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The One-Size-Fits-All Family

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I am no better, and neither are you
We are the same, whatever we do
You love me, you hate me, you know me and then
You can't figure out the bag I'm in.

I am everyday people.[1]

Family laws, and their implementing policies, usually assume that what helps the majority of people must be good for everyone. (In fact, we have previously shown how some of these assumptions are based upon less than perfect, or less than generalizable, research.)[2] For example, if studies show

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Steven L. Nock was the Commonwealth Professor of Sociology, the director of the Marriage Matters project, and co-director of the Center for Children, Families, and the Law at the University of Virginia. He earned his Ph.D. at the University of Massachusetts-Amherst. He has served on the faculty at Tulane University and was a member of the National Academy of Sciences. His research interests included the causes and consequences of change in the American family. His best-known work is *Marriage in Men's Lives* (Oxford University Press, 1998), and Rutgers Press recently published *Covenant Marriage: The Movement to Reclaim Tradition in America* (with Laura A. Sanchez and James D. Wright). Professor Nock died January 20, 2008.

1. SLY AND THE FAMILY STONE, *Everyday People*, *on* STAND! (Epic Records 1969).

2. Margaret F. Brinig, *Empirical Research in Family Law*, 2002 U. ILL. L.

that marriage improves the welfare of the majority of couples[3] (and their children),[4] marriage is worth promoting as a major policy initiative.[5]

Another popular example of the "one-size-fits-all" assumption involves divorce. Many studies tell us divorce is bad for all except the small group of children from highly conflicted families,[6] as well as that divorce is a leading case of suicide[7] and depression[8] in divorced men.[9] Many legislatures[10] and other policymakers[11] have therefore made lowering the divorce rate a high priority.

Finally, if adoption makes kids better off,[12] it seems

REV. 1083 (2002).

3. LINDA J. WAITE & MAGGIE GALLAGHER, THE CASE FOR MARRIAGE: WHY PEOPLE ARE HEALTHIER, HAPPIER, AND BETTER OFF FINANCIALLY (Broadway Books 2001) (2000); STEVEN L. NOCK, MARRIAGE IN MEN'S LIVES (1998).

4. THE WITHERSPOON INST., MARRIAGE AND THE PUBLIC GOOD: TEN PRINCIPLES (2006), *available at* http://www.princetonprinciples.org/files/Marriage%20and%20the%20Public%20Good.pdf (summarizing the (vast) research).

5. The current Bush Administration has had a major marriage initiative within Health and Human Services. *See* Administration for Children & Families, Healthy Marriage Initiative, http://www.acf.hhs.gov/healthymarriage (last visited Aug. 22, 2008).

6. ELIZABETH MARQUARDT, BETWEEN TWO WORLDS: THE INNER LIVES OF CHILDREN OF DIVORCE (2005); DAVID POPENOE, LIFE WITHOUT FATHER (1996); Paul R. Amato & Bruce Keith, *Parental Divorce and the Well-Being of Children: A Meta-Analysis*, 110 PSYCHOL. BULL. 26 (1991); Wendy Sigle-Rushton et al., *Parental Divorce and Subsequent Disadvantage: A Cross-Cohort Comparison*, 42 DEMOGRAPHY 427 (2005).

7. Augustine J. Kposowa, *Marital Status and Suicide in the National Longitudinal Mortality Study*, 54 J. EPIDEMIOLOGY & COMMUNITY HEALTH 254 (2000).

8. Margaret F. Brinig & Steven L. Nock, *"I Only Want Trust": Norms, Trust, and Autonomy*, 32 J. SOCIO-ECON. 471 (2003).

9. Women do not seem to fare so badly, at least as far as psychologically. Martha L. Bruce & Kathleen M. Kim, *Differences in the Effects of Divorce on Major Depression in Men and Women*, 149 AM. J. PSYCHIATRY 914 (1992).

10. *See* Americans For Divorce Reform, http://www.divorcereform.org/ (last visited Aug. 18, 2008) (containing links to many legislative efforts as well as model legislation); *see also* Ben Neary, *Bill Would Make Divorces Tougher in N.M.*, SANTA FE NEW MEXICAN, Mar. 14, 2003 at A1.

11. MARQUARDT, *supra* note 6.

12. Few people question whether adoption is better than foster care. The dividing lines run along whether it is preferable to long-term kinship care, whether reunification with the birth family should take higher priority, or whether adoption by parents of a different race should only take place as a last resort. For a general discussion, see Margaret F. Brinig & Steven L. Nock, *How Much Does Legal Status Matter? Adoptions by Kin Caregivers*, 36 FAM. L.Q. 449 (2002).

logical to speed up the termination of parental rights. This reasoning spurred the Adoption and Safe Families Act of 1997[13] and the block grant initiatives for states that could significantly reduce the number of children in foster care and the length of their stays.[14] Similar reasoning about the desirability of adoption (over foster care) is also related to the federal legislation prohibiting racial matching in adoption.[15]

As a society and as a profession we devote a lot of attention to ensuring that laws do not discriminate—particularly, that they don't advantage or disadvantage groups without good reason. We are, with cause, particularly worried about laws and policies that discriminate based upon, for example, race and gender. Casebooks and reporters are filled with decisions recording these questions. But how often do we look at how the laws we make, with the best of intentions, affect particular groups of kids in their wake?[16]

This article looks at the impact of various family arrangements: formal ones and less formal ones that seem similar. Using data analysis, we will show that the legal recognition of a relationship does make a difference for most children. However, for some subgroups of the population, formal recognition of relationships like marriage and adoption makes much less difference, and expensive efforts to make all families fit into the majoritarian framework may well be wasteful and misguided. That is, while marriage may be advantageous for many couples and their children, simply providing financial aid may work better for black children.

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13. 42 U.S.C.A. § 1305 (West 2003 & Supp. 2008).

14. 42 U.S.C.A. § 673b (West 2003 & Supp. 2008). For an early report on how states were doing as of 1998, see Steve Christian, *1998 State Legislative Responses to the Adoption and Safe Families Act of 1997*, NCSL ST. LEGIS. REP., Mar. 1, 1999, at 1, *available at* http://www.ncsl.org/programs/CYF/asfaslr.htm. More recent data on both child welfare and adoption from foster care, including state "report cards" can be found on the Administration for Children and Families website, http://www.acf.hhs.gov/programs/cb/stats_research/index.htm#afcars.

15. For a lengthy discussion of these policies, see Margaret F. Brinig, *Moving Toward a First-Best World: Minnesota's Position on Multiethnic Adoptions*, 28 WM. MITCHELL L. REV., 553 (2001).

16. Brinig made a similar plea for responsible research in Margaret F. Brinig, *Promoting Children's Interests through a Responsible Research Agenda*, 14 U. FLA. J.L. & PUB. POL'Y 137 (2003), though that earlier publication was more focused on the writing of initial legislation than the evaluation of existing policies.

Similarly, adoption seems to be important for white children's welfare, while kinship care, which is less disruptive to the relationship with children's biological parents, seems to work as well for black children. We begin by looking briefly at racial differences in adoption, and then turn to new evidence that parents' adult relationships matter more for some children than others. Because these results have not been published elsewhere, we explain the data we used and the methods of analysis more completely. We conclude with some legal and policy implications of what we have found.

Some years ago, we examined policies for or against trans-racial adoption.[17] Using the National Survey of Adolescent Health,[18] we showed that adopted white children, as suspected, behaved well (statistically indistinguishable from biological children) when living with their birth families. On the other hand, like foster children, they did not fare well when living informally with relatives. For black children, however, kinship care worked about the same as adoption.[19] That is, black children living with extended family members did about as well as those living with biological parents even though they were not adopted. However, like white children, they suffered problems when they lived in foster care. Since the writing of the earlier article, we have been curious about whether these seeming racial differences about the form of primary caregiving translated into other measures of legal status.

The Panel Study of Income Dynamics (PSID) is a nationally representative longitudinal study headquartered in the Institute for Social Research at the University of Michigan.[20] The PSID is based on a representative sample of

17. Brinig & Nock, *supra* note 12.

18. Add Health, http://www.cpc.unc.edu/addhealth (last visited Aug. 18, 2008) ("The National Longitudinal Study of Adolescent Health (Add Health) is a nationally representative study that explores the causes of health-related behaviors of adolescents in grades 7 through 12 and their outcomes in young adulthood. Add Health seeks to examine how social contexts (families, friends, peers, schools, neighborhoods, and communities) influence adolescents' health and risk behaviors.").

19. Brinig & Nock, *supra* note 12, at 474; *see also infra* app. a tbl.3.

20. The PSID is a nationally representative longitudinal study of nearly 8000 U.S. families. Panel Study of Income Dynamics, http://psidonline.isr.umich.edu/ (last visited Aug. 18, 2008). Following the same individuals since 1968, the PSID collects data on economics, health, and social behavior. *Id.* The CDS focuses on the children and caregivers within PSID

American individuals (men, women, and children) and their families. It emphasizes the dynamic aspects of economic and demographic behavior, but its content is broad, including sociological and psychological measures. As a consequence of low attrition rates, the success in following young adults as they form their own families, and re-contact efforts (for those declining an interview in prior years), the sample size grew from 4800 families in 1968 to more than 7000 families in 2001. The Study has collected information about more than 65,000 individuals spanning as much as thirty-six years of their lives. The data from 1969–2003 are publicly available on the project's website. Between 1968 and 1997, data on PSID individuals were collected each year. Beginning in 1997, data has been collected every other year.

The Child Development Supplement (CDS, or the Supplement) is one research component of the PSID. While the PSID has always collected some information about children, in 1997 the PSID supplemented its main data collection with additional information on zero- to twelve-year-old children and their parents. The objective was to provide researchers with a comprehensive, nationally representative, and longitudinal database of children and their families from which to study the dynamic process of early human capital formation. The first wave of the Supplement successfully completed interviews with 2394 families (eighty-eight percent), providing information on 3563 children. In 2002–2003, the CDS re-contacted families who remained active in the PSID panel as of 2001. In this second wave, researchers successfully re-interviewed 2021 families (ninety-one percent) who provided data on 2907 children and adolescents aged five to eighteen years. These are the children whose outcomes we analyze here.

Because the CDS is a supplement to the PSID, the study takes advantage of an extensive amount of family demographic and economic data about the CDS target child's family, providing more extensive family data than any other nationally representative longitudinal survey of children and youth in the U.S. In addition, the PSID-CDS data are "intergenerational" in structure with information contained

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families, collecting information on education, health, cognitive and behavioral development, and time use. *Id.*

in several decades of data about multiple family members. This rich data structure allowed us a unique opportunity to fully link information on children, their parents, their grandparents, and other relatives to take advantage of the rich intergenerational and long-panel dimensions of the data.

Because we saw that more than ninety-five percent of the children in the CDS lived mainly with their biological mothers, we excluded most other living arrangements, other than children living with two adoptive parents (see table 1).[21] This exclusion was justified for several reasons. First, the sample size in these groups was simply too small to draw valid conclusions. (The largest is for children living with biological fathers, and it is only eighty-three children.) Second, these families were likely to differ on a large number of other dimensions that we could not account for but which involved separation from biological mothers. Children are highly likely to live with their mothers, and if they do not, it is typically because of her death or because of her abuse, neglect or abandonment of the child, all of which would undoubtedly have major influences on our dependent variables of interest. We report all the descriptive statistics for the variables we consider in table 2.[22]

We begin by looking at results from one question asked of children twelve and older on the CDS (that is, in 2002): how often would you say you were happy during the last month? The possible answers range from "never" (scored 1) to "all the time" (scored 6).[23] The findings of interest for all children over twelve are reported in figure 1.[24]

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21. *See infra* app. a tbl.1. As detailed in the PSID's technical documentation, weights supplied on PSID data files are designed to compensate for both unequal selection probabilities and differential attrition and were used in our analysis. Steven G. Heeringa & Judith H. Connor, *1997 Panel Study of Income Dynamics Analysis Weights for Sample Families and Individuals* (1999), http://psidonline.isr.umich.edu/data/Documentation/wts97.pdf.

22. *See infra* app. a tbl.2.

23. Panel Study of Income Dynamics, http://simba.isr.umich.edu/cb.aspx?vList=Q23L37A (last visited Aug. 18, 2008).

24. *See infra* app. a fig.1. In the equation predicting happiness, additional variables, *see infra* app. a tbl.2, include whether the child lives only with the biological mother; whether the child lives with an "other father figure"; whether the mother was married and widowed at least once; whether the mother married, divorced, and remarried with the second marriage still intact; whether the mother married, divorced, and remarried with the second marriage ending

From these results, we can conclude that family income[25] doesn't matter statistically for happiness.[26] Nor does it matter, overall, whether a child's mother ever married, or whether you were adopted by a stepparent. What does matter significantly is whether your mother demonstrated warmth to you[27] (increasing your happiness by nearly a point

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in divorce; the sex of the child; the child's age at the time of the survey (2002); the age of the mother; and the race of the mother. All of these additional variables appear in each of the additional regressions reported as well and are therefore controlled in these equations. The happiness regression's R^2 value was .077; that is, the equation predicted about eight percent of the variance in results. In figure 1, *see infra* app. a fig.1, as with all figures in this article, statistically significant results are indicated by *; a probability that this result could have been obtained by change of less than .05 is indicated by *; a probability that this result could have been obtained by chance of less than .01 is indicated by **; and a probability that this result could have been obtained by chance of less than .001 is indicated by *** (none in this figure).

25. For each observation in these models, a comparable measure of family income is calculated by dividing total family income by the Census needs standard for a comparably sized family in the same geographic area in the same year. *See* U.S. CENSUS BUREAU, SUPPLEMENTAL MEASURES OF MATERIAL WELL-BEING: BASIC NEEDS, CONSUMER DURABLES, ENERGY, AND POVERTY, 1981 TO 2002 (2005), *available at* http://www.census.gov/prod/2005pubs/p23-202.pdf.

26. This is not surprising if we consider reports that worldwide, the happiest people come from countries like Venezuela, Mexico, and Nigeria, not those from highly industrialized, wealthier nations. *See generally*, World Values Survey, http://www.worldvaluessurvey.org/ (last visited Aug. 22, 2008).

27. This is reflected in the CDS Primary Caregiver Child File as the mean of responses to Q21E13A through Q21E13G:

> About how often in the past month have you
> -- Told CHILD that you love (him/her). Panel Study of Income Dynamics, http://simba.isr.umich.edu/cb.aspx?vList=Q21E13A (last visited Aug. 18, 2008).
> -- Spent time with CHILD doing one of (his/her) favorite activities. Panel Study of Income Dynamics, http://simba.isr.umich.edu/cb.aspx?vList=Q21E13B (last visited Aug. 18, 2008).
> -- Talked with CHILD about things (he/she) is especially interested in. Panel Study of Income Dynamics, http://simba.isr.umich.edu/cb.aspx?vList=Q21E13C (last visited Aug. 18, 2008).
> -- Told CHILD you appreciated something (he/she) did. Panel Study of Income Dynamics, http://simba.isr.umich.edu/cb.aspx?vList=Q21E13AD (last visited Aug. 18, 2008).
> -- Talked with CHILD about (his/her) relationships, like (his/her) relationships with friends. Panel Study of Income Dynamics, http://simba.isr.umich.edu/cb.aspx?vList=Q21E13E (last visited Aug. 18, 2008).
> -- Talked with CHILD about current events, like things going on in the

on the scale compared to the lower value) or your mother divorced (decreasing your happiness by about half a point on the scale if she divorced and did not remarry compared to if she did not). If you have a stepfather, you are slightly less happy (by about .23 on the scale) than if you do not.

In a slightly more sophisticated version of the same basic analysis, we can find for all children whether they had behavioral problems.[28] We report these results in figure 2.

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news. Panel Study of Income Dynamics, http://simba.isr.umich.edu/cb.aspx?vList=Q21E13F (last visited Aug. 18, 2008).

-- Talked with CHILD about (his/her) day. Panel Study of Income Dynamics, http://simba.isr.umich.edu/cb.aspx?vList=Q21E13G (last visited Aug. 18, 2008).

28. *Behavior Problems Index.* The behavior problem scale (G23, G32) was developed by James Peterson and Nicholas Zill to measure the incidence and severity of child behavior problems in a survey setting. James L. Peterson & Nicholas Zill, *Marital Disruption, Parent-Child Relationships, and Behavioral Problems in Children*, 48 J. MARRIAGE & FAM. 295 (1986). Many of the items are from the Achenbach Behavior Problems Checklist. Thomas M. Achenbach & Craig S. Edelbrock, *Behavioral Problems and Competencies Reported by Parents of Normal and Disturbed Children Aged Four Through Sixteen*, MONOGRAPHS OF THE SOC'Y FOR RES. IN CHILD DEV., 1981, at 1. Behavioral problems and competencies were reported by parents of normal and disturbed children aged four through sixteen. *Id.* Exactly the same set of items used in the NLSY was used in the PSID Child Development Supplement in order to maximize comparability between the two data sets, though the questions the PSID-CDS asked were drawn from of children three and older, SANDRA L. HOFFERTH, HEALTHY ENVIRONMENTS, HEALTHY CHILDREN: CHILDREN IN FAMILIES 5 (1998), while the NLSY began the questions at age four. Katarina Guttmannova et al., *Internalizing and Externalizing Behavior Problem Scores: Cross-Ethnic and Longitudinal Measurment Invariance of the Behavior Problem Index,* 68 EDUC. & PSYCHOL. MEASUREMENT 676, 683 (2008). The scale is based on responses by the primary caregiver as to whether a set of thirty problem behaviors is often, sometimes, or never true of the child. Behaviors include having sudden changes in mood or feeling, is fearful or anxious, bullies or is cruel or mean, and demands a lot of attention. Behaviors are also divided into two subscales, a measure of externalizing or aggressive behavior and a measure of internalizing, withdrawn or sad behavior. Scores provided are raw scores on the scales. Items G23aa, bb, cc, and dd were added by NLSY staff to provide additional measurement for the withdrawn behavior scale. *See infra* app. a tbl.3. Finally, items G32 a and b are part of the Behavior Problems Scale but are only applicable to school-age children. *See infra* app. a tbl.3. We created one behavior problems scale by summing the scores on the raw items with direction of scoring reversed, using the thirty items for all children. We also created separate scores for two subscales, internal or withdrawn and external or aggressive. The analyst can either add the two items for school-age children to the thirty-item scale, or, as we did in *Healthy Environments, Healthy Children: Children in Families,* HOFFERTH, *supra,* use the two items as a separate scale of school problems. We include table 4 to demonstrate the modeling process, from

When all the children are added, warmth remains very significant both statistically and quantitatively (associated with a decrease in behavioral problems from 14.622 to 8.93 on the scale). Having a stepfather is associated with an increase in behavior problems from about sixteen to about 18.6 on the scale. A change is that the mother's divorce is not significantly related to the incidence of behavioral problems, while whether or not the mother married is associated with a statistically significant increase in such problems, from about sixteen to about 17.4.[29] And income still doesn't matter.

If these results were all we had, they would seem to justify a marriage-centered policy, worrying about divorce, and possibly placing some restrictions on remarriage (because of the negative results for stepparents).[30] Though the third concern may well be unconstitutional,[31] both encouraging

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looking only at needs to a full model. *See infra* app. a tbl.4. Table 3 shows how the thirty items for all children three and older map onto the external and internal scales. *See infra* app. a tbl.3.

29. An explanation of why the fact that the mother never married might matter here when it did not in the happiness equation (and why divorce might not) lies in the age of the children who answered the question. Parental divorce seems to matter most to adolescents (the only ones surveyed in the happiness question). *See, e.g.*, SARA MCLANAHAN & GARY SANDEFUR, GROWING UP WITH A SINGLE PARENT: WHAT HURTS, WHAT HELPS (1994); Amato & Keith, *supra* note 6; Andrew J. Cherlin et al., *Parental Divorce in Childhood and Demographic Outcomes in Young Adulthood*, 32 DEMOGRAPHY 299 (1995); E. Mavis Hetherington et al., *What Matters? What Does Not? Five Perspectives on the Association Between Marital Transitions and Children's Adjustment*, 53 AM. PSYCHOLOGIST 167 (1998); Kathleen E. Kiernan, *The Impact of Family Disruption in Childhood on Transitions Made in Young Adult Life*, 46 POPULATION STUD. 213 (1992). Yet, the impact of the mother's never having married may be most severe for younger children. (The directions of the coefficients were consistent, but the statistical significance differed.) *See infra* app. a fig.2.

30. These suggestions are remarkably close to two contemporary systems. One is divorce from bed and board (or judicial separation), in which the parties live apart, the duty of support continues, and there is no freedom to remarry. *See* Margaret F. Brinig & June Carbone, *The Reliance Interest in Marriage and Divorce*, 62 TUL. L. REV. 855 (1988); *see, e.g.*, VA. CODE ANN. 20-95 (2004 & Supp. 2007). Support for marriage reached a high point during this period. *See* Margaret F. Brinig, *Rings and Promises*, 6 J.L. ECON. & ORG. 203 (1990). Another is the canon law model followed by the Roman Catholic Church, which sacramentalizes marriage and does not recognize civil divorce, treating divorced spouses as still married. The Nazreth Resource Library, Internet Question Box, http://www.cin.org/users/james/questions/q012.htm (last visited Aug. 20, 2008).

31. In *Zablocki v. Redhail*, the Supreme Court struck down a Wisconsin restriction on marrying without meeting outstanding child support obligations, when the man involved owed significant child support to children of a first

marriage (over childbirth outside it) and reducing divorce are centerpieces of social welfare policy at both the national and state level. To restate our original point, though, the wisdom of these policies depends upon their uniform (or at least benign) effects on major groups of people as well as the majority of children.

Racial Differences in Reactions to Status

Let's look at exactly the same equation, but this time, separate our results into those for blacks (N = 207) and those for whites (N = 1212). The results are pictured in figure 3.[32] While maternal warmth works the same way for each racial group, associated with big decreases in total behavioral problems, whether or not the parents ever married does not apparently matter for blacks, but is associated with an increase of about four points (and to a high degree of significance) for whites. Income for the first time is associated with significantly reducing total behavioral problems, but only for black children. Having a step-dad is not associated with a significant increase in problem behaviors for blacks, but is associated with increased behavioral problems for whites. Two variables work in opposite directions: divorce without remarriage seems associated with more behavioral problems for blacks and fewer for whites (though neither is significant). Very few black children were adopted by step-dads (about half a percent, so of no statistical significance), while for whites it increased behavioral problems by five points on the scale and was statistically significant.

From this information, we might conclude that financial need matters much more for black kids' problems than for whites, and warmth shown by their mothers much less. But even more interesting for lawyers, the data suggests that lack of marriage matters much more for whites, and that never marrying or adoption by a step-dad in fact work in *opposite* ways. Further, we find opposite results for blacks and whites for children living with a father figure (what we would call cohabiting) (better for black kids, much worse for white), for children whose mothers divorce, remarry, and remain married (better for black kids, worse for whites), and for those

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relationship. Zablocki v. Redhail, 434 U.S. 374 (1978).

32. *See infra* app. a fig.3.

whose moms divorce a second time (worse for white kids, better for black). We reproduce these results in table 5.[33]

Racial differences seemingly call for different policies if we look solely at the children involved as third parties to their caretakers' decisions.

Gender Differences in Reactions to Status

Although the results are not as strong as they are with race, separating data by gender shows that while, overall, things like income make very little difference to a child's well being, this may be because boys and girls react in opposite ways. We begin with the familiar chart from the PSID measuring total behavioral problems and controlling for socioeconomic status and other factors, but this time separating boys and girls. Our results appear in figure 4.[34] Beginning with income, it is important to remember that overall, increases in income were not associated with greater happiness nor a reduction in behavioral problems. But from figure 4 we can see that what might have been an encouraging result is actually a complicated one: an increase in income is associated with a significant decrease in girls' behavioral problems, but will increase boys' at about the same rate (though not with statistical significance). In other words, the overall report shows a canceling out effect.

Boys and girls react similarly and significantly to the warmth of their mothers. Both show more behavioral problems if their mothers have never married, but the difference is only statistically significant for girls. Neither boys nor girls exhibit a statistically significant difference in behavior problems if their mothers divorce and do not remarry (though the movement is in opposite directions for the two genders). While the presence of a stepfather is related to negative effects for both boys and girls, both in terms of statistical significance and in absolute terms, the relationship is more profound for girls (where it increases behavioral problems by more than three points, or nearly twenty-five percent) than for boys (where it increases behavioral problems by less than two points, or ten percent). Another significant difference that is masked when we look at

33. *See infra* app. a tbl.5.
34. *See infra* app. a fig.4.

boys and girls together is the presence of another male in the household. For boys, it is associated with a significant increase in behavioral problems (at the less than .001 probability of error) and by nearly six points (or thirty percent). For girls, it is associated with an insignificant decrease. Finally, boys' behavioral problems are associated with a slight increase (without statistical significance) with an increase in income from the twenty-fifth to the seventy-fifth percentile, while girls' are associated with a slight decrease (at the .051 probability of error). Once again, the troubling results do not stop here. Figure 4 shows that we get opposite results looking at mothers' cohabitation (associated with much worse problem behavior in boys, but slightly less in girls). We also get opposite results for children of mothers divorcing, remarrying, and remaining in second marriage (neither result significant; girls do better). And the inconsistencies remain for depression and anxiety for these relationship states and for divorcing a second time.

One slightly more controversial set of tests looks at results on boys' and girls' self-esteem.[35] Here, again, we have different results for increases in income (boys' self-esteem increases slightly with income, while girls' increases significantly) adoption by a stepfather (boy's' self esteem declines, and this is statistically significant, girls' apparently increases, but not significantly) and most importantly, with divorce (and no remarriage). Here, both measures are statistically significant and they move in opposite directions: boys' self-esteem increases with divorce (by .217, or slightly more than seven percent), while girls' decreases (by .132, or nearly five percent). Because the results "cancel," divorce will seem to have no effect on self-esteem.

35. *See, e.g.*, Jean M. Twenge & W. Keith Campbell, *Self-Esteem and Socioeconomic Status: A Meta-Analytic Review*, 6 PERSONALITY & SOC. PSYCHOL. REV. 59 (2002) (finding that socioeconomic status has a small but significant relationship with self-esteem); Morris Rosenberg et al., *Global Self-Esteem and Specific Self-Esteem: Different Concepts, Different Outcomes*, 60 AM. SOC. REV. 151 (1995) (noting that while global self-esteem is more strongly related to measures of psychological well-being, specific (academic) self-esteem is a much better predictor of school performance).

Some Cautions and Conclusions

Although we controlled for what we could,[36] none of these equations predicted all, or even nearly all, the differences in outcomes. In other words, most of the differences we see in behavioral problems or happiness or self-esteem in these children were associated with other things than those captured in our variables. We also are capturing a snapshot of related variables, not causation. We cannot say that failure to marry causes behavioral problems, for example, but just that they are associated. We know that income is related (both ways) to divorce, for example (financial problems cause divorce and divorce causes financial problems), and that there are significant relationships between other variables. Finally, some things are too small to measure. Only thirty children in our sample were adopted by their dads, and no adopted kids at all were in the black families. Although we have data for children classified as Asian and Hispanic, there are too few variations in family structure and status (the variables of interest here) to show much. That is why we have nothing to say about two very important demographic groups.

What do we make of common changes to legal status or living arrangements that affect black and white, male and female children in different ways? Our first uncontroversial suggestion is that all of this should be looked at again, using a different data set.[37] If what we report here holds up, as we think it will, it will be important to look at causation, and that will require a longitudinal analysis.[38]

Secondly, some of the differences we report are relatively benign. For example, children are always better off if their parents marry, even if the differences are more pronounced for whites than blacks. Perhaps, as with kinship care as the equivalent for adoption, societal support for something other than marriage will give similar benefits to this population. Similarly, more income is never a bad thing in a statistical sense, even if it matters more for blacks and for girls. Divorce,

36. *See supra* note 24 (describing control variables in each equation).

37. We plan such a replication ourselves, using the third wave of the National Survey of Families and Households (NSFH).

38. We have attempted one using a subset of the CDS, but the usable variables are limited.

with or without remarriage, suggests a more nuanced response, however.

Where there are big and opposite associations, as with the effect of divorce on self-esteem (where boys did better and girls worse), we might suggest hesitation before advocating large scale changes with blanket proposals, as opposed to individualized rules.

Finally, and more generally, as teachers, students, or makers of family law, we need to pay attention to empirical studies, especially ones done by unbiased, careful researchers. Too often, policymakers proceed on the basis of cases that are currently in the news or of studies that may have too few observations or samples that are not representative of all Americans. Too seldom do legislators or bureaucrats follow policy changes with studies looking at their effects. The result is a one-size-fits-all policy that does not work well for large groups of Americans (typically those in underrepresented groups).

APPENDIX A: TABLES AND FIGURES

Table 1. Relationship of Primary Caregiver to Child

Relationship of PCG	Frequency	Percent	Valid Percent	Cumulative Percent
Biological mother	2,554	95.2	95.2	95.2
Stepmother	1	0.0	0.0	95.3
Adoptive mother	22	0.8	0.8	96.1
Biological father	83	3.1	3.1	99.2
Stepfather	1	0.1	0.1	99.3
Grandmother	3	0.1	0.1	99.4
Grandfather	1	0.0	0.0	99.5
Aunt	0	0.0	0.0	99.5
Sister	14	0.5	0.5	100.0

Table 2. Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Kid lives with 2 bio parents?	2,681	0.00	1.00	0.6832	0.46532
Kid lives with bio mom and no bio dad?	2,681	0.00	1.00	0.1917	0.39367
Kid lives with bio mom and adoptive dad?	2,681	0.00	1.00	0.0063	0.07922
Kid lives with bio mom and step dad	2,681	0.00	1.00	0.0759	0.26489
Kid lives with bio mom and other dad figure	2,681	0.00	1.00	0.0344	0.18226
Kid lives with two adoptive parents	2,681	0.00	1.00	0.0086	0.09219
Head is white	2,681	0.00	1.00	0.6316	0.48246

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Table 2. Descriptive Statistics (*continued*)

	N	Minimum	Maximum	Mean	Std. Deviation
Head is black	2,681	0.00	1.00	0.1462	0.35335
Head is Hispanic-Latinoa	2,681	0.00	1.00	0.1321	0.33866
Head is Asian Pi	2,681	0.00	1.00	0.0278	0.16437
Head is other race – Am Indian, etc.	2,681	0.00	1.00	0.0423	0.20124
Estimated attendance of kid at services drawn from 2 variables 6-9 and 10+ age	2,030	1.00	6.00	4.2156	1.37686
Importance of religion to primary caretaker	2,672	1.00	3.00	2.6385	0.59797
Age of mother or mother figure	2,582	20.00	81.00	41.9310	7.44560
Household income div census needs standard	2,583	0.00	113.39	3.7756	4.78121
Mom married once, still intact	2,681	0.00	1.00	0.5833	0.49311
Mom married and widowed at least once	2,681	0.00	1.00	0.0153	0.12274
Mom married, divorced, remarried, still intact	2,681	0.00	1.00	0.1251	0.33093

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Table 2. Descriptive Statistics (*continued*)

	N	Minimum	Maximum	Mean	Std. Deviation
Mom married, divorced, remarried, now divorced	2,681	0.00	1.00	0.0316	0.17483
Mom never married	2,681	0.00	1.00	0.1168	0.32119
Mom married, divorced, never remarried	2,681	0.00	1.00	0.1176	0.32221
Positive behavior scale 02	2,681	1.00	5.00	4.1270	0.59692
Parental warmth scale 02	2,681	1.00	5.00	3.9271	0.64020
BPI – Total score 02	2,650	0	30	8.58	6.442
BPI – Externalizing score 02	2,667	0	17	5.53	4.116
BPI – Internalizing score 02	2,659	0	14	3.23	3.193
Pearlin Self-efficacy scale 02	2,671	1.00	4.00	3.1054	0.58953
Rosenberg Self-esteem scale 02	2,674	1.00	4.00	3.4036	0.44345
Sex of CDS child	2,000	1.00	2.00	1.5107	0.50001
Child age at time of PCG IV – Years 02	2,681	5.52	19.25	12.3159	3.73311
Valid N (listwise)	1,495				

N = Number of children

Table 3. Behavior Problems Index Factors and Reliabilities

Question		External	Internal	Total
a.	(He/She) has sudden changes in mood or feeling.	X		X
b.	(He/She) feels or complains that no one loves him/her.		X	X
c.	(He/She) is rather high strung and nervous.	X		X
d.	(He/She) cheats or tells lies.	X		X
e.	(He/She) is too fearful or anxious.		X	X
f.	(He/She) argues too much.	X		X
g.	(He/She) has difficulty concentrating, cannot pay attention for long.	X		X
h.	(He/She) is easily confused, seems to be in a fog.		X	X
i.	(He/She) bullies or is cruel or mean to others.	X		X
j.	(He/She) is disobedient.	X		X
k.	(He/She) does not seem to feel sorry after (he/she) misbehaves.	X		X
l.	(He/She) has trouble getting along with other children.	X	X	X
m.	(He/She) is impulsive, or acts without thinking.	X		X
n.	(He/She) feels worthless or inferior.		X	X
o.	(He/She) is not liked by other children.		X	X
p.	(He/She) has difficulty getting (his/her) mind off certain thoughts.		X	X
q.	(He/She) is restless or overly active, cannot sit still.	X		X
r.	(He/She) is stubborn, sullen, or irritable.	X		X
s.	(He/She) has a very strong temper and loses it easily.	X		X
t.	(He/She) is unhappy, sad or depressed.		X	X
u.	(He/She) is withdrawn, does not get involved with others.		X	X

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Table 3. Behavior Problems Index Factors and Reliabilities (*continued*)

Question	External	Internal	Total
v. (He/She) breaks things on purpose or deliberately destroys (his/her) own or another's things.	X		X
w. (He/She) clings to adults.	*	*	X
x. (He/She) cries too much.	X		X
y. (He/She) demands a lot of attention.	X		X
z. (He/She) is too dependant on others.		X	X
aa. (He/She) feels others are out to get (him/her).		X	X
bb. (He/She) hangs around with kids who get into trouble.	*	*	X
cc. (He/She) is secretive, keeps things to (himself/herself).		X	X
dd. (He/She) worries too much.		X	X
Number of items	16	13	30
Cronbach's alpha	0.86	0.81	0.90
Unweighted N			2,646

Table 4. Determinants of Behavioral Problems—Total and All Children (Illustrating the Modeling Process)

	Unstandardized Coefficients		Standardized Coefficients		
	β	Std. Error		*t*	Sig.
			Model 1		
(Constant)	8.864	0.186		47.617	0.000
Household income div census needs standard	-0.074	0.029	-0.058	-2.564	0.010
			Model 2		
(Constant)	8.034	0.219		36.760	0.000
Household income div census needs standard	-0.043	0.029	-0.034	-1.475	0.140

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Table 4. Determinants of Behavioral Problems—Total and All Children (Illustrating the Modeling Process) (*continued*)

	Unstandardized Coefficients		Standardized Coefficients		
	β	Std. Error	β	*t*	Sig.
			Model 2		
Kid lives with bio mom and no bio dad?	2.144	0.380	0.131	5.644	0.000
Kid lives with bio mom and adoptive dad?	4.060	2.217	0.041	1.831	0.067
Kid lives with bio mom and step dad	2.628	0.565	0.106	4.651	0.000
Kid lives with bio mom and other dad figure	2.091	0.870	0.055	2.404	0.016
Kid lives with two adoptive parents	9.110	9.939	0.021	0.917	0.359
			Model 3		
(Constant)	7.884	0.235		33.604	0.000
Household income div census needs standard	-0.035	0.029	-0.028	-1.213	0.225
Kid lives with bio mom and no bio dad?	1.499	0.655	0.092	2.288	0.022
Kid lives with bio mom and adoptive dad?	3.942	2.217	0.040	1.778	0.076
Kid lives with bio mom and step dad	2.389	0.644	0.097	3.709	0.000
Kid lives with bio mom and other dad figure	1.597	1.022	0.042	1.562	0.118
Kid lives with two adoptive parents	9.185	9.952	0.021	0.923	0.356
Mom married and widowed at least once	1.777	1.266	0.034	1.403	0.161

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Table 4. Determinants of Behavioral Problems—Total and All Children (Illustrating the Modeling Process) (*continued*)

	Unstandardized Coefficients		Standardized Coefficients		
	β	Std. Error	β	*t*	Sig.
			Model 3		
Mom married, divorced, remarried, still intact	0.339	0.523	0.017	0.649	0.517
Mom married, divorced, remarried, now divorced	1.503	0.988	0.042	1.522	0.128
Mom never married	1.314	0.643	0.065	2.043	0.041
Mom married, divorced, never remarried	0.050	0.727	0.002	0.069	0.945
			Model 4		
(Constant)	12.705	0.905		14.037	0.000
Household income div census needs standard	-0.029	0.029	-0.023	-1.005	0.315
Kid lives with bio mom and no bio dad?	1.421	0.651	0.087	2.184	0.029
Kid lives with bio mom and adoptive dad?	4.222	2.200	0.043	1.918	0.055
Kid lives with bio mom and step dad	2.340	0.639	0.095	3.660	0.000
Kid lives with bio mom and other dad figure	1.699	1.015	0.044	1.675	0.094
Kid lives with two adoptive parents	9.526	9.877	0.022	0.964	0.335
Mom married and widowed at least once	1.452	1.258	0.027	1.154	0.249

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Table 4. Determinants of Behavioral Problems—Total and All Children (Illustrating the Modeling Process) (*continued*)

	Unstandardized Coefficients		Standardized Coefficients		
	β	Std. Error	β	*t*	Sig.
			Model 4		
Mom married, divorced, remarried, still intact	0.397	0.519	0.020	0.765	0.444
Mom married, divorced, remarried, now divorced	1.532	0.980	0.043	1.564	0.118
Mom never married	1.263	0.638	0.062	1.978	0.048
Mom married, divorced, never remarried	0.028	0.721	0.001	0.038	0.969
Parental warmth scale 02	-1.246	0.226	-0.124	-5.512	0.000
			Model 5		
(Constant)	17.439	1.465		11.901	0.000
Household income div census needs standard	-0.015	0.030	-0.012	-0.499	0.618
Kid lives with bio mom and no bio dad?	1.615	0.671	0.099	2.406	0.016
Kid lives with bio mom and adoptive dad?	3.402	2.198	0.035	1.548	0.122
Kid lives with bio mom and step dad	2.473	0.653	0.100	3.789	0.000
Kid lives with bio mom and other dad figure	1.810	1.020	0.047	1.775	0.076
Kid lives with two adoptive parents	8.322	9.821	0.019	0.847	0.397

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Table 4. Determinants of Behavioral Problems—Total and All Children (Illustrating the Modeling Process) (*continued*)

	Unstandardized Coefficients		Standardized Coefficients		
	β	Std. Error	β	*t*	Sig.
			Model 5		
Mom married and widowed at least once	1.889	1.257	0.036	1.504	0.133
Mom married, divorced, remarried, still intact	0.319	0.519	0.016	0.615	0.539
Mom married, divorced, remarried, now divorced	1.349	0.979	0.038	1.378	0.168
Mom never married	1.330	0.669	0.066	1.989	0.047
Mom married, divorced, never remarried	-0.103	0.722	-0.005	-0.143	0.886
Parental warmth scale 02	-1.379	0.232	-0.137	-5.941	0.000
Sex of CDS child	-0.746	0.292	-0.057	-2.550	0.011
Child at age of time of PCG IW - Years 02	-0.129	0.053	-0.061	-2.418	0.016
Age of mother or mother figure	-0.030	0.024	-0.033	-1.284	0.199
Head is black	-0.856	0.467	-0.048	-1.834	0.067
Head is Hispanic-Latinoa	0.379	0.468	0.020	0.809	0.419
Head is Asian Pi	-2.477	0.871	-0.064	-2.845	0.004

β = probability of accepting a false null hypothesis (false negative rate)
t = value from Student's *t*-test

Table 5. Comparison of Associations with Behavioral Problems for White and Black Children

	Unstandardized Coefficients		Standardized Coefficients		
	β	Std. Error	β	*t*	Sig.
(Constant)					
Whites	16.128	1.865		8.649	0.000
Blacks	24.671	3.805		6.484	0.000
Household income div census needs standard					
Whites	-0.001	0.028	-0.001	-0.026	0.979
Blacks	-0.721	0.292	-0.157	-2.469	0.014
Kid lives with bio mom and no bio dad?					
Whites	4.109	1.105	0.229	3.717	0.000
Blacks	-1.966	1.461	-0.130	-1.346	0.179
Kid lives with bio mom and adoptive dad?					
Whites	5.119	2.204	0.064	2.322	0.020
Blacks	-8.723	21.491	-0.022	-0.406	0.685
Kid lives with bio mom and step dad					
Whites	3.250	0.823	0.132	3.948	0.000
Blacks	2.664	1.567	0.107	1.700	0.090
Kid lives with bio mom and other dad figure					
Whites	4.281	1.392	0.117	3.074	0.002
Blacks	-0.539	2.322	-0.015	-0.232	0.817
Kid lives with two adoptive parents					
Whites	11.299	9.129	0.034	1.238	0.216
Blacks					
Mom married and widowed at least once					
Whites	-1.955	1.784	-0.033	-1.096	0.273
Blacks	5.962	2.458	0.157	2.426	0.016

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Table 5. Comparison of Associations with Behavioral Problems for White and Black Children (*continued*)

	Unstandardized Coefficients		Standardized Coefficients		
	β	Std. Error	β	*t*	Sig.
Mom married, divorced, remarried, still intact					
Whites	0.400	0.582	0.023	0.688	0.492
Blacks	-0.647	1.743	-0.023	-0.371	0.711
Mom married, divorced, remarried, now divorced					
Whites	-0.500	1.287	-0.016	-0.389	0.698
Blacks	1.463	2.763	0.033	0.529	0.597
Mom never married					
Whites	4.140	1.468	0.103	2.820	0.005
Blacks	1.112	1.629	0.072	0.682	0.495
Mom married, divorced, never remarried					
Whites	-1.702	1.093	-0.086	-1.557	0.120
Blacks	1.558	1.765	0.080	0.883	0.378
Parental warmth scale 02					
Whites	-1.725	0.302	-0.163	-5.717	0.000
Blacks	-1.517	0.582	-0.148	-2.608	0.010
Sex of CDS child					
Whites	-0.169	0.340	-0.014	-0.496	0.620
Blacks	-2.412	0.874	-0.159	-2.759	0.006
Child age at time of PCG IW - 02					
Whites	-0.183	0.064	-0.091	-2.864	0.004
Blacks	-0.269	0.158	-0.107	-1.700	0.090
Age of mother or mother figure					
Whites	0.022	0.028	0.026	0.803	0.422
Blacks	-0.032	0.061	-0.034	-0.521	0.603

β = probability of accepting a false null hypothesis (false negative rate)

t = value from Student's *t*-test

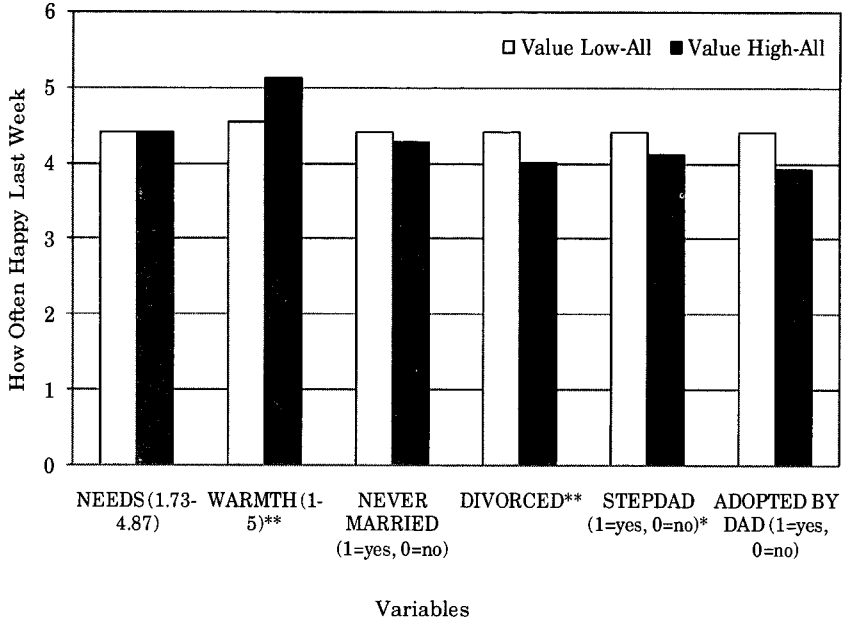

Figure 1. How Often Happy—All Children

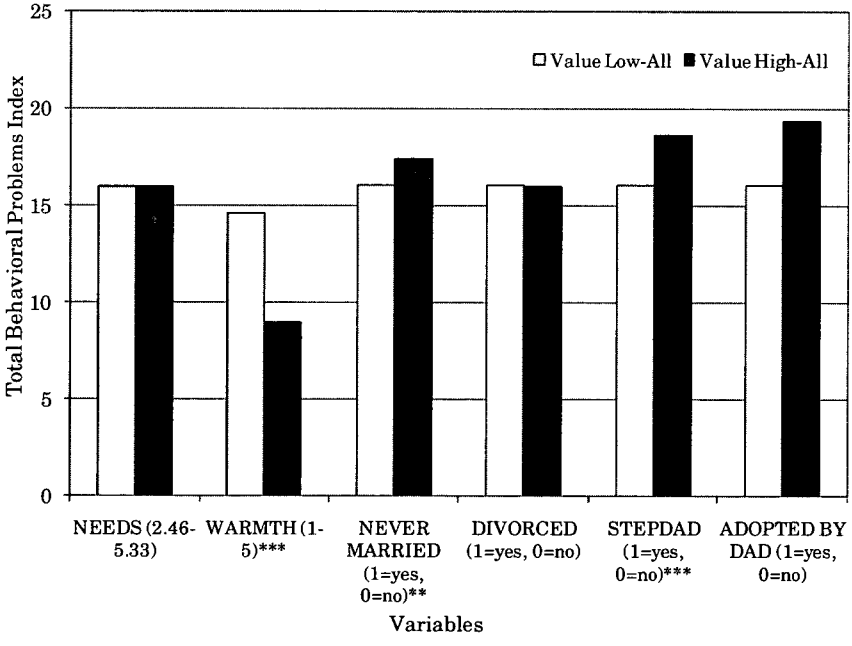

Figure 2. Total Behavioral Problems—All Kids

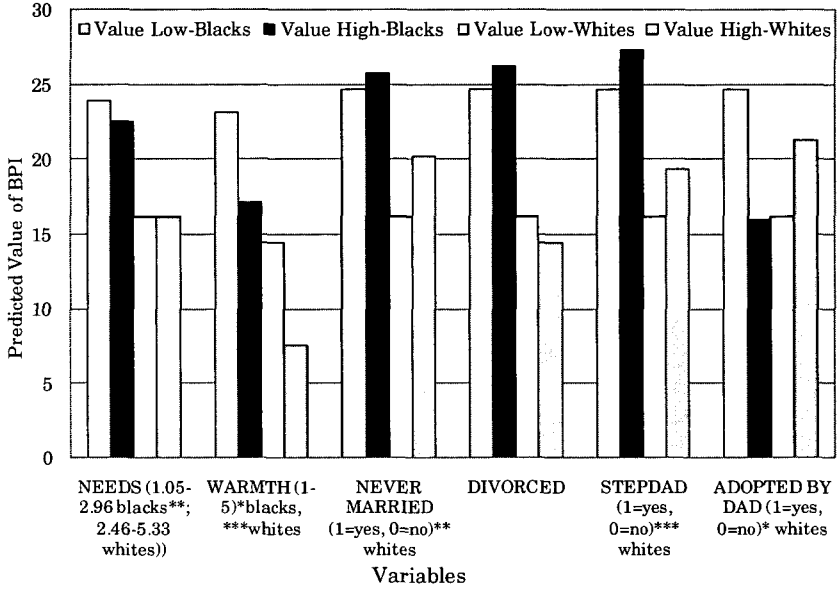

Figure 3. Total Behavioral Problems—Blacks and Whites

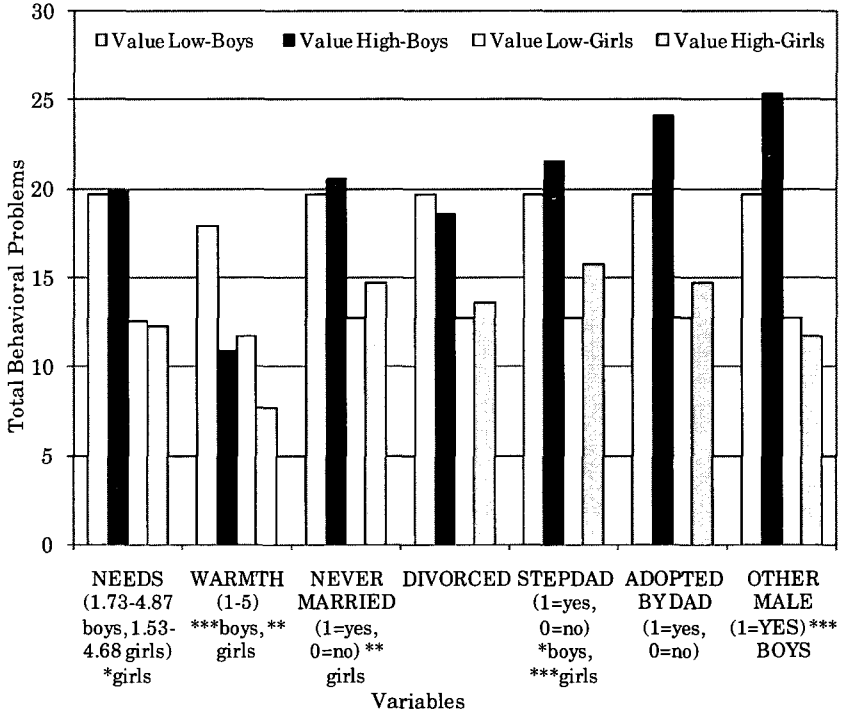

Figure 4. Total Behavioral Problems—Girls and Boys

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