marital commitment? Family size? Child support?
- Which level of government should be involved? When is the uniformity of federal law preferable to state or local decision-making?
- Which members of the family should be protected? If choices must be made, how should the interests of different family members be balanced? How should parental autonomy and

family privacy be viewed in cases of child abuse?

- To what extent should government influence family financial obligations? Should elderly spouses have to deplete their assets before their partner is eligible for public aid? Should adult children be expected to contribute to the cost of care of their aging parents?
- How can accountability of individual and family assistance programs be maintained without an excessive amount of paperwork and interference with personal privacy?

Public decisions can either increase or limit the alternatives available to people by mandating individual and group actions. The choice of one policy initiative over another can increase or decrease the impact on different types of families. Many special interest groups are well represented in the public decision-making process. Their influence is often based on a single narrow focus of one constituency.

Public policy issues have no clear-cut right and wrong answers because each issue develops from many facts, myths, and values. Even when several citizens or policy makers have similar values and are working from the same set of facts, they may still reach different conclusions about which policy is preferred. Goals may be similar, but methods of reaching the goals and/or paying for the programs may be in conflict.

Citizens must examine their own values, as well as considering others' values and objective information, in coming to a decision about a particular family policy proposal. Some helpful questions to consider are:

1. What are the stated objectives? Are there other, implied objectives?
2. What action is authorized? Who will take the action under what conditions?
3. Does the proposal treat one group of families differently than others? Is there discrimination between families of

high or low incomes, majority or minority race, or of different structures?

4. Does the proposal expand or limit the family's resources and options?

5. What are the costs of implementation? Is funding available and/or is there a plan for funding?

6. What will be the impact on families and communities in the short or long term? What are the social and economic costs and benefits to the family and to society?

7. Does the policy develop or deter family stability? How does it contribute to the stability of the community?

If public laws and programs are to serve individuals and families effectively, it is essential that a holistic perspective of the individual and family be considered. All dimensions of life—economic, physical, and social—are important. Family considerations are still rarely addressed in the usual processes of policy-making and policy analysis, whether at the federal, state or local levels. Nor are the family unit and family relationships usually the focus of program evaluation or policy analysis. You can provide important information to your policy-makers to assist them in making decisions.

References

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Activity

There Ought To Be a Law . . .

This activity will help you clarify your ideas about existing or possible laws that affect families. You can do this activity alone or in a small group.

Is there a law that you think should be on the books? Or a law that should be changed? Your proposed policy might involve legislation on a specific issue, changes in taxes or funding allocations to support or enforce existing services or regulations, or another action which would have an impact on families and communities.

Consider one of these examples:

- Schools should run year-round instead of nine months.
- Advertising and violence should be prohibited on Saturday morning television programs for children.
- Grandparents' rights to visit their grandchildren should be specified in divorce settlements.
- Parenting education should be required for all high school students.

Or write your own proposal here:

Refer to the questions listed in this fact sheet to help you analyze the proposal you are writing. See if you can differentiate between facts and values as you analyze the law you are proposing. Consider the proposal carefully from the perspective of families of different types. Identify some possible consequences and list them here.

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