

SINGLE FAMILIES (SINGLE MOTHERS & SINGLE FATHERS)

*Single-parent families are not envisioned as the '**perfect household**' by Huber.

In South Africa, **only 23%** of children live with both parents, **41%** live with their mothers and **3%** live with their fathers.

Many are born to unmarried mothers and never occupy the same household as their **biological fathers**. In other families, the father leaves the household **after** the child is born.

South African children are *more likely to live apart from their biological fathers than to be living with him, either because he lives elsewhere or he is deceased.*

Where the **biological mother** is not present due to death, single-father are formed. However, even when children have lost their mothers, **the burden of childcare falls on a woman** as fathers are unlikely to be present and the role of caregiver will be taken by a female relative, most likely a grandmother.

This situation is rising because of the deaths of many mothers due to the **AIDS pandemic**.

The complexity of the modern family has been summed up as follows:

contemporary patterns of marriage, divorce and remarriage produce father-child units as well as mother-child units and remarriage families with stepmothers and stepfathers.

UNMARRIED FAMILIES

Huber's **perfect household** centers on a married couple of the opposite sex.

These days many couples do not marry.

As observed by **Barlow and James**, an increasing amount of couples and their children function as a family **outside the institution of marriage**.

Millions of South Africans live together in intimate life-partnerships with people to whom they are not married.

SAME-SEX FAMILIES

In terms of **common law**, marriage was only possible between **one** man and **one** woman.

In the 21st century, same-sex couples are also entitled to enter into marriages.

Huber's **restriction** of the 'perfect family' to *mother, father and children* is unacceptable in constitutional South Africa because it creates the impression that families built around **same-sex** couples are **impossible/inferior or somehow inherently 'imperfect'**.

DIVERSE FAMILIES

According to Judge O'Reagan, the definition of family changes as *social practices and traditions* change and families come in many shapes and sizes.

Contemporary South African law must offer protection and support to family life and family members regardless of the family forms in which they live.



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