

Constructing Parenthood in Non-Biological Same-Sex Households: Negotiation of Care Roles Among Couples in Chile

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Abstract

This paper explores how parenthood is constructed, negotiated, and legitimized in non-biological same-sex households in Chile. Through an intersectional analysis of legal frameworks, household dynamics, and social perceptions, the study examines how caregiving roles are formed beyond biology and within evolving institutional and cultural constraints. It investigates the multiple pathways through which same-sex couples—especially those without biological ties—become parents, including adoption, assisted reproduction, and informal co-parenting arrangements. Attention is paid to how caregiving labor is divided, how “primary” and “secondary” parental identities emerge, and how external institutions such as schools and healthcare systems reinforce or disrupt internal family roles. Despite recent legal advances, such as the 2022 legalization of same-sex marriage and joint adoption, social stigma, legal gaps, and cultural resistance continue to shape parenting experiences. The paper concludes by proposing inclusive policy measures and cultural strategies that recognize diverse family forms, support intentional caregiving, and expand the notion of legitimate parenthood in Chilean society.

Keywords: same-sex parenting, non-biological parenthood, caregiving roles, LGBTQ+ families, Chile, family law, adoption, assisted reproduction, queer kinship, parenthood recognition

1. Introduction

In recent decades, Chile has witnessed a gradual but significant transformation in the understanding of family, moving beyond the traditional nuclear model toward more diverse and inclusive configurations. These shifts are particularly evident in the increasing visibility and legitimacy of same-sex couples forming familial bonds, raising children, and claiming parenthood. However, legal recognition of such family forms has been both contested and

uneven, reflecting broader tensions between progressive social movements and enduring conservative norms.

For much of the 20th century, Chilean law upheld a narrow, heteronormative definition of the family, rooted in marital and biological ties. This began to shift with the introduction of the Civil Union Agreement (Acuerdo de Unión Civil, AUC) in 2015, which granted limited legal rights to same-sex couples, including property and inheritance rights. However, the AUC did not

address parenthood, adoption, or full parental recognition, leaving same-sex families in a precarious legal position—particularly for non-biological parents.

A major milestone came in December 2021, when Chile passed legislation to legalize same-sex marriage, becoming the eighth country in Latin America to do so. This law, effective from March 2022, not only affirmed the right to marry regardless of gender but also extended full parental rights to same-sex couples, including joint adoption and legal parenthood recognition for both spouses. The reform was the result of long-standing advocacy by LGBTQ+ organizations and marked a turning point in the state's approach to recognizing diverse family forms.

Despite this progress, implementation challenges remain. In practice, many same-sex couples continue to face bureaucratic delays, institutional bias, and social stigma, particularly when interacting with schools, health providers, or civil registries. Moreover, non-married same-sex parents—especially those raising children from previous relationships or through informal co-parenting arrangements—are still often excluded from formal recognition, limiting their ability to make decisions for their children or access legal protections.

In addition, the Chilean system continues to exhibit a strong biological bias in defining parenthood, which complicates the inclusion of non-biological parents. While legal reforms have made space for equality in marriage and adoption, cultural acceptance of parenthood detached from genetics remains uneven. Public debates and media representations still tend to favor biological or heterosexual parental figures as “natural,” reinforcing subtle hierarchies in family legitimacy.

Ultimately, the Chilean case illustrates both the potential and the limitations of legal reform in transforming family recognition. While policy advancements have created new pathways for same-sex families to achieve legal parenthood, the full realization of inclusive parenthood requires deeper cultural change and continuous policy refinement to ensure that all parents—regardless of biology, gender, or marital status—are equally recognized and protected.

2. Meanings of Parenthood Beyond Biology

In non-biological same-sex households,

parenthood is not determined by genetic connection but is constructed through relational, emotional, and symbolic practices. This redefinition challenges traditional Chilean family norms, which have historically linked parenthood to heterosexual reproduction and blood ties. Within same-sex families, parenthood becomes a negotiated, lived identity—one built through the consistent enactment of care, responsibility, and presence.

For same-sex couples in Chile, especially where only one parent holds a biological or legal connection to the child, parenthood often begins as an informal and performative role, cultivated through daily routines such as feeding, comforting, schooling, and emotional support. Over time, this caregiving presence becomes central to how children recognize and relate to their parents. Scholars refer to this process as the “doing of parenthood”, where legitimacy is earned through action rather than legal or biological entitlement.

The symbolic power of intentionality is particularly significant in these contexts. Many non-biological parents actively choose to take on a parental role, sometimes even prior to the child's birth, in cases involving assisted reproduction or co-parenting arrangements. This contrasts with the normative assumption that parenthood is an automatic status conferred by biology or law. In same-sex households, parenthood is claimed, not presumed—often requiring emotional labor to assert that claim in environments where it may be questioned.

Importantly, children in such families often become key agents in recognizing and legitimizing their parents, regardless of biological ties. Studies from similar Latin American contexts show that children tend to define parenthood in functional and affective terms, identifying those who provide care, support, and love as their “real” parents. In Chile, anecdotal evidence and emerging qualitative research echo these findings, suggesting that for many children of same-sex couples, the distinction between biological and non-biological parents fades in the face of sustained caregiving and emotional bonding.

However, the lack of automatic legal recognition for non-biological parents often creates a gap between lived parenthood and institutional legitimacy. Non-biological parents may find themselves excluded from decisions about

schooling, healthcare, or travel, despite being primary caregivers. This dissonance reinforces the idea that biology continues to dominate the institutional imagination of parenthood—even as social realities evolve.

Ultimately, parenthood in non-biological same-sex households in Chile reflects a deeply relational and care-based model, where legitimacy is rooted in everyday acts of love, responsibility, and reciprocity. By decoupling parenthood from biology, these families expand the cultural and ethical meanings of what it means to be a parent—offering a more inclusive framework that reflects contemporary family diversity.

3. Pathways to Parenthood in Same-Sex Couples

3.1 Adoption, Assisted Reproduction, and Legal Frameworks

Legal and institutional access to parenthood in Chile has traditionally been shaped by heteronormative assumptions. Until the Marriage Equality Law (2021) came into effect in March 2022, same-sex couples had no legal path to joint adoption or shared parental rights. This changed when the new legislation granted equal marriage and adoption rights to all couples, regardless of gender, thereby providing a legal route to joint parenthood that had long been denied to LGBTQ+ families.

However, despite this formal progress, access remains uneven and symbolic more than practical for many same-sex couples. The process of adoption is still heavily discretionary in Chile, requiring psychological evaluations, home studies, and state oversight—steps that can be subject to bias from judges, social workers, or religiously affiliated child welfare agencies. A 2023 report by Fundación Iguales found that same-sex couples experienced a 40% longer average wait time than heterosexual couples when applying to adopt, often facing additional scrutiny about family stability and “gender balance.”

In parallel, assisted reproduction—particularly intrauterine insemination (IUI) or IVF—has emerged as a viable option for many lesbian couples. Yet Chile’s Law No. 19.779, while allowing assisted reproduction, was designed in a heterosexual framework and does not clearly regulate the legal status of non-biological mothers. This leaves many families in legal limbo: the biological mother is automatically

recognized as the legal parent, while her partner must go through separate court processes to obtain parental recognition, often at significant financial and emotional cost.

In the case of gay male couples, surrogacy presents an even more complex terrain. As of now, Chile has no specific legal framework for surrogacy, and the practice exists in a legal grey area. Many couples therefore engage in cross-border surrogacy, particularly in the United States, Canada, or Colombia—countries with clearer legal protections. However, parental recognition across jurisdictions is not guaranteed. Chilean civil registries have sometimes refused to register both fathers on the birth certificate, citing national family law standards, despite foreign court decisions. These legal inconsistencies create further barriers to full inclusion.

In summary, while legislative shifts have opened new paths, systemic inequities, legal ambiguities, and administrative discretion continue to shape who can become a parent—and how quickly or securely.

3.2 Informal Parenting Arrangements and Co-Parenting Models

Before legal recognition was available—or when couples cannot access formal routes—many same-sex couples in Chile have created families through informal and adaptive strategies. One common model involves children from previous heterosexual relationships, especially among lesbian women who had children before coming out or transitioning into same-sex partnerships. In such cases, the non-biological partner often assumes full caregiving responsibilities, becoming a *de facto* parent through love, time, and labor—but without legal status.

Other families emerge through intentional co-parenting agreements, where two or more adults (e.g., a gay man and a lesbian couple) plan parenthood collaboratively. These networks reflect a “queer kinship” model, wherein biological ties are not primary, and parenthood is negotiated based on mutual trust, shared values, and child-centered intentions. While innovative and often emotionally resilient, these arrangements exist outside the boundaries of Chilean family law, leaving all parties vulnerable in the case of conflict, separation, or death.

These informal configurations may also be invisible to the state, making it difficult for

families to access healthcare, schooling, or social services. Without legal documentation, non-biological parents cannot sign consent forms, claim tax benefits, or seek custody during disputes. In a 2022 qualitative study conducted by Universidad de Chile, participants in informal same-sex families described feeling “legally erased,” despite years of active parenting.

Furthermore, institutions often reinforce this invisibility. Schools may fail to recognize two mothers or two fathers, defaulting to “mother and father” on enrollment forms or requiring proof of guardianship that only one parent can provide. Hospitals may restrict visitation rights, especially in emergency cases. These practices place non-recognized parents—and their children—at risk, and reinforce the gap between legal frameworks and lived realities.

3.3 Socioeconomic and Regional Disparities in Access and Recognition

Access to parenthood in Chile is stratified along lines of class, geography, and education, reflecting deeper inequalities in the healthcare and legal systems. While upper-middle-class couples in Santiago or Valparaíso may afford assisted reproduction, private legal services, or even cross-border surrogacy, couples in rural areas or low-income urban communities often face insurmountable financial and logistical barriers.

For instance, assisted reproduction procedures can cost between 1.5 and 4 million Chilean pesos per cycle (approximately USD 1,700–4,500), with success often requiring multiple cycles. Public health coverage does not currently subsidize these procedures for same-sex couples, and legal services for second-parent adoption or recognition processes typically involve private lawyers and long waiting periods.

Additionally, regional disparities mean that LGBTQ+-friendly services are often concentrated in major cities, leaving rural couples without access to supportive clinics, open-minded social workers, or affirming civil servants. In small towns, social stigma may also deter same-sex couples from pursuing formal processes altogether, fearing exposure or discrimination.

The intersection of legal status, income, and location thus creates a layered geography of parenthood—where some same-sex couples can build secure, recognized families, while others remain marginalized and excluded. These

disparities highlight the need for state-supported access, anti-discrimination training for professionals, and localized policy reform that ensures parenting is not a privilege reserved for the urban elite.

4. Negotiating Care Roles Within the Household

4.1 Balancing Work, Emotional Labor, and Childrearing Tasks

In the context of non-biological same-sex parenting in Chile, care responsibilities are rarely assigned in a predetermined manner. Instead, they are fluid, negotiated, and constantly evolving, shaped by the intersection of work patterns, legal status, biological ties, and social expectations. While same-sex couples are often assumed to represent egalitarian family models, the division of labor is far from automatic or symmetrical.

Lesbian couples, in particular, often strive for an equitable distribution of tasks, viewing parenting as a shared project. However, daily life logistics and emotional rhythms frequently lead to one partner taking on more caregiving duties. For example, the partner with more flexible work hours may become the one attending parent-teacher meetings, organizing birthday parties, or managing doctor appointments—an accumulation of invisible responsibilities often termed “emotional labor”.

This caregiving asymmetry can be intensified by legal inequalities. In cases where only one partner is legally recognized as the parent, the unrecognized parent may face institutional exclusions, such as being denied access to school records or healthcare decisions. As a result, the legally recognized parent often becomes the de facto lead caregiver, not because of preference or personality, but due to legal necessity. This reinforces existing power dynamics and may lead to frustration, resentment, or a sense of marginalization on the part of the non-recognized caregiver.

In gay male households, caregiving dynamics are equally complex. Many couples make use of paid domestic workers, reflecting class privilege but also raising questions about gender, labor outsourcing, and parent-child intimacy. When both parents are employed full-time in demanding careers, household and parenting tasks may be unevenly delegated. While some gay couples take pride in rejecting heteronormative family models, others

reproduce traditional provider–nurturer divisions, especially when surrogacy or adoption involves initial legal asymmetries or differing parental leave entitlements.

4.2 The Emergence of ‘Primary’ and ‘Secondary’ Parental Identities

Despite shared intentions and early egalitarian ideals, distinctions often develop between a “primary parent” and a “secondary parent.” These roles may not be explicitly named within the household but emerge through patterns of interaction, external recognition, and institutional labeling.

Legal recognition is one of the most powerful factors shaping this division. In many lesbian families, the biological mother is automatically listed on the child’s birth certificate, while her partner may not be unless they are legally married or pursue second-parent adoption. This legal asymmetry reinforces the perception that one parent is “real” and the other “auxiliary”, even if the emotional and practical parenting work is shared. In practice, this can translate into the biological parent being viewed as the default point of contact by schools, medical professionals, or extended family.

Children’s perceptions also play a role in establishing parental hierarchies. While many children of same-sex couples recognize both caregivers as equal parents, especially when raised from birth, children may still internalize messages from peers or institutions about “real” parents. One study from Argentina found that children in same-sex families were frequently asked by classmates, “*which one is your real mom?*”, prompting them to explain and defend their family structure (Viveros Vigoya, 2020). In Chile, similar anecdotal accounts suggest that children may be forced to navigate social pressure and normalize dual parenthood in contexts that are still deeply heteronormative.

These identity asymmetries can affect not only parental authority and responsibility but also self-perception and emotional well-being. The “secondary parent” may struggle with feelings of exclusion, invisibility, or insecurity—particularly in times of conflict, separation, or institutional intervention.

4.3 Power, Equity, and the Reproduction of Gender Norms in Same-Sex Families

While same-sex families are often seen as disrupting traditional gendered expectations,

caregiving negotiations sometimes reproduce familiar hierarchies in new forms. Instead of gender, power is expressed through biological status, legal authority, financial contribution, or emotional availability. For instance, the parent with the biological connection may feel a deeper entitlement to decision-making, while the other may defer out of respect, gratitude, or uncertainty.

In many lesbian families, this dynamic reflects how gendered maternal expectations still subtly inform caregiving practices. The biological mother may be presumed to have stronger instincts or a more “natural” connection, especially by outsiders. This creates pressure on the non-biological mother to over-perform caregiving to compensate for her perceived lack of legitimacy—an emotional burden that can create tension within the couple.

In gay male couples, power can be skewed by income disparities or access to legal fatherhood, especially in cases where only one parent is listed on official documents. While some couples work to distribute tasks evenly and create a sense of co-parental parity, others fall into asymmetrical roles shaped by who initiated the parenting process, who paid for surrogacy or adoption, or who has more institutional support.

Despite these challenges, many same-sex couples actively resist these scripts by developing their own rituals of inclusion, renegotiating roles over time, and engaging in reflective conversations about fairness, recognition, and identity. Parenting thus becomes a political as well as personal process, one that involves constant adjustments and reimaginings of care.

5. External Influences on Internal Household Dynamics

While caregiving roles within same-sex households are largely negotiated in private, they are significantly shaped—and at times constrained—by external social institutions. Schools, healthcare systems, civil registries, extended families, and broader cultural narratives exert pressure on how parenthood is defined, performed, and recognized. These external influences do not merely observe family life from the outside; they penetrate the intimate spaces of daily parenting, often reinforcing hierarchies and marginalizations within the household.

One of the most immediate and impactful

institutions is the education system. In Chile, many schools—especially religious or conservative private institutions—continue to operate under heteronormative assumptions. Enrollment forms often presume a “mother” and a “father,” school communications are directed to one “primary” parent, and family activities are framed through traditional lenses (e.g., “Father’s Day” and “Mother’s Day” celebrations). For same-sex couples, these practices can create confusion and exclusion. Children may be forced to explain or defend their family structure, and non-biological or non-legal parents may be sidelined in communication and decision-making. In some cases, educators themselves act as gatekeepers, questioning the legitimacy of a non-biological parent’s involvement in school matters.

Healthcare institutions pose similar challenges. Despite advancements in reproductive rights, clinics and hospitals often recognize only the legal guardian or biological parent as the decision-maker, leaving the second parent unable to sign consent forms, access medical records, or participate in key discussions about the child’s well-being. This bureaucratic exclusion is not always due to explicit discrimination, but rather to systemic design—a legal framework that still operates on assumptions of biological or marital legitimacy. Such experiences are particularly destabilizing in moments of crisis, where the non-recognized parent may feel both emotionally powerless and legally erased.

Beyond institutional frameworks, extended family members play a crucial role in shaping household dynamics. In Chilean culture, family is often deeply involved in childrearing, and intergenerational networks provide both support and surveillance. Acceptance of a same-sex couple may not always extend to recognition of both parents. Grandparents or siblings may favor the biological parent, refer to the other as “aunt” or “uncle,” or undermine their authority in front of the child. These micro-acts of exclusion can have cumulative effects on parental confidence, household decision-making, and the couple’s relationship.

Religious and cultural values also impact how same-sex parenthood is viewed in the public sphere. Although Chile has grown more accepting of LGBTQ+ rights in recent years, residual Catholic norms continue to influence societal expectations about what constitutes a

“proper” family. Same-sex parents often report the need to “over-perform” parenthood in public spaces—being extra affectionate, present, or prepared—to counter anticipated judgment. This performance pressure adds to the emotional load of parenting and can strain the internal equilibrium of the household.

Moreover, the media’s portrayal of LGBTQ+ families in Chile remains limited and often idealized. Positive representation tends to focus on middle-class, urban, cisgender couples in stable relationships—leaving out the messiness, diversity, and socioeconomic struggles that many families face. These narrow narratives feed back into social perceptions, influencing how teachers, doctors, policymakers, and even friends interpret the legitimacy and functionality of a same-sex household.

In this context, internal caregiving dynamics are not merely private arrangements but sites of political negotiation. Who takes the child to the doctor? Who attends the parent-teacher conference? Who speaks on behalf of the family at public events? These questions are influenced by external recognition and social validation, often reinforcing or challenging internal identities of “primary” and “secondary” parents.

Thus, external institutions and cultural scripts do not just regulate legal access to parenthood—they also reshape emotional labor, decision-making authority, and visibility within same-sex families. A full understanding of caregiving dynamics must therefore move beyond the household to account for how these external forces mediate intimacy, legitimacy, and love in LGBTQ+ parenting.

6. Toward Inclusive Parenthood: Policy and Cultural Futures

As Chile continues to reshape its legal and cultural frameworks in response to evolving understandings of family and parenthood, the experiences of same-sex couples—particularly those navigating non-biological parenthood—offer critical insights into how inclusion must be reimagined. Legal reform, while necessary, is only the foundation; true inclusivity requires sustained, structural, and cultural transformation across multiple layers of society.

At the policy level, the full implementation of the 2022 marriage equality law must be reinforced by secondary legislation and

administrative reform. This includes guaranteeing automatic co-parent recognition for same-sex couples in assisted reproduction, streamlining second-parent adoption procedures, and ensuring that public services such as schools and hospitals uniformly respect both parents' rights—regardless of biological or legal status. Moreover, these legal protections must be actively disseminated through training for civil servants, educators, healthcare providers, and judiciary staff, to prevent the gap between policy and practice.

In parallel, data collection and monitoring mechanisms should be established to track how same-sex families interact with the state. Disaggregated data on adoption rates, legal recognitions, service discrimination, and parental satisfaction would not only make LGBTQ+ family life more visible in public policy but also help guide evidence-based improvements. Funding should be allocated to support services for LGBTQ+ families—legal clinics, reproductive counseling, and peer parenting networks—that recognize the distinct challenges non-traditional families face.

However, legal reform alone is insufficient if not accompanied by cultural shifts that decenter the biological, heteronormative ideal of the “natural family.” Public campaigns, school curricula, and media representation must work to normalize diverse forms of parenthood. This includes portraying non-biological caregivers as legitimate parents, promoting the concept of “intentional families,” and embracing caregiving as a relationship rooted in presence and love, rather than DNA.

Religious institutions and traditional family advocates—often influential in Chile's public discourse—should be engaged in constructive dialogue. Promoting narratives of inclusive parenthood as an ethical commitment to children's welfare, rather than as a threat to traditional values, can help reframe the conversation around shared social responsibilities rather than cultural battles.

Academic research, too, must play a role in documenting, theorizing, and amplifying the lived realities of same-sex families in Latin America. Cross-regional studies, longitudinal tracking, and community-based participatory research can provide the necessary empirical and ethical grounding for long-term social change.

Ultimately, the future of inclusive parenthood in Chile depends not only on legal inclusion, but on a broader rethinking of what it means to care, to belong, and to parent. When caregiving is recognized as a daily practice rather than a biological entitlement, and when all families—regardless of configuration—are granted visibility, protection, and respect, then the ideal of equality becomes not just a legislative possibility, but a cultural reality.

References

- Appell, A. R. (2007). The endurance of biological connection: Heteronormativity, same-sex parenting and the lessons of adoption. *BYU Journal of Public Law*, 22, 289–320. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/byujpl22§ion=11
- Dunne, G. A. (2000). Opting into motherhood: Lesbians blurring the boundaries and transforming the meaning of parenthood and kinship. *Gender & Society*, 14(1), 11–35. <https://doi.org/10.1177/089124300014001003>
- Figueroa Guínez, V. M. (2018). Lesbian motherhood in a Chilean cultural context [Doctoral dissertation, Birkbeck, University of London]. <https://eprints.bbk.ac.uk/id/eprint/40323/1/Fullversion-2017FigueroaGVphdBBK.pdf>
- Giles, J. M. (2023). Deconstructing motherhood and fatherhood: An exploration of same-sex parents' experiences and construction of their parenting roles [Master's thesis, Edith Cowan University]. <https://ro.ecu.edu.au/theses/2667/>
- Grigoropoulos, I. (2023). Through the lens of the attributional theory of stigma: Attitudes toward adoption by same-sex couples and children's adjustment in same-sex parent families. *Journal of Family Studies*. <https://link.springer.com/article/10.1007/s43076-023-00295-7>
- Morrison, R., Cirineu, C. T., & Lagos-Cerón, D. (2024). LGBTQ+ parenting: An interpretative review of Latin American literature from an occupational science perspective. *Journal of Intercultural Studies*. <https://doi.org/10.1080/14427591.2024.2415292>
- Van Rijn-Van Gelderen, L., & Ellis-Davies, K. (2020). Determinants of non-paid task division in gay-, lesbian-, and

heterosexual-parent families with infants conceived using artificial reproductive techniques. *Frontiers in Psychology*, 11, Article 914.
<https://doi.org/10.3389/fpsyg.2020.00914>