

The living conditions of children in same-sex civil partnerships

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Summary

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The present cross-sectional study looked into the situation of children in same-sex civil partnerships. One focus of research covered the effects of the parent-and-child-law regulations of the civil partnership act and the revised civil partnership act on same-sex civil partnerships with children.

Previous surveys on children living in same-sex partnerships in Germany used very small samples and were, hence, not representative. Moreover, they did not include any indications regarding the effects of the civil partnership act and the revised civil partnership act. Therefore, they do not offer a secure foundation for examining a need for change or complementation of parent-and-child-law regulations when it comes to safeguarding the welfare of children growing up in same-sex civil partnerships. This gap should be closed by the present research.

I. Fundamental information on the subject of research

1.1 Data basis and representativeness of the study

Since the legal institution “registered civil partnerships” (CP) was not established before 2001, there are still very few findings available on couples with children in such living arrangements. The micro-census took the CP into account for the first time in 2006 only. Against this backdrop, the research project first of all wants to clarify some basic data which, however, is only possible in an estimated form on the basis of official statistics due to the relative scarcity of rainbow families.

For 2006, the micro census shows a lower limit of 62.300 same-sex couples in Germany. It is estimated¹ that this figure includes at least 5,000 families and at least 6,600 children. Consequently, one in thirteen same-sex couples includes children. If we bear in mind that under-age children grow up with every third unmarried heterosexual couple and every other

¹ The micro census is based on a one-percent sample of the German resident population. Hence, it estimates the distribution of families and their internal structures by way of projections. In the case of same-sex civil partnerships, and above all registered partnerships, this is done on the basis of relatively small samples. For certain information (too few available answers) this basis is considered too insecure to be used for estimations.

married couple, it is clearly shown that same-sex couples live with children more rarely than all other forms of relationships. 29% of all children in rainbow families live with parents having established a registered civil partnership (CP).

Our research with the registration offices in Germany revealed that there are currently more than 13,000 male or female couples living in a registered civil partnership. Referring to a sample of 2,291 households in CPs, the family quota of these couples is at least at 7%, but at most at 15%. The estimation of 8 to 9% based on the micro census should, therefore, mirror the lower limit of distribution. Since approximately one third of the couples in CPs have two children, the number of children in Germany growing up in a CP can be estimated at approximately 2,200. The situation of 693 of these children was covered by this study via questioning of the parents. Moreover, 95 of these children and adolescents were interviewed personally. In view of this foundation, around every third child belonging to the target group is represented in the study, and about 5% of them were interviewed personally. Hence, the results of the study are consolidated by a solid representation of the target group in question.

1.2 Access to rainbow families and make-up of the research

Our research addressed rainbow families in different ways: When their legal status was known to the registry offices, the couples in CPs could be contacted directly and asked for their participation. To generate the sample, more than 13,000 couples in CPs were contacted in writing or by telephone so as to verify their adherence to the sample – i.e. whether children live in their households – and their readiness to take part. Due to the comprehensive direct contacting and the appeals for participation via various media, we can assume that practically all CPs had a chance of taking part in the study. As concerns those couples who have not established a registered civil partnership so far, we had to count on the voluntary participation of people ready to take part in the study. To attain these, participation was advertised in various media.² In total, 1,151 non-registered partners contacted us. However, these included a mere 156 couples living with children.

The data base of this study covers various methodical research units. The central element is a telephone interview of 1,059 parents and/or their partners in rainbow families. Of these, 866 parents live in CPs, while 193³ people live in a non-registered partnership (nP).⁴ Since, in part, both partners were interviewed with regard to various children from their family, we received information on 693 children from a total of 625 parents in CPs, with 48% of these referring to boys. To deepen the findings from this standardized questioning, differentiated information on their living situation was retrieved from 28 parents in various family constellations in the framework of a qualitative additional study (cf. Chs I and II). Both the telephone interviews and the personal discussions thus mirror the situation of children and families from the parents' viewpoint.

² In contrast to couples in CPs, a systematic representative access was not possible for this target group, especially as the basic entity is unknown.

³ As with the CPs, our interviews with people living in nPs also included partners of the part reporting to us so as to raise the number of participants.

⁴ Due to the very small volume of the sample, the group of non-registered families was not introduced separately, but only analysed and discussed in comparison with the sample of children from CPs.

For a targeted consideration of the children's development a total of 119 children aged at least 10 were included in the study by separate personal interviews in the framework of a psychological partial study. These included 95 children growing up in a CP.⁵

Moreover, the experiences of 29 experts on the legal and social situation of the registered civil partnerships were reflected. This group covers eight members of the legal profession, four representatives of associations (lesbian and gay associations and the child protection agency), six representatives of child protection services departments, five teachers, five members of counseling services and one self-employed therapist.

In the following, the results of the study will be summarized. First of all, the findings from the interviews with parents in CPs will be complemented with findings from the expert interviews and the qualitative interviews. This is followed by a resume of the comparison of families living in or outside CPs and the assessment of the legal situation and the inherent requests for change. Another focus is on the psychological child study, whose results will be presented separately.

2. Results of the parents and expert interviews

The subsequent presentations basically refer to the statements of 866 interviewees in CPs, among these 63 fathers and 803 mothers, complemented with the statements of experts.

2.1 Families in registered civil partnerships

Rainbow families are usually small with two thirds of them having one child only. The parents interviewed living in CPs and their partners as well as the externally included other parents⁶ feature various special characteristics. The most striking feature is a high educational level – 58% of people living in CPs have an A-levels degree – along with high occupational qualifications. 45% have a university/college degree. In contrast, the share of workers is rather low (6%). Moreover, an above-average share of children attend secondary schools: 38% attend a grammar school, while a mere 13% attend the secondary general school. At the same time, an above-average share of CPs can be found in large cities (29%). The people interviewed and their partners are active in occupational life to a high extent (82%), which is clearly more than the mothers in heterosexual marriages, though less than the fathers in this family form. Moreover, the share of part-time employment is distributed equally to the partners. Accordingly, the families live in good financial conditions, even though the equivalence income is settled less frequently in the highest income groups than in the case of traditional married couples. The generally good living conditions are mirrored by a rather generous housing situation. Yet, these families own their place of residence less frequently than traditional couples (48%).

⁵ As in the main study, only the data referring to children in CPs was subject to deepened evaluations in the psychological partial study, too.

⁶ This describes both biological parents and known sperm donors.

Civil partnership

Partners in CPs usually look back upon long-standing relationships and, on average, have been living together for 7.7 years with the overall time span stretching from one to 42 years. Almost two thirds of them (64%) have chosen a common name in their civil partnership. Around two thirds (68%) of children in these families also carry this name.

The major reasons fuelling the registration of a civil partnership include the possibility of adopting a stepchild (52%) and the consolidation of the relationship (41%). Other relevant features include the financial securing of the child (31%) and the legal acknowledgment as a family (28%). A quarter of those interviewed anticipated disadvantages to result from the registration of their civil partnership, mainly of a financial kind. 42% of them claimed that the CP involved more duties than rights.

2.2 Origin of the children and desire for children

The children in rainbow families feature strongly differing biographies. Hence, the various family constellations are described separately in the following sections. 44% of the children (N = 304) were born during a former heterosexual relationship with many of the partners having been married before (32% of all children). Almost every other child was born during the current relationship (45%; N = 313). The sample also includes a share of 1.9% (N = 13) adopted children (adoption of non-blood related children) and of 6% foster children (N = 39). Altogether, 23% of all children were accepted by the partner in the framework of a stepchild adoption.⁷

Fig. V.1: Origin of the children

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Children born by insemination

A total of 39% of all children (N = 268) were conceived by heterologous insemination, of these 258 during the current partnership. Most couples had the insemination done in Germany (89%). In slightly more than half of the cases (51%) the sperm donor is known, of these every third (35%) is entered in the birth register. Experts believe that the comparatively reduced

⁷ 3% of the children originate from various other constellations.

readiness to have the biological fathers⁸ entered in the birth register may be related with the fear of the social mothers to face major difficulties during a subsequent stepchild adoption.

So far, 28% of children (N = 37) conceived via reproduction medicine and/or sperm donation are informed about their history. As is expected, the level of information depends on the children's age. It should be born in mind that insemination children are mainly found in families belonging to the younger age groups. Basically, the overwhelming majority of parents think that this theme should be discussed with the children openly and at an early stage. In general, the biological mothers and their female civil partners assume the task of informing the children about their origin, nevertheless they were supported by the biological fathers in 15% of cases. Parents report that the majority of children have not been affected by learning that they were conceived via sperm donation.

Stepchild adoption

The number of stepchild adoptions having occurred in the wake of the possibilities created by the revised civil partnership act is not known. In the course of the study we established that 23% of all children (N = 159) growing up in CPs have so far been adopted as a stepchild by the partner. In 94% of all cases (N = 149) this covers children born during the current partnership. Only 6% of all stepchild adoptions refer to children stemming from previous heterosexual partnerships or marriages. Hence, stepchild adoption in a CP is rather the exception for children stemming from a former partnership.⁹ It is also important to note in this context that another parent exists frequently, with whom contacts should be maintained. That parent would have to agree with the adoption. Against this backdrop, stepchild adoption is in future likewise mainly planned for children born during the current relationship (38%). For these common children of the partners it is therefore clear that both are prepared to assume full responsibility as parents: nine out of ten children have either been adopted as stepchildren or will be so very soon. The central motives fuelling the decision for stepchild adoption include the couples' common desire for a child (85%), the possibility for the social parent to obtain the full right of custody for the child in this way (84%), and the legal recognition as a family (78%).

Adoption of non-blood related children

Another way of meeting the wish for parenthood is the adoption of non-blood related children. In contrast to the adoption of stepchildren, this means the adoption of a child that is not the biological child of either of the partners. As we mentioned before, adopted children are rarely found in civil partnerships (see Fig. V.1). Most of the couples having adopted a child (ten out of thirteen) have opted for adoption abroad in view of the low chances of being admitted to adoption in Germany. Usually, the children were adopted as toddlers.

⁸ If we use the terms „biological father“ or „other genetic parent“, we also refer to sperm donors; it should be pointed out in this context that there is a wide variety of fatherhood constellations stretching from completely unknown and little active through to very committed.

⁹ 10 (3%) out of 323 children from former relationships have been adopted as a stepchild so far.

The same-sex way of living was a major issue in all adoption proceedings. It hovered around questions such as the protection of the child against disadvantaging and his/her support in the case of critical responses of the environment. Moreover, the question as to whether and how the couple is to deal with the “missing” gender among the parents was also frequently raised.

Apart from one child that is still too young, all those concerned were informed about the adoption, and all couples handled the theme with a lot of openness right from the start. Evidence of this is given by the fact that the significant persons in the child’s environment – such as teachers or educators – were generally informed about the theme. Knowing that the biological parents have released the child for adoption represents a strain on different levels. Whereas four of the adoptive parents did not note any worrying reactions, some others noticed the child’s fear of being left, a setback in the child’s development or sleeping troubles. However, various positive reactions were also mentioned such as pride of having been chosen as an adopted child. Even though an adoption involves the legal dissolution of the contact with the family of origin¹⁰, four of the 13 children in question maintain contacts with their biological parents, two of them even regularly and personally.

Foster families

Taking a child as a foster child is another option for same-sex couples when it comes to assuming responsibility for a child. The share of foster families in our research is at around 6% (N = 39) with the share of male couples being clearly higher when compared to the overall sample (28%; N = 11).

The majority of children were three years or younger when they were taken into their foster family. Two foster children were transferred to the rainbow families as adolescents. Two thirds of the foster children stayed with other people prior to their inclusion in their current family. A return to the original family is planned for two cases only, i.e. as a rule foster care is supposed to be a lasting matter.

31% (N = 12) of the foster parents were ascribed guardianship of the child, two thirds are in charge of the child’s care and 44% (also) claimed to possess a limited right of custody. In these cases, too, the same-sex character of the applicants played a role when the decision on accommodating the child was made. The same aspects came to the fore here as in the case of adoptions.

The majority of children (69%; N = 25) know that they are foster children, since the parents handle their family situation openly as soon as the child is in a position to understand the special situation. The children showed rather differing reactions when they learned that they were foster children. On the one hand, the foster parents reported about the children’s fear of loss (28%; N = 7), on the other hand the children are proud of having been selected and taken on (24%; N = 6). A few children (20%; N = 5) showed setbacks in their development after having been informed about the new situation. The vast majority (88%) of the children who

¹⁰ In as far as an adoption abroad shows only a weak effect, legal relationships may be maintained with the birth parents.

have been informed know their biological parents, and great part of them (77%) maintains personal contacts with them.

Legal position between the children and their parents

The legal position of the 693 children from 625 families with regard to their biological parents can be described as follows:

- For 207 children, the parent living in the CP has the sole right of care and custody, since the other parent is unknown or not entered in the birth register, and since no stepchild adoption has been carried out (so far)
- In 117 families, both biological parents share the custody; in 89% of the cases; contacts are maintained with the external parent. This group mainly includes children from former (heterosexual) relationships.
- In 115 families, the parent living in a CP has sole custody although an external parent exists or the sperm donor is known; no more than half of the children in this group maintain contacts with the external parent.
- 13 families have taken on their child by non-blood related child adoption so that the adopting parent exercises sole parental custody. This is due to the fact that no legal joint adoption is possible in Germany. (Nevertheless, in one case both parents claim to have common custody).
- In 39 families there are foster children. Eleven of the foster parents have guardianship, 25 are in charge of the child's care, and three exercise limited custody only.
- In three cases, the external parent maintains sole custody.
- For 199 children, no information was available on this question, but a biological parent exists. These include 20 cases of insemination children whose fathers are entered in the birth register and 61 children for whom any information about a possible external parent lacks completely. Moreover, there is frequently no information about the external parent available for children from former relationships, (N = 114).

Desire for more children

The desire for more children is denied by more than half of the interviewees – which goes for both partners of the CP. For around every tenth couple, a desire for another child exists with one partner only, whereas the other one does not want to have any further children. More than one third of the couples would like to enlarge their family (N = 317). Differences between male and female couples necessarily result with regard to the way in which this wish could be realized. Adoption or taking a non-blood related foster child is hardly ever taken into consideration by female couples, but represent important options for male couples. Female couples favour the opportunity of heterologous insemination. More than three fourths of these women consider a contact between the child and the biological father an important issue. Members of both male and female couples alike (three out of 14 men; 17% of women, N= 46)

can imagine the establishment of a so-called queer family with a gay or lesbian couple¹¹. Experts from the counseling offices also report that part of the same-sex couples take this possibility into account. No usable empirical values are available for statements concerning particular problems or needs related with this form of parenthood.

2.3 The child's biography and development

A focal interest of this study is to look into the conditions of children growing up with couples living in a CP. To represent these aspects, we are subsequently referring to statements from parents and experts.¹²

Child biographies

The question on the origin and/or conception of the child is linked with different biographies and events in life that may, at least temporarily, affect the child's general state. For children being born in a same-sex partnership having two mothers or two fathers is initially a matter of course. Only during their further development will they get aware of the fact that their family form is different. In contrast, children originating from former relationships often have to deal with events such as the separation of the parents, the coming-out of father or mother, or the establishment of a new partnership of the parent.

According to the statement of the parent living in a CP, 114 out of the 189 children originating from *former partnerships* have consciously experienced the separation from the other parent. Two thirds of these children were affected by this event; with the mothers or fathers in question believing that 28% were affected even strongly. In most cases the children displayed strong emotions including fury, grief, shame or disappointment and wished that the family would stay together. Around one fifth of the children reacted to the separation with relief, which allows conclusions to a very conflict-laden atmosphere in the family of origin. At the time of the interview, the separation from the other parent had happened more than three years ago in the vast majority of cases (83%), and even more than seven years ago for around half of the cases. The parents believe that almost all children are in a position today to handle the separation well or very well. A very small part of the children (5%, N = 6) is still unable to cope with the failing of their parents' relationship.

18% of all children (N = 122) have consciously experienced the coming-out of their mother and/or father. Among the parents concerned, only a small part perceived a temporary effect on their children, which they attribute to informing their child about their sexual re-orientation (12%, N = 14). Only few children (2.5%, N = 3) felt very strong effects. Seen from the parents' viewpoint, the children's reactions are dominated by interest, curiosity with regard to the reasons for the same-sex orientation, joy or a neutral attitude. Children showing a critical response were afraid, for instance, about what their peers thought about this development,

¹¹ and/or a gay man or a lesbian woman

¹² The results of the psychological partial study covering the children themselves can be found in the concluding chapter V.3.

were sad, furious or disappointed, avoided bringing friends home or withdrew from their parent.

Altogether 269 (83%) of the 323 children from former relationships have consciously experienced how their mother or father entered a same-sex partnership. Here, too, parents noticed widely positive reactions. Two thirds of the children were happy about the new situation. Part of the children, however, found it difficult to cope with the change. Very few children uttered fears (7%, N = 17) with regard to the response of their environment and showed emotions such as fury, sadness (8%, N = 20) or the temporary rejection of the mother's or father's new partner (13%, N = 34).

For *children born during the current relationship* (N = 313) it is first of all natural to grow up with two mothers or two fathers. Only with growing age, for instance when entering nursery school, can it be expected that they will perceive the special situation of their family or will be referred to it by third parties. At the time of the interviews, more than a third of the children (N = 127) knew that it was unusual to have two mothers or two fathers. The great majority of children, however, were too young to understand the importance of this form of family. In as far as the children have already experienced this process, more than half of the parents (56%, N = 71) reported that their children accepted the situation without much questioning, and some of them showed interest, asked for an explanation or were proud. Slightly less than one fifth of the children expressed critical reactions in this context such as fury (19%, N = 34).

All parents offer their children assistance when it comes to coping with their specific family situation. Many of them show their children how to handle questions regarding their family. More than half of the interviewees had clarifying discussions with educators or teachers. Moreover, the parents are available as discussion partners in all questions regarding the origin and/or creation of the rainbow family or problems with its acceptance.

Level of development of the children from the parents' viewpoint

Frequent concerns regarding rainbow families affect the children's psychosocial development. To record the children's behaviour, the parent version of the Strengths and Difficulties Questionnaire (SDQ) was used. This is a standardized measuring tool that has been employed frequently and records focal - though not any imaginable - symptoms of conspicuous behaviour. It includes various individual scales used to establish an overall value (see Ch. II.6). The children's behaviour is described by the interviewed biological or social parents so that we obtain an external assessment.¹³ This tool has been standardized in German-speaking countries and marginal values are available which allow classification in "inconspicuous" and "conspicuous" values as well as in an intermediate sector for which no clear attribution is possible. Nevertheless, problems arise when it comes to comparisons with the normalized sample¹⁴ and/or other assessments. On the one hand, it is difficult in methodical terms to compare information gained via telephone interviews – like the data in this study – with data

¹³ An assessment of the children's level of development based on a direct measurement was given in the partial study on child psychology (see Ch. IV).

¹⁴ This refers to the study on the basis of which the classification has been made; it includes 930 children of different age groups. Unfortunately, no information is available so far about their family forms and/or experiences with separations.

gathered from written enquiries, since the circumstances in which the answers were given differ. For instance, response time, the possibility of considering and re-thinking the answers are greater in the case of written enquiries. This can have various effects on the results obtained. Since the available comparative data have been gathered in writing, as a rule, a direct comparison is foregone due to methodical reservations.¹⁵ On the other hand, the composition of the different samples to be compared should be borne in mind: In the current study, the data basis used for the SDQ features a very high share of children having experienced a separation (73%); moreover around 5% are foster children.¹⁶ However, extremely different experiences are linked with the children's biographies, which might affect child behaviour. A corresponding analysis confirms that children having experienced separations and/or a change in the family situation are less frequently considered inconspicuous by their parents than children having been born during the current civil partnership. Against this backdrop, the development of the children was regarded in a separate light, even if this produced very small reference groups – with one exception only. Since the SDQ is only applied to children older than four years, the proportions are shifted clearly in this partial sample with reference to the children's origin: Above all, children having been born during the current relationship are clearly underrepresented in the SDQ assessments due to their age structure.¹⁷

Insemination children having been born during the current relationship are widely assessed as inconspicuous by their parents (93% of N = 44). Almost all parents underline their good social behaviour. Children from the current civil partnership, whose origin is not known, are clearly less frequently described in such a way by the parents, which might classify them as “inconspicuous” (60%). From this small group (N = 25) eight children are classified as “conspicuous”. Hence, there is a wide discrepancy between both groups of children in the current relationship.

Children arriving in the family by way of *non-blood related child adoption* are assessed very similar to children stemming from the current relationship. Since assessments are available for seven adopted children only due to the age structure, these results have to be considered non generalizable. At the time of our study, six of these children were described as “inconspicuous”. Hence, these children seem to pursue a generally good development.

The situation is slightly different for *children stemming from former – usually heterosexual – relationships*, who have thus experienced both the separation of the parents and the changing situation of the family. This comparatively large group in the SDQ partial sample (N = 296) is assessed more critically by the biological or social parents interviewed in the study so that in the SDQ's overall classification 62% of the children were categorized as “inconspicuous” and 28% as “conspicuous”. Around one tenth of the children cannot be clearly attributed to one or another group and has obtained an intermediate evaluation. Despite the seemingly high share

¹⁵ According to a study by Weizel (2006), children are twice as often assessed by the parents in such a way that they are classified in the SDQ's „conspicuous“ category when a telephone interview is made instead of a written one. Nevertheless, this tendency is influenced by education and is partly removed so that no uniform trend can be assumed.

¹⁶ As it can only be carried out for children from four years on, the share of children having suffered a separation is higher in this partial sample: In the overall study, 42% of all children stem from former relationships with 6% being foster children.

¹⁷ For this reason, the figures quoted in the following paragraphs differ from those shown in Fig. V.1.

of “non-problem-free” children, 82% obtain good marks with regard to their social behaviour. Four fifth of them are not described as being fidgety, unfocused or unstable. Altogether, this involves heterogeneous results, since part of the children having experienced a separation show stress symptoms and the corresponding coping patterns.

Foster children are most frequently – i.e. at 50% - described as “conspicuous” by their parents. Six children (30%) are categorized as “inconspicuous”. Whereas the social behaviour gives no reason for complaint with 80% of the foster children included in the study, the share of children displaying hyperactive behaviour or behavioural problems is relatively high at 50%. When looking at these assessments, it should be noted, however, that the children have experienced a very specific biography influenced by their removal from their family of origin, including the reasons behind this removal. Possibly, the parents might be particularly sensitive to observations referring to the development of the children entrusted to them.

Altogether, it is confirmed that the child biography and the origin of the children have a great influence on the perception of their parents. For instance, former separations raise the probability of the child being assessed as conspicuous. Moreover, parents knowing that their child has experienced discrimination assess the child more critically than parents without this background. Moreover, foster children and older children tend to be described as conspicuous more frequently.

When evaluating these findings, we should point out that experiencing certain events or transitions will not only bring along stress or even conspicuous behaviour. Experts also underline that the successful coping with biographic passages and challenges can involve a strengthening of the children.

2.4 Educational responsibility and educational behaviour

The assessment of the relationship between the father’s male partner and/or the mother’s female partner and the child was made, on the one hand, by the biological or legal parent and, on the other hand, by the partners in question.¹⁸ As a rule, the relationships – considered both from an outside viewpoint and in self-estimation – were characterised as being friendly and/or a parent-child relationship. Only few biological parents and partners called the relationship between the child and the social parent distanced (4 and/or 5%). Only in individual cases (<1%), there is said to be “no relationship at all”. Differences in the assessment by social and biological parents originated from the fact that the partners called their relationship with the child more frequently a parent-child relationship than the biological parents (57% and/or 48%).¹⁹

Participation of social parents in education

¹⁸ Since these assume differing positions towards the child, their statements are represented separately, and the values given are first those by the biological parent and then those by the partners.

¹⁹ We want to point out that this does not refer to a comparison of partners from the same couples, but to comparisons within groups.

The participation of the partners in education can generally be called very committed. When the child was brought into the relationship, approximately three quarters of the partners were as dedicated to education as the biological parent. Around one fifth of the partners of the biological parents are active in certain areas only. But in these families, too, the partners are involved not only in everyday matters, but also in long-term decisions such as choice of the right school, educational goals or plans for the future. Partners who get involved hardly ever or only rarely in the child's education are rarely found, and then only in families having children from former relationships (3 and/or 4%). This proves that the partners of mothers and fathers in CPs assume a high level of responsibility for children from former relationships of their partners. The readiness to care for the child in all regards is even more marked when the child was born in the relationship. In this case, almost all "social" parents participated in education as much as the biological parents (around 97%). It should be pointed out in this context that this concerns overwhelmingly commonly desired children.

Both biological and social parents from families with a common child almost unanimously claim that the children accept the decisions and limits set by the social parent to the same extent as the requirements of the biological parents (around 98%). The situation is slightly different when the child stems from a former relationship. Here, too, the majority of parents confirm the child's acceptance of the partner's involvement in education. Nevertheless, these estimations vary: Biological parents assume to a slightly higher degree that the rules of their partners are being respected than social parents themselves (89 and/or 81%). As far as couples with children from former relationships are concerned, the participation in education is frequently founded on a longer-lasting alliance of the parents: 39% of the partners were authorized by their partners already before entering the civil partnership to take part in everyday decisions. By entering the registered civil partnership, the partner of the parent having sole care and custody of the child acquires a "limited custody. This means that he/she can make decisions on everyday matters as long as this happens in agreement with the parent. The experts believe that carrying out the "limited custody" is free from problems, since they have not learned about any conflicts so far. Part of those interviewed in CPs reported that they were asked to submit proof of their limited custody. Partners making decisions for the child from a former relationship of their partner have to file proofs more frequently than partners who decided to found a family in the framework of the current relationship.

Assuming educational responsibility

The readiness of the social parent and/or partner of the biological parent to assume educational responsibility was illustrated by different aspects. As was shown before, it may be called very high in general. Another indication of this is the high proportion of stepchild adoptions of children having been born during the current relationship, which have already been carried out (52%) or are being desired/planned (38%). These results clearly show that the non-biological parents are prepared to a high extent to assume responsibility for the common children and that they desire equivalent parenthood in legal terms, too. This desire is underlined by the requests for modification formulated by same-sex couples with regard to their legal situation (cf. Ch. II.10).

The readiness to take part in the child's life and be responsible for it also comes to the fore in the case of the fathers of insemination children (with known donors). Even if the majority of these fathers²⁰ are not entered in the birth register, there is a substantial share of them who participate in the life of their children and show a great deal of commitment.

Against this backdrop it is little surprising that the family climate is generally described as positive by the interviewees. It is, as a rule, characterised by openness, mutual care and only little conflict.

Private law agreements concerning the child were made in 23% of all households. First and foremost, this concerns provisions for the case of death of one of the partners. This complies with the estimation of the experts who consider protection important especially in the case of the death of the biological parent. The relatively low number of households having concluded such an agreement can be explained with the relatively high number of stepchild adoptions, where no separate agreements are required according to the inheritance law.

Regarding the question as to how the relationship with the social parent turns out upon dissolution of a CP, no assessment can be made due to the lack of experiences and the very low number of children from former CPs.

Concrete educational behaviour

The vast majority of parents do not tend to apply strict punishments, and the implementation of rules is strictly pursued by 28% only. The educational climate is, instead, marked by warmth, open affection and frequent praising. The overwhelming majority of those interviewed (86%) sets store by the fact that the child has contact with psychological parents of the opposite sex. In the qualitative partial study, all of the 28 parents interviewed considered it most important to give their children both male and female role models.

Differences in the educational behaviour as compared to other forms of family

Sometimes it is feared that differences in the educational behaviour of same-sex parents and of heterosexual parents might affect the child's development. It should be pointed out in this context that differences in the framework conditions of the child's growing up occur as a consequence of the specific role definitions or the still rather low acceptance of rainbow families in society. Yet, parents in rainbow families handle their family situation in a reflected and conscious way, both in their own eyes and according to the experts' view. They thematise it not least of all in view of possible challenges to be faced by their children. This is accompanied by a raised awareness regarding the consequences of decisions so that, for instance, possible difficulties and conflicts are anticipated at an earlier stage. Hence, partners in CPs seem to exercise their parental role in a much reflected way. Moreover, the children are highly valued within the family. Due to the more egalitarian distribution of tasks, children

²⁰ This also includes the sperm donors.

in rainbow families are faced less frequently with traditional gender roles than in most heterosexual partnerships.

From the experts' viewpoint, questions regarding partnership, living together or parent-child relationships do not reveal any fundamental differences between same-sex and heterosexual families. Nevertheless, there are definite differences as regards the increased efforts and care spent by same-sex parents to avoid disadvantages for their children. Among the advantages for children growing up in rainbow families, the experts see the wider scope and openness towards other forms of living and family, which made the children more tolerant.

Whereas children born during the relationship are usually planned children and are accompanied by positive parent-child relationships, part of the separated families involve troubled parent-child relationships. This must be seen against the backdrop of the separation of the biological parents, which means an initial strain for two thirds of the children, which, however, decreases in the course of time. In some cases (14%), experiencing the parent's coming out affected the children. Yet, the level of affectedness depends widely on the attitude of the former partner.

The child study supports these findings and shows that, as a rule, no fundamental differences with other family forms can be established (cf. Ch. IV). The experts also underline the high acceptance of the partners by the children. Nevertheless, in the case of children from former relationships conflicts with and the rejection of the partners are also imaginable, above all when the homosexuality of the mother or father has not (yet) been accepted.

2.5 Everyday life and distribution of chores

Compared to heterosexual couples, whose distribution of everyday chores is usually oriented to traditional role models, current findings reveal that employment, household chores and education are distributed in a far more egalitarian way in same-sex relationships (cf. Ch. I.4).

The current study first of all displayed a higher participation of both partners in CPs in employment. At the same time, the model of housewife/househusband was chosen clearly less frequently than with heterosexual couples. Employment and its extent, however, depend on the parental statute and the child's age. This means that, in same-sex relationships, too, biological parents work less frequently than their partners (21% vs. 12%). If they have a job, one half of the biological parents opt for part-time employment, while the other half work full-time. The social parents and/or partners, in contrast, pursue full-time work more frequently (62% vs. 39%). If the child's age is taken into account, it is shown that during the first year 61% of biological parents stay at home. During the second and third year, however, this quota drops clearly (to 29 and/or 21%). This means that the majority of biological parents take over child-care during the first year, while the social parents and/or partners ensure the family's living.

As far as household chores are concerned, two fundamental features strike the eye. On the one hand, certain chores are more frequently delegated to domestic helps in rainbow families. On

the other hand, these partnerships – as compared to heterosexual couples – are distinguished by a more egalitarian distribution of chores, i.e. the remaining chores are done mostly in common or on an alternative level. When young children must be looked after or when the children stem from former relationships, various household chores are more frequently taken over by the biological parents. Chores concerning the child – such as looking after toddlers, supervising the children, supervising their homework, accompanying the children to doctors, taking them to school or transport services – are mostly taken over in common or alternatively.

In same-sex relationships, both partners are committed to child care to a very high degree. In case one person is mainly responsible for these activities, this is usually the biological parent.

Guidelines for the distribution of chores

Since the distribution of household chores and child care is not oriented to gender-specific requirements, the question arises as to what aspects same-sex couples tend to negotiate it. The focal criteria of those interviewed included the abilities and personal preferences of those concerned along with the time available, which plays a crucial role. Although the idea of equal distribution is quite significant, it is little or not at all taken into account by one third of the couples. Our explorative interviews show that being free from a gender-typical distribution of chores is seen, on the one hand, as a creative chance but may, on the other hand, involve a certain pressure of bargaining. Generally, however, satisfaction with the distribution of chores is great so that a mere 9% report about more frequent conflicts on this matter.

External presentation of the rainbow family

Civil partnerships with children are distinguished by a high level of openness, and most persons in the social surroundings are informed about the situation of the family. Only a very small part of those interviewed are rather reserved and do not reveal their form of relationship and family to certain groups of people. The few families (5%, N = 30) who have avoided so far to come out as rainbow families in one or several spheres of life – such as at work or in the child's environment – made this decision for fear of being discriminated (57% of the group, N = 17). Others do not see any reason to talk about this theme (40%, N = 12). The qualitative survey clearly showed that in spite of all openness and naturalness it is always deliberated about how much the partners are prepared to reveal their own situation.

2.6 Experiences with discrimination and handling it

Same-sex couples and their children still frequently lack full acceptance in all societal areas.

Own experiences of the parents

Around half of the parents and/or partners have at least once been rejected by certain groups of people due to their form of living (47%). The most frequent groups mentioned by those interviewed in this context include their own parents (27%), followed by colleagues at work and the child's social environment (14% each). Among their siblings and heterosexual friends or acquaintances, the form of living is generally accepted, though not always. Every tenth of those interviewed reported rejection by staff in public authorities or institutions due to their sexual orientation. A quarter of those concerned, who were disregarded by certain persons or groups of people, feel strongly or very strongly affected by these events.

Experiences made by the children from the parents' viewpoint

It should be noted basically that the term of discrimination has been consciously used in a very far-reaching manner in the study stretching from teasing to the use of violence. With one fifth of the children, the parents are aware of such incidents, another 17% cannot rule out that something had happened which they were not informed about. Regarding the children interviewed themselves²¹, 46% reported discriminating incidents. A comparison of the results allows concluding that part of the parents was not informed about the events. Of the 102 parents knowing about discriminatory incidents experienced by their children, 97 revealed more details:

It is mostly children or youngsters of the same age (86%, N = 97) carrying out the discriminatory actions or making such statements. Discriminations by older children or young people (12%, N = 12) or by adults (22%, N = 22) are less frequent. Abuse is named as the most frequent form of discrimination. Without wanting to trivialise them, their stress potential is considered clearly lower by the parents than, for instance, the threat of physical violence, damage done to the child's property or actual violence. As far as parents are informed, the latter forms occur rarely, yet they are substantially more troubling. In response to such incidents, the parents observed depression and sadness (46%, N = 44), fear (19%, N = 18) or shame (16%, N = 15), but also avoiding (43%, N = 41) and withdrawal (23%, N = 22). Every tenth child (N = 9) suffers from sleeping disorders or displayed worse performances at school as a result.

As a rule, the incidents take place at school (N = 77), even though one tenth of the children has already made such experiences at nursery school (N = 9). Teachers enquired as experts did not observe any discrimination of pupils at their own schools, but some were informed by colleagues about incidents of mobbing, abuse or scathing remarks with regard to homosexuality. While more than half of the parents concerned is activated and gets in touch with the heads of the institutions in question, counsellors or the police, a substantial part of these families (43%, N = 39) give the matter a rest. This is connected with the "severity" of the incidents.

²¹ It should be pointed out that „only“ 95 children were interviewed in the child study.

Almost one quarter of the incidents reported (N = 23) occurred in the presence of a grown-up. These supported the child only in few cases with the majority (N = 10) acting as if they would not have noted anything. Further response from the adults' side stretched from acting as an observer (N = 5) and rejecting support (N = 3) to active participation (N = 6).

Both the main study and the qualitative interviews with rainbow families show that the parents try to prepare their children in manifold ways to steel them against possible attempts at discrimination and have them respond accordingly. Many parents (63%) discuss rules of behaviour with their children to prepare them for crucial situations. Some of them (23%) choose institutions like school or nursery school in a targeted way so as to avoid negative experiences as much as possible. Evaluation of the qualitative interviews also proves that the parents strengthen their children by acting as an example themselves and by openly and consciously representing their form of living.

Sometimes, children try to avoid revelation of the family situation in certain situations or circles. This experience is shared both by several parents in the qualitative study and by some experts. The latter reported about concrete individual cases where children were secretive about their family situation. Altogether, experts establish societal marginalisation and lacking acceptance of rainbow families. Nevertheless, it is not necessary that negative effects result from the related necessity of the children having to assert themselves. They may even develop a greater power of assertion and, frequently, higher self-esteem due to their experiences. These impressions are consolidated by the psychological partial study (cf. Ch. IV).

2.7 Regulations with regard to custody, child support and contact

Custody regulations

Altogether, there is another biological parent for 363 children in CPs who might possibly exercise parental rights. 318 of these children stem from a former (usually heterosexual) relationship, another 45 children (among these 33 insemination children) were born during the current relationship with the biological father being entered in the birth register.

For a total of 332 of these children information is available regarding custody, of these 33 stem from the current relationship. In almost half of these cases, the biological parents have common custody; in almost as many cases the parent living in the CP has sole custody. Only in three cases, the parent living outside the household has sole custody. A small partial sample of insemination children revealed that the biological parent in the CP holds custody at 72% (N = 24).

As regards children from former heterosexual relationships, custody was regulated by court rulings in almost half of all cases (N = 155). Legal decision are, in contrast, the exception for children stemming from the current partnership (6%, N = 2). In around half of all cases, when custody was decided upon by the courts, difficulties arose during the regulations. Most of these (78%) concerned disagreement with the other parent. In this context, however,

reservations are sometimes reported on the part of the court (19%) or the Child Protection Services (15%) with regard to the same-sex orientation.

Only four of the families interviewed reported about a demand of the other parent for removal of the child. In two cases, a regulation on leaving the child in the family was applied for; in one case, the application was accepted.

Child support regulation

Around three quarters of the 363 children in CPs covered by this study are entitled to child support from the parent outside the household. This concerns mainly children from former relationships. Differences with regard to the children's origin show in the formation of the child support regulations. While the regulation was almost exclusively made on the basis of out-of-court, not certified agreements for insemination children, this solution is rather the exception than the rule for children from former (heterosexual) relationships, and official stipulations are predominant. Child support is, as a rule, given by the external parent on a regular basis (82%), to the full amount (80%), and on schedule (96%). In this context, the exemplary behaviour of the fathers of insemination children should be underlined. Monthly child support payments vary between 50 and 800 Euros with half of the families receiving a maximum of 280 Euros per month. 14% of the families entitled to support receive neither support from the other biological parent nor an official advance payment, and therefore have to pay all expenses related with the child on their own.

Contact with the other biological parent

Almost one half of the children (49%, N = 363) know their other parent, or he/she has been entered in the birth register. It is, above all, children from former relationships who possess a documented external parent. As concerns insemination children with a registered father (N = 33), all of them maintain contacts with their genetic fathers. The vast majority of children from former relationships (74%) are in touch with their genetic parent who lives outside their household.

When the contact was broken, those affected usually blame the external parent. In far fewer cases, the child, the biological parent living with the child, or the partner wished a breakup of the relationship with the parent living outside the rainbow family. Data gathered during the psychological partial study on children also confirms that the majority of children are in contact with the parent living outside their household (66%). The interviews with both parents and children underline that the majority of parents having children from former relationships support the contacts between the child and the other parent.

The extent of personal contacts varies between meetings for a few hours and longer stays, with weekend visits (29%) and meetings for a few hours (23%) being the most frequent cases. The latter is mainly attributable to the young age of some of the children. Only half of the children has been integrated into everyday life of the parent living outside their household so

much that they either have their own room in the latter's home (36%) or have personal items stored there on a permanent basis (14%). As a rule, the external parent interferes with the child's education only little. One fifth to one third get involved in certain areas, but around one fifth feels strongly committed to their child's education and takes part to the same extent as the parents interviewed.

The contacts described in the study are almost exclusively based on individual agreements between the parties concerned. According to those interviewed, most children (61%) are satisfied with the agreements. Part of the children, however, would require other regulations, which generally means that they wished more frequent contacts.

Further aspects of contacts

Contact regulations concerning persons other than the parent living outside the household are rare (5%) and mostly cover the grand-parents or the siblings of the birth parents. Moreover, according to the regulations stipulated in § 1685, par. 2 of the German Civil Code, partners who are not the legal parents have a right to be in contact with the child after the breakup of the CP. Due to the lack of experiences, it is not possible for the time being to make any precise statements on how the relationship between the child and the social parent develops after the separation of a CP.

2.8 Differences between families living in a registered civil partnership and those without any institutionalization

The following sections cover the statistically consolidated differences between families in which the partners established a CP (625 families, 866 individuals interviewed) and other families in which this is not the case (142 families, 194 individuals interviewed).²²

Non-registered same-sex civil partnerships (nPs) display a considerably shorter lifespan than CPs. This consolidates our assumption that couples formalize their partnership only after a certain time and then decide to have it registered. According to the duration of the partnership, the separation from former partners happened not so long ago in nPs than in CPs.

Both groups are characterized by a high educational and occupational qualification with partners in nPs displaying an even higher level of qualification than those in CPs.²³ Accordingly, the educational homogamy in nPs is slightly higher. People interviewed living in nPs frequently only mention their own income to secure the family, and not the income of their partners. Nevertheless, the family income has more frequently been secured by various sources such as fortune or transfer payments.²⁴ The income hence differs as regards its composition, though not its volume. Couples living in nPs are less frequently owners of their place of residence than couples living in CPs.

²² Of the 142 couples, 193 individuals were interviewed. Due to this reduced sample volume of the group of comparison, we forego the indication of concrete values, above all percentages, in the summary.

²³ This might be related with a selection effect, since those interviewed in nPs all became active on their own account and took up contact with the research institutes themselves to be included in the study.

²⁴ In contrast to parents living in CPs, there may be a claim to post-marital or post-partnership support from a previous marriage or CP.

As far as the origin of the child and the resulting parental position is concerned, there are significant differences between registered and non-registered same-sex partnerships. While children from CPs stem from such a relationship more frequently (366 out of 693 children in CPs), children living in non-registered same-sex partnerships have usually been conceived during previous (heterosexual) relationships (88 out of 159 children in nPs). Accordingly, the proportion of children conceived by sperm donation is almost twice as high in registered partnerships as in non-registered partnerships (268 out of 693 children in CPs as against 34 out of 159 children in nPs). This explains why a parent is frequently existent and available outside the rainbow family for children in nPs. Consequently, children growing up in nPs more frequently maintain contacts with their parent living outside the household and are more strongly integrated into the daily life of their external parent. For instance, they have an own room at the external parent's place of residence more often than children in CPs. It is significant to note in this context that female partners in CPs more often conceive insemination children whose father is not known. Another factor of influence to bear in mind is the shorter time having passed since the separation, which was noted for the nPs. If there is no contact between the children and their external parents, the external parent has more frequently tried to break the contact in the case of children in nPs than for their peer group in CPs.

The readiness to have further children is similar in both forms of families. Nevertheless, there are differences with regard to the ideas on how to achieve this. Couples living in CPs often consider the foundation of a queer family, while couples living in nPs more frequently think about adoption or fostership. As regards the realization of their desire to have a child, people interviewed in CPs more often perceive obstacles caused by the legal situation and the bureaucratic structures than the peer group. This may be attributable to the fact that these couples have already gathered experiences with the realization of their desire to have a child in the framework of a same-sex relationship so that they are better aware of the sideline conditions and possible problems.

Both in registered civil partnerships and in non-registered partnerships, the overwhelming majority of partners assume the same level of educational responsibility for the child as the biological parent, even though this readiness is slightly stronger in registered civil partnerships. This is mirrored, for instance, by the behaviour of part of the children living in nPs (17%), who explicitly address their biological parent when it comes to decision-making. In this case, we want to recall the differing background of parentage in nPs and CPs, since the origin and/or conception of the child has an essential influence on the relationship between the child and the partners.

Same-sex couples with children usually deal with their form of living openly, i.e. their social environment – such as colleagues, neighbours, the child's social contacts, etc. – are informed about their sexual orientation. Nevertheless, the readiness to appear as a family to the outside is more strongly marked in registered partnerships.

The parents interviewed from nPs have less frequently been given sole custody and more frequently joint custody. It is true that custody has been decided upon by the courts more frequently in the group of registered civil partnerships, yet a higher percentage of those interviewed in nPs claim to have met difficulties in the question of custody regulation. This

effect might be due to the fact that legal decisions are respected more tightly by both sides. Similar to the decisions on custody, those interviewed from nPs have more frequently made an out-of-court agreement as regards child support.

2.9 Assessment of the legal regulations

The legal regulations have been assessed by the partners interviewed in CPs on the one hand, and by experts on the other hand. Results differed in part considerably. To keep the different positions appropriately apart, the assessments are described separately in the following paragraphs.

Criticism and requests of partners in CPs

Wishes and criticisms with regard to the CP were asked about openly. The 866 partners interviewed mostly consider their form of family as being disadvantaged. In the majority of cases, they quoted financial (72%) and legal (67%) disadvantages, above all in tax law, along with the lacking societal acceptance (42%). Statements made during the qualitative enquiry reveal that some of those interviewed see the CP as a “second-class marriage”, and that the terms related with it such as “partnering” or “termination of contract” are considered unfavourable.

Against this backdrop, 93% of those interviewed demanded a change of the legal situation (N = 801). One very significant demand concerns a better securing of the families in various respects (87%, N = 697). First and foremost, the equalisation with traditional marriage according to tax law is demanded in this context (97%, N = 666). 39% would request an adjustment of the capital transfer and inheritance taxes (N = 259). One quarter demands tax-deductible possibilities for child support payments, which are made for the partner’s biological child (N = 170). 11% from this group request entitlement to child allowance for the partner (N = 78). Every tenth (N = 67) would like to see the partner taken into account when it comes to provisions under the civil service law, while 7% (N = 45) would support this option for financial aids. A small group would consider a longer duration of payment of child alimony for the mother appropriate (6%, N = 42).

40% (N = 284) of the partners interviewed see a need for change in the adoption law. 84% of these demand simplification of stepchild adoption (N = 239). The possibility of joint non-blood related child adoption by both partners is desired by 37% (N = 104). Around one fifth of the group is in favour of allowing stepchild adoption even against the will of the genetic parent (N = 59). 22% wish that stepchild adoption is made possible for the partner after the other partner has adopted a non-blood related child (N = 62).

A change in the rights and duties of the social parents is requested by 34% of those interviewed (N = 268) with almost all of them (97%) stating that the rights of social parents should be extended. The majority of those making a statement on rights and duties (58%) also claim an extension of the related duties (N = 148).

Custody needs revision in the eyes of 35% of those interviewed (N = 271). 63% of this group desire joint custody of both partners (N = 153). 59% (N = 143) request that the social parent generally receives full custody when the child is born during the civil partnership. 23% of those supporting a change in custody law would like to see several people practising joint custody (N = 55).

13% did not comment on details of the regulations, but demanded a general full equalisation of the registered civil partnership with the legal status of a traditional marriage and with other families.

The qualitative study supplies additional information on what legal regulations are criticised in particular. In tax law, this concerns the worse situation encountered by CPs as against married people with children in standard marital status relief and child allowance, which can only be applied for by the biological mother or father. Some of those interviewed also see disadvantages in the field of inheritance tax and point out that they do not receive the benefits of married partners. Various statements clearly underline the basic interest of those interviewed: on the one hand, they require “full legal equalisation” with traditional marriage and, on the other hand, protection of their families by the state.

Assessments and suggestions of the experts

The regulations stipulated by the civil partnership act and the revised civil partnership act are regarded as positive and progressive by the experts. Nevertheless, some also launched a certain criticism of the unequal treatment of civil partnerships in inheritance law, tax law and the social insurance system. Not only will this discriminate the couples, but also the children in civil partnerships, above all in financial terms. Alongside the basic claim for equalisation of civil partnership and traditional marriage, the experts highlight concrete needs for regulation.

Some of the experts consider admission of joint adoption a necessity. Their focal arguments supporting this claim include not only the unequal treatment of civil partnerships and married couples, but also the child’s welfare. Especially in the case of a separation or the death of one parent, a legal relationship with both parents and financial security from both partners are in the child’s best interest and serve child welfare. Some experts suggest common custody in the adoption of a child by one partner or an extension of the regulations regarding representation.

In the field of stepchild adoption, a uniform practice to be adopted by the Child Protection Services is suggested, e.g. a clear setting of the time frame. Moreover, it should be taken into account whether the child has been desired by both partners alike and has been born during the current relationship. In this case, there is a close bond between the child and the non-biological parent right from the start. Experts suggest to shorten the procedure in these cases or to create a possibility of establishing a legal relationship between the child and the social parent automatically at birth – just as is the case with children born in a traditional marriage. Another aspect in favour of such a change is that under the current law, all those concerned remain without legal security in the transition period until stepchild adoption has become legally effective.

Stepchild adoption usually receives positive marks by the experts, since it improves the child's legal and social security. Hence, the experts consider a shortening of the procedure's duration appropriate. An assessment of possible negative developments is obviously still not possible due to the limited number of cases and the relatively short period of experiences. As regards stepchild adoption, the experts usually have gathered experiences with children born during a CP only. For these, taking in charge parental responsibility by both partners - something desired by the overwhelming majority of parents - is only possible by way of stepchild adoption. In contrast, stepchild adoption is mostly not practiced for children stemming from former heterosexual relationships, since the other parent often does not agree. It is underlined that the relationship with the external parent is to be maintained. This complies with the attitude of most lesbian mothers and gay fathers interviewed.

In the context of parentage through heterologous insemination, the constellation of anonymous sperm donation or non-mentioning of the father has also been covered. Experts explain this behaviour with the desire for stepchild adoption by the partner, which might be prevented by a known father or, at least, made more difficult. As far as sperm donors are concerned, several experts point out that some of them certainly wish to remain anonymous. However, until conclusion of the stepchild adoption they can basically be approached for child support payment. Therefore, they take a certain risk of having to assume a father's duty unexpectedly.²⁵ From the child's viewpoint, it is underlined in this context that keeping the father secret is in contradiction with the child's right to know its origins. This also applies, by the way, to an insemination via anonymous sperm donation, since clarification of the biological fatherhood was no longer possible. It is feared that this might involve possible consequences for the development of the child's identity.

As regards the regulation on leaving the child in the family according to § 1682 of the German Civil Code as well as possible requests for removal, there are only some assessments available from experts, which are not based on their own experiences. They generally assess the regulation on leaving the child in the family positive, since it raises security for the children. In fact, such cases seem to be very rare. The parent interviews revealed four requests for removal, with two applications having been filed for legal regulation on leaving the child in the family. One of these was judged positively, the other was rejected. Moreover, no practical experiences are available either with regard to the right to contact of the (former) partner (§ 1685 par. 2 of the German Civil Code).

Some experts critically noted that there is no legal obligation for the partner to make any child support payments upon dissolution of the CP unless stepchild adoption has been made effective before. Moreover, the partner has no right to contact with the child in that case, if he/she did not live together with the child.

3. Findings from the child study

The psychological partial study on child development was based on two focal issues. On the one hand, it wanted to clarify whether children and adolescents growing up in same-sex civil

²⁵ The mother is at any time in a position to have fatherhood established. Moreover, it is not possible to forego child support for the future according to § 1614, par. 1 of the German Civil Code.

partnerships (CPs) differ from children and adolescents coming from other family forms with regard to their development and their coping with development tasks. On the other hand, the parent-child relationships in the rainbow families were subjected to closer scrutiny.

3.1 Gathering samples

In the framework of the child study, 95 children and young people from registered civil partnerships (43 boys, 52 girls), aged between 10 and 18, were interviewed by telephone on focal aspects of their development such as bonding and relationship with their parents, mental adjustment and orientation, conflicts in the family and possible discrimination.²⁶ The majority of children and adolescents (93%) lived with their biological mother and her female partner at the time of questioning. Hence, the proportion of father families complies with the share discovered in the overall sample (7%). The current family constellation has, on average, existed for six years. The majority of these children and adolescents (78%) stem from a former heterosexual partnership and have thus experienced both separation and/or divorce of their birth parents and the coming out of one parent. This makes a noticeable difference between the child sample and the overall number of children in CPs who were referred to in the framework of the study. In the main study, only about half of the children stem from a former relationship. This shift arises from the minimum age of enquiry of 10 years that had been set for the child study. Among the group of older children, there is a considerably higher share of children having witnessed separations.

3.2 Aspects of child development

To enable statements about the development of children in CPs it is reasonable to compare these with children from other family forms. Therefore, a tool for data collection has been used in the study for which comparative data from other groups of children is available. These cover children and young people coming from core families (N = 201), stepfather families (N = 128) and mother families (N = 181).²⁷ Together with the children from CPs included in the study, we arrived at an overall sample volume of 606. The comparability of the samples has been ensured, since there are no significant differences in the distribution of genders, nor as regards the age groups.

The results show that children and adolescents from same-sex partnerships differ only very little with regard to the quality of the relationship with both parents and to their mental adaptation when compared to children and adolescents growing up in other family forms. The same goes for conflicts between partners in CPs and disputes with the external parent. Significant differences were established in as far as children and adolescents from CPs have a higher self-esteem and greater autonomy in their relationship with both parents than their peers in other family forms.

²⁶ The study covered children of parents having taken part in the adult interview round of the main study. The participants in the main study had been informed about the possibility of their children being interviewed.

²⁷ The comparative data has been taken from the project „Familienentwicklung nach Trennung der Eltern“ (Development of families after the separation of the parents) supported by the German Research Foundation (Walper, 1998).

The partners of the biological parent are more frequently informed about their children's activities (parental monitoring) than fathers and stepfathers of the heterosexual peer groups. No significant differences have been found with regard to other features such as emotional uncertainties and other aspects of the psychic development (depressions, aggressions, somatic troubles). Moreover, the level of conflict among the parents as it is perceived by children and adolescents does not differ between rainbow families, core families and stepfather families.

Two thirds of the children and adolescents from CPs were in touch with the external biological parent at the time of the interview. There are, however, clear differences for the genders in this matter: Whereas 56% of the boys in CPs reported a contact with their external parent at the time of the interview (as against 60% in stepfather families and 59% in mother families), the girls displayed striking differences depending on the family form. Three quarters of the girls in CPs maintain contacts with the separately living parent, while this percentage was clearly lower in the peer group of separation families (34% in stepfather families and 53% in mother families). It was shown, however, that the existence of contacts with the external parent and their frequency did not exercise any noticeable influence on the mental development of children and adolescents. In contrast, the quality of the relationship in the family proved to affect the child's development significantly. The connection between trust and closeness in the parent-child relationship and a successful personality development of the children and adolescents has been established to equal extents in all family types.

The engrossing analyses of this partial study revealed that there are different risk factors influencing the child's development. These include instability in the family, which is characterised by a high number of family transitions²⁸ and changing psychological parents. Further relevant issues include lasting conflicts between the separated birth parents and the accompanying coalition pressure and feeling of being torn. Moreover, a high level of parental conflict in the current family may be troublesome. The same goes for frequent and intensive experiences with discrimination. However, all these risk factors also apply for children and adolescents from other family forms, above all separation families. It is only special experiences with discrimination due to the inclusion in a rainbow family that are "reserved" to this group alone.

The influence of such risk factors is moderated by the quality of the relationship with the parents, i.e. negative consequences are absorbed by good relationships. It is only when the relationship with the birth parent (or the primary parental model person) is also troubled that risk factors come to the fore. Above all, emotional uncertainties in the relationship (ambivalences, fear of losing love) proved to be significant here. Parent-child relationships characterised by trust and closeness, in contrast, can fully or at least partially mitigate the afore-described risks.

Altogether, the development of children and adolescents from same-sex partnerships differs only slightly – and if so in a more positive manner – from that of children and adolescents in other family forms. For the development dimensions covered by this study, it is therefore not the family constellation that is crucial, but the quality of the relationship within the family.

²⁸ as, for instance, separation, entering a new partnership, relocation

3.3 Experiences with discrimination as a result of the family situation

45% (47%) of the children and adolescents in CPs reported disadvantages resulting from their situation of living. These include 16 people (17%) who were affected by discrimination regularly or frequently:²⁹ 15 (16%) of the children and adolescents reported frequent abuse or exclusion. Five of those interviewed mentioned the threat of thrashing or beating. Three of them saw their personal belongings damaged several times, and one was blackmailed several times because of his family situation. In the majority of cases (88%), the discrimination comes from peers, while there are only rare cases of disadvantages coming from adults. 69% of the children interviewed stated to have talked about these experiences with their parents. These results are widely identical to the overall sample.

Experiences with discrimination also prove to be risk factors to adaptation, though only if they appear frequently and if, at the same time, the relationship with the parents is characterised by striking emotional uncertainties. A trusting relationship with the biological parent can counteract negative effects of discrimination.

3.4 Bonding and development tasks

By way of engrossing interviews with 87 of the 95 children in CPs, the bonding situation of children and adolescents was studied to complement the themes covered before together with their coping with development tasks relevant to their age.

Attachment

Attachment representation³⁰ means the samples of attachment gained during early childhood through an interaction with the primary psychological parents. These cover complex models of a long-term effect, which influence not only the child's own attachment and relationship behaviour, but also self-perception. Hence, attachment representation cannot be seen as a synonym of the quality of the relationship with specific psychological parents. Instead, it signifies generalized strategies when dealing with emotionally important relationships and feelings. People having a secure attachment representation are in a position to integrate both positive and negative childhood memories in a coherent picture of their life story, which is characterized by a certain level of objectiveness and, at the same time, also the esteem given to attachment relationships. People having insecure attachment representation instead find it clearly difficult to integrate their memorized experiences in a conclusive overall picture. This is shown, for instance, by an exaggerated positive representation that cannot be proven by examples; by the devaluation of attachment experiences and/or persons; or by excessively long descriptions providing no clear picture of the experiences made.

²⁹ multiple quotations were possible here

³⁰ To gather attachment representation, the Adult Attachment Interview (AAI) was held with all children and adolescents.

Attachment representation is an important indication of a healthy development. In a series of longitudinal studies it was shown that a secure attachment representation is supported right from early childhood by positive attachment and relationship experiences. Moreover, it goes hand in hand with a successful development of the personality in the adolescent age and influences a wide variety of development aspects (e.g. personality, partnership) right into adult age positively.

According to the results of this study, 69% of the children and adolescents in CPs display a secure attachment representation. In published non-clinical comparative samples, this proportion reaches 50 to 65%. Hence, the children and adolescents in CPs covered by our study display no disadvantages against their peers in other family forms as regards attachment development.

Development tasks

Adolescence as a transition from childhood to adulthood is marked by a wide variety of development tasks whose successful coping means a crucial prerequisite for a healthy development. Against this backdrop, the children and adolescents were enquired about seven relevant development areas. These refer to dealing with friendship and intimate relationships, detachment from the parents, the assessment of their own person, dealing with physical changes, planning education and occupation, and goals for the future. When coping with these development tasks specific of their age, children and adolescents in CPs did not differ from a comparative sample of young people without striking clinical features.

Moreover, the children and adolescents were asked for all development fields as to whether these have been affected by living with two mothers or two fathers and what this affect has possibly been like. The majority of adolescents do not see any significant differences as compared to traditional family forms. Depending on the development field, this is a share of 64 to 79%. Above all, the development of more tolerance and openness is quoted as a positive influence, while negative experiences usually referred to discrimination or the fear of lacking acceptance by friends due to the parents' sexual orientation.

3.5 Conclusion

The results show that children and adolescents from CPs differ only marginally from children and adolescents growing up in other family forms with regard to the quality of their relationship with both parents and to their mental adaptation. The same goes for conflicts between the partners in the CP and for disputes with the external parent. Significant differences covered mainly the higher self-esteem of children and adolescents in CPs as well as the greater autonomy in the relationship with both parents.

The results from the child study suggest that children and adolescents in rainbow families undergo a similarly good development as children in other family forms. Irrespective of the family form, very similar factors of influence come to bear. It is not the structure of the family that is decisive for the children's development, but the quality of the relationship within the family. For the development dimensions of children and adolescents observed by the study it

was, therefore, not significant whether they grow up with a single parent, two mothers, two fathers or father and mother, but it was the quality of the relationship within these families that mattered.

4. Brief summary of the answers given to the factual legal questions

The present study produced a wealth of results in a strongly differentiated form. Since the answers go in part far beyond the original questions of the initiator of the study, they are often not easy to identify. In the following paragraphs, we will therefore summarise the focal findings with regard to the focal research questions of the study. We would like to point out, however, that this is a strongly abbreviated presentation and would, therefore, advise the readers to peruse at least the full summary of the study.

1. The study can be considered **representative** of rainbow families having established a registered civil partnership (625 couples, 866 parents interviewed). The child's study also displays a very large sample as against other such surveys covering 97 children and is, therefore, widely able to stand a test. In this partial study, the reliability of the statements given by children and adolescents was additionally secured by intensifying interviews.
2. The **educational behaviour** of same-sex partners is characterized by care and affection. The relationship of the children and adolescents with their biological parent and the father's male partner and/or the mother's female partner is comparable with the quality of relationships in other family forms. The children and adolescents in CPs feel a stronger attachment to their birth parents than this is the case in stepfather families. The attachment with the non-biological parent, in contrast, is stronger both towards the fathers and the stepfathers.
3. The **relationship of the child with the biological parent living outside the CP** is usually positive. Three quarters of the children (with one such parent, i.e. a former partner of their biological parent) maintain contacts with that parent. The proportion is thus higher than in other separation families. The majority of parents supports the contact between the child(ren) and the other parent and considers it important. As a rule, the external parents interfere little in the child's everyday education. One fifth to one third are involved in certain fields, but around one fifth get involved to the same extent as the parents interviewed.
4. As regards the **experience with social discrimination** as a result of the family situation, the majority of children (63% from the parents' viewpoint, 53% in the children's view – see child study) claim to have made no such experience so far. If discrimination has occurred, this was mainly in the form of teasing or abuse, but was rarely related with violence. Usually, the discrimination came from peers. The various experiences are described as producing different levels of tension. This tension may represent a risk factor for the child's development, when such incidents occur frequently and the quality of the parent-child relationship cannot compensate for it. Hence, a good parent-child relationship, which exists as a rule in the families interviewed, has a crucial influence on coping with discrimination.

5. **Development of the personality, development at school and occupational development:** The development of children and adolescents with regard to their self-perception – as is underlined by the child study – differs hardly from that of children and adolescents in core, stepfather and mother families. They reported a higher self-esteem, but do not differ with regard to depression, somatic troubles and aggressiveness. Family transitions and experiences with discrimination may represent risk factors for the adaptation of the children and adolescents, when they occur frequently and when, at the same time, the relationship with the parents is troubled by emotional uncertainties. The main study, where the parents assessed their children with regard to their development, identified experiences with separation and discrimination known to the parents as risk factors. Insemination children, in contrast, are estimated inconspicuous by their parents. The share of children and adolescents with a secure attachment representation is slightly higher than in samples of comparable peer groups. In addition to this, the overwhelming majority of them do not see their development impaired by the family situation. Only a low proportion of the adolescents reported negative influences, which usually refer to experiences with discrimination or the fear of not being accepted by friends due to the parents' sexual orientation. As regards development at school, the greatest proportion of children at secondary schools anticipate above-average exam results. This must be seen against the backdrop of above-average educational levels of the parents interviewed.
6. As regards the **legal situation**, the study produced the following findings:
- The regulations stipulated in § 9 par. 1 to 5 of the German civil partnership act have proved their validity. Nevertheless, both the experts and the interviewees expressed suggestions or wishes on how to improve the situation. These can be summarized as referring to removing existing differences and disadvantages against traditionally married people.
 - The partners who are not parents of the children assume social responsibility in the children's education.
 - Due to the rareness of such constellations, no statements can be made so far with regard to the development of the relationship between the child and a partner after the separation of a civil partnership.
 - **Utilization of limited custody** generally seems to proceed without problems. In this context, the high commitment of the social parents must be pointed out. For instance, 75% of the partners of a parent with a child from a former partnership get involved in the child's education. For families with children born during the current relationship, this share is even higher at 96%. In some cases, however, the social parent had to file proof of his/her competence to a third party.
 - The **number of stepchild adoptions by partners** carried out after the corresponding possibilities have been provided by the revised civil partnership act is not known. However, 23% of all children (N = 159) growing up in CPs have so far been adopted as stepchildren.
 - In 94% of cases, this concerns children born during the current partnership. Both partners would, as a rule, like to assume full parental responsibility for the common children from their current partnership. Hence, nine out of ten

children have either been adopted as stepchildren or will be so in the foreseeable future. The focal motives quoted for stepchild adoption include the couple's common desire to have children (85%), the possibility for the social parent to receive full custody of the child in this way (84%), and the legal recognition as a family (78%).

- For children from a former partnership, stepchild adoption is the exception rather than the rule (10 out of 323 children = 3%). In this context, it is essential that another parent is available frequently with whom contacts should be maintained. Moreover, the law demands that parent to agree with the adoption. Accordingly, stepchild adoption can be expected to occur above all for children from a current partnership in future, too.
- **Private-legal agreements** with regard to child were made by 23% of the rainbow families. This concerns above all regulations made for the case of the death of one of the partners.
- As regards the application of the **stipulation referring to leaving the child in the family in favour of the partner** (§ 1682, par.2 of the German Civil Code) and the **right to contact with the child of the partner or former partner** (§ 1685, par. 2 of the German Civil Code), no practical experiences have been available so far.

We believe that the results obtained from the study provide manifold approaches for changes of the practical situation. For instance, the question arises as to how parents and families – irrespective of their sexual orientation – can be supported in such a way that children can cope with a separation as much as possible and without suffering from negative effects on their development in the long term. It would be likewise important to dismantle prejudices and discrimination towards same-sex life forms – especially in order to reduce disadvantages for the children in same-sex partnerships and the related developments risks.