

FRONTIERS

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SAN FRANCISCO (AP)

Non-Traditional Households Use Old Law to Register as Families

by ELIZABETH GROAT

Gay and unmarried couples as well as traditional families are using a new interpretation of an old state law to put their relationships on the record.

All it takes is \$10 for two or more people to register with the California secretary of state, declaring themselves an unincorporated, nonprofit association with the word "family" in the title.

To make it really official, the association receives a colorful certificate with a gold state seal.

"What we're seeing here is a creative use of a longstanding division of law," said Tony Miller, chief deputy secretary of state. "People are gathering together, forming an association, calling it a family and registering it with the secretary of state."

Several California municipalities allow unmarried domestic partners to register, among them Berkeley and Laguna Beach. San Mateo County employees can register domestic partners for all benefits except health insurance.

The idea to use a 60-year-old law to register unions was conceived by Los Angeles attorney Thomas F. Coleman, former executive director of the California Commission on Personal Privacy. The panel was convened in 1980 by then-Gov. Jerry Brown.

During the past 10 years, reports and studies have documented discrimination against non-traditional families and the need for reform, Coleman said. Registration is a first step, he said.

After some research Coleman found the law regarding associations. Believing he had found a way to register families, he tested his theory by filing his own application.

Coleman would not discuss his private life, saying he only used his family to see if his notion would work. It did.

The first handful of applications after that had an uneven reception by the office of Secretary of State March Fong Eu. Coleman later persuaded Eu's office with legal arguments. Thus far seven applications have been accepted and more are pending.

"It should be noted that the Secretary of State does not register 'families' as such,"



Attorney Thomas F. Coleman

Eu said in a prepared statement. "The Secretary of State does, however, as required by law, register the names of associations which may include, as part of their name, the word 'family.'"

Coleman has hopes that association status can enable family associations to enjoy benefits afforded traditional families, such as in frequent flyer programs, health clubs and insurance.

At least one hospital, Cedars-Sinai in Los Angeles, said it would honor the certificates as proof of immediate family for visitation rights, he said.

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New clear family certification

Unmarried domestic partners, including lesbians and gays, will be allowed to register as family units in California, it was decided by Secretary of State March Fong Eu, in the wake of the historic resolution of the San Francisco Board of Supervisors calling for the legalization of gay marriages.

Gay and lesbian couples with or without children, unmarried senior citizens, step-families, blood relatives, adult siblings, and other unlimited combinations all may exercise the same option and enjoy the rights and benefits to which family units are entitled in the Golden State.

Although families would register under the same provisions as unincorporated non-profit associations, they are official registrations, and appropriate certificates will be issued, even though they carry no legal or tax benefits. A certificate could be used to confirm family identity in hospital and other emergency situations - or to qualify for "family discounts" for airline frequent flyer programs, insurance coverage or health club memberships.

Recognition of family relationships under California law had been limited to births, marriages and adoptions prior to Fong Eu's decision, which followed 16th District Assemblyman John Burton's announcement proposing legislation to legalize gay marriage in California.

Studies indicate that 85 percent of U.S. families do not fit into the traditional working father, homemaker mother with children category. The California ruling, therefore, has national implications.

Declaring one's family association has powerful psychological benefits according to Dr. Nora Baladerian, a psychologist and co-chair of the Los Angeles City Task Force on Family Diversity. This is particularly true, she adds, for those whose family does not fit the "ideal" structure.

"Members of families that do not conform to the stereotypical nuclear family have for years been given a second-class status by societal attitudes," Baladerian added.

After she studies the issue, Fong Eu stated that registrations for families "is a creative and valid use of existing law."

Herb Kind and C. Stanley Mahan, a retired gay couple of San Diego; Debbie Deem and James Riley from San Jose, who had lived together for nine years; a family with a stepchild; a foster family; and a single-parent guardianship number among those families who have registered.

"I think it's exciting," said Laurie McBride, executive director of the Gay and Lesbian Lobby for Individual Freedom and Equality, "because it addresses not only the question of domestic partners, but the much larger question of all non-traditional families which go unrecognized by the law. The great thing is that no one has to define what family is anymore. People can define it for themselves!"

California is the first in the U.S. to authorize such registration. New Jersey, Wisconsin, Oregon, Virginia, West Virginia and Michigan are in the process of allowing registration, but none of these states has registered or refused to register a family association yet.

The California ruling also gives unions and other employee groups, which have been lobbying for changing the definition of "family" for entitlement to employee benefits, a basis upon which to continue their efforts.

In addition, the potential now exists for expansion of recognition of legal and tax rights.

Only those living in California may register their own "family" by requesting a family association application from the Secretary of State, Special Filings, 923 12th St., 3rd Floor, Sacramento, CA 95814, or by calling 916/324-6778. The fee is \$10.

(Ed. note: because the form was intended for other types of associations, one blank might be a little tricky. Merely write "Family of..." followed by the names of the family members in the space where the form requests the name of the association.)

Family Registry Rights Threatened by New Bill

by Stacy Selmants

Recently, a quirk in the law allowing gays and lesbians to register as a "family" with the Secretary of State's office has surfaced in the media and has provoked a predictable backlash from the people who most fear gays' fight for equality-- the fundamentalist Traditional Values Coalition (TVC).

In retaliation, the TVC has sponsored a piece of legislation-- Senate Bill 192-- which gay activists predict will be amended to include language that would expressly prohibit registration of "nontraditional" family units.

Family registration is important for several reasons: (1) It is a move to legitimize gay and lesbian relationships, and to promote a greater sense of visibility; (2) It is a meaningful weapon when used in conjunction with other means of establishing a record of a couple's commitment, in relation to discrimination lawsuits; and (3) It is helpful, when used with documents conferring power of attorney for health care, to gain access to medical records, receive preferential visitation

rights, and be otherwise involved in health related decision making.

Currently, SB 192 (Russell) is a "spot" bill which primarily restates Section 21300 of the Corporations Code relating to nonprofit associations, but the bill's introduction provides a method to insert language to prohibit the registration of homosexual families. The problem for Lou Sheldon of the TVC, according to Laurie McBride of the Lobby for Freedom and Equality (LIFE), is that it is difficult to close the existing "loophole" in the code without adversely affecting heterosexual families.

"He's got a problem, because he can't bar same sex families, because that would eliminate

fathers and sons or mothers and daughters," McBride said. "And, again, he's using the issue to raise funds. He registered a 'homosexual family' just to prove it could be done, and is using that in his propaganda."

Both LIFE and California's chapter of the National Organization for Women (NOW) are monitoring SB 192, and will be opposing it.

In TVC's latest tirade to "oppose this campaign to homosexualize our families," Sheldon's organization takes aim at the Family Diversity Project, (which spearheaded the drive to publicize family registry) and the introduction of Assembly Bills 101 and 167. AB 101 amends the nondiscrimination clauses in state employment and housing statutes to include homosexuality and bisexuality. AB 167 would change the Civil Code to read "two persons" instead of "a man and a woman" in relation to marriage requirements. Family registry is a corollary goal to legalize gay marriages.

Family Registry: The How To Guide

1) To file, family registration forms are available from the


Secretary of State's Office. Ask for an application to register an unincorporated nonprofit association (Corporation Code Section 21300). The forms are free, and can be obtained by contacting the Special Filing Unit of the Secretary of State, at 923 12th Street, 3rd Floor, Sacramento, CA 95814/ 916-324-6778.

2) Complete the document, and where the document requires the name of the non-profit association, fill in the words "Family of..." followed by the names of all the family members. Children, if any, also should be included.

3) All adult members should sign the document, to clarify that all family members are willing participants in the filing action.

4) To register the name, a \$10 filing fee is required. Additionally, a family "insignia" (which can be a motto, a statement of principles or other thematic statements) can also be registered, for an additional \$10.

5) Request a certified copy of the application, which constitutes proof of the signatories. This will cost an additional \$6, but will provide you with proof that your family is legitimately registered with the state. There is a six to eight week waiting period before the certificate will arrive.

There are a number of reasons why family registration can be beneficial, but family registration should not be a substitute for a legal power of attorney, cohabitation agreement or other similar documents affording gay and lesbian (and unmarried heterosexuals) legal protection. A more thorough explanation of the implications of and protections afforded by family registry are available by writing to the Spectrum Institute, a non-profit organization sponsoring the Family Diversity Project, at P.O. Box 65756, Los Angeles, CA 90065. A lengthy information packet will be sent to you, for a cost of \$10, to defray the cost of photocopying and postage. 



STATE CERTIFICATE:

Gold Embossed, Says You're a Family

By Herb King

During the period of December 13 through 17, radio, TV, and newspapers across the country, including the Los Angeles Times and the New York Times, reported that the California Secretary of state was issuing registrations of associations defined as "family."

The simple, but revolutionary registration procedure is the culmination of many months of study and activism by Los Angeles attorney Thomas F. Coleman, who is executive director of the Family Diversity Project. Coleman discovered an obscure feature of the law used to register nonprofit associations such as sports associations, fraternal lodges, etc. The enabling wording is sufficiently broad as to include a family or a domestic relationship.

Trial submissions of applications for family registrations were at first approved, but later additional applications were denied. Coleman was able to convince Secretary of State March Fong Eu that these registrations were, indeed, covered by the law and they are now available as a result.

Persons who have already registered as families include not only Gay male and female couples, but also unmarried opposite-sex couples, step-families, foster families, and single parent families. Surveys and the recent U.S. Census have shown that the stereotypic married husband, wife, and two and a half children are no longer a majority of the U.S. population. Other family alternatives are becoming increasingly common. Recognition of these families through registration not only pro-

vides them with dignity and self-esteem, but hopefully will also lead to benefits such as job-related sick leave, bereavement leave, health insurance benefits, and other family credit, insurance, and discount membership benefits and privileges.

Currently, domestic partners who are city employees living in Berkeley and Laguna Beach are entitled to many benefits available to married couples. San Francisco and West Hollywood have passed ordinances allowing couples to register as "domestic partners" with the city clerk. This registration may eventually lead to tangible benefits, but at present the ability to register is all that the ordinances provide. On the other hand, there may be unintended pitfalls to such registration: one domestic partner may at some point be held responsible for the debts or other obligations of the other. This may seriously impact the surviving partner in an AIDS-related death, for example. Registration as a "family" with the Secretary of State would entail only the mutual bonding involved in ordinary family relationships, such as brotherhood and sisterhood. And such registration can easily be nullified by one partner properly notifying the Secretary of State of dissolution of the family association.

There are in existence over 1,400 laws, codes, and regulations in California which mention the word "family" without defining the meaning of the word. Theoretically, persons registering as a family are entitled to all the benefits, privileges, and protections granted by all these regulations and laws.

California is the first state to allow unconventional families to register their relationships. A few other states, including Michigan, Wisconsin, and Oregon, have similar unincorporated association registration laws, and family registrations based upon the California example may follow in those states. At the present time approximately 100 family certificates have been issued in Sacramento. California family registration should be seen only as a step. It will be up to each of these newly-recognized families to assert their rights. Family registration should be considered only one part of the legal protections available: wills, living wills, powers of attorney, etc. are additional protections available for Gay and Lesbian relationships and competent, trusted legal advice is always wise.

The procedure to register as a family is simple. To request an application to register as an unincorporated nonprofit association, write to the Secretary of State, Special Filings, 923 12th St., 3rd Floor, Sacramento, CA 95814. In filing out the application, on the line "Name of Association," as an example, write "Family of Donald Doe and Ronald Roe," and be sure to include a \$10 filing fee with the completed application. A few weeks later you should receive a gold-sealed Certificate of Registration signed by the Secretary of State, March Fong Eu.

For further information, write to Thomas F. Coleman, Family Diversity Project, P.O. Box 65756, Los Angeles, CA 90065. Please enclose a business-size stamped (29 cents) self-addressed envelope.

As a final note, it rarely takes long before our adversaries try to deny us any progress in our struggle for equal rights. State Sen. Newton Russell, R-Glendale, has introduced SB 192 which would amend the section which defines "association" to try to deny us the ability to register as a "family."

Herb King is a member of the state Democratic Central Committee and active in community groups from the Lesbian and Gay Community Center to the Finest City Freedom Band.

Update

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