

# THE EVOLUTION OF THE CONTEMPORARY FAMILY AND ITS CONSEQUENCES FOR PUBLIC POLICY

Intense discussions were held, within French society, on the occasion of the adoption of the law opening up marriage to same-sex couples. Despite opinion polls and many demonstrations in favour of this development, there was a strong mobilization against this opening up. It is in this context that a citizen petition relative to the "bill opening up marriage to same-sex couples and all this entails" was brought before the Economic, Social and Environmental Council on 5 February 2013. This petition was inadmissible under Article 69 of the Constitution and Article 2 of the order of December 29 1958 establishing the framework law relative to the ESEC, according to which only the Prime Minister can bring a bill before our assembly. The Bureau of the Council however recognised "the contemporary evolution of the family and its consequences in terms of public policy".

The definition of the family varies according to the approach taken. For INSEE, a family is a household of at least two people, living as the case may be, with his or her child(ren) or an adult living with his or her child(ren). The Civil Code does not define a family, but organises conjugal and parental relations.

It is certainly in its sociological dimension that the family has experienced the most significant evolution. If, in 2013, 75% of minor children live with both parents, typology of the family has evolved dramatically: increased number of births outside marriage, increased separations, increased number of single-parent families and emergence of stepfamilies and LGBT families.

To respond to these new situations, public policies were adapted, relying on the search for greater equality between spouses, within couples, but also with regard to their children. All children, regardless of the origin of the link that unites them to their parents, are legally equal including in terms of property rights. The Law No. 2013-404 of May 17, 2013 complements this by allowing the spouse in same-sex couples to adopt the child of other spouse. Willingness of individuals is becoming increasingly important in the construction of the family. New rights and obligations have arisen through the Civil Solidarity Pact or of same-sex marriages. Public policy, however, limited the effects of the individual will; for example, marriage and civil partnership obligate spouses in terms of solidarity...

More specifically, social, fiscal and family policies have also been gradually adapted to these changes in families. Childcare centres have been created to respond to the progress of women's work, systems have been implemented to assist single-parent families (specific services, facilitation of alimony recovery...), the tax situations of married and civil partnership couples have already been harmonised...

For the ESEC, further advances are possible regarding reconciling professional and family life, supporting families, solvency of single parent families... However, the actual question is to know under what conditions can public policies reflect all consequences of the contemporary evolutions of the family?

The National Ethics Advisory Committee recognised the ethical dimension of opening up the use of medically assisted reproduction beyond the medical context. Our assembly has supported questioning on the consequences of the use of these techniques, in France or abroad, on our public policies.



**Bernard Capdeville**

is a pharmacist, a member in respect of the economic life and social dialogue and represents the Liberal Professions Group.

He sits on the Section for Social Affairs and Health and the Section for Economy and Finance, where he represents the Liberal Professions Group.

## Contact:

[affsoc@lecese.fr](mailto:affsoc@lecese.fr)

According to the ESEC, public policy should take into account the sociological evolution of families by offering quality support when they are in fragile situations:

### BY PROMOTING WORK/LIFE BALANCE

Increasing the supply of childcare services concerns all families. According to the ESEC, families in situations of poverty or single parent families must be priority. The strengthening of policies allowing vocational training and professional placement of young mothers is also recommended. Special attention must also be given to young mothers who interrupt their education during pregnancy. This reality is more pressing overseas and hampers their chances of integration into the workforce.

### BY STABILISING THE FINANCIAL SITUATION OF FAMILIES

- by improving the process of determining the amount of child support for debtors with low resources through a study of the General Inspectorate of Judicial Services (IGSJ) on the application of the minimum mandatory scheme currently in force;
- by promoting the collection of child support by entrusting to family benefits receivable agencies the information of beneficiaries for procedures likely to be implemented in the event of non-payment;
- by evolving family benefits. An evaluation every five years of the planned allocation amount of family support and family supplement. For the ESEC, the conditions under which this duration could be reduced should be examined.

An eventual evolution of the family and conjugal quotients, as part of a comprehensive tax reform, merits referral to the ESEC. This would allow for a measure to be taken, beyond the fiscal aspects, of the social and economic dimensions.

### BY SUPPORTING FAMILIES

- by developing centres to listen to, assist and support parents and provide family mediation, which would form the main axes of public policy on parental support. The ESEC particularly recommends, if current experimentation in some local courts is conclusive, generalising the use of pre-mediation prior to calling family cases before the judge.
- by educating parents about the need to respect visitation and custody rights and by refining the statistical data on the non-use of these rights.

For the ESEC, taking account of contemporary evolutions of the family brings up new issues. It is not up to our assembly to pronounce on the appropriateness of certain evolutions, which are currently up for public debate, but simply to highlight the consequences, in terms of:

- the impact on health insurance plans of an increase in the use of assisted reproduction technologies (ARTs) by single women or couples of women and the support of this;
- the revision of the methods for establishing parentage in France for children born abroad as a result of a surrogate pregnancy, a technique that is struck by nullity on public policy grounds in our territory;
- the questioning of the modes of establishing parentage such as the presumption of paternity, or an extension of the recognition procedure to same-sex couples. Today, the procedure of adoption of the child of a spouse is reserved for married couples;
- access to their origins for adopted children;
- access to their origins for children born through ART with a third-party donor;
- status of the step-parent in the event of family reorganisations.

Our assembly indicates paths forward and enters a number of issues into public debate.