

TUESDAY

DECEMBER 25, 1990

## Not Kin but Kindred, Pair Will Put Official Seal on Their Status

■ **Relationships:** Using an old state law in a new way, widowed lifelong friends will have themselves declared a family.

By LYNN SMITH  
TIMES STAFF WRITER

LA PALMA—Anne Burke and Toby Weiner say they were friends from the cradle. Both daughters of Brooklyn cabdrivers, they played together before Toby became a paraplegic. And after.

Then Anne's family moved and they lost touch for about 35 years, while each married and had children. The women reunited 15 years ago in Orange County, picking up their friendship right where they left off.

This year, Anne and Toby—now both widowed—moved in together in Anne's La Palma home.

Their relationship has been like family, they say, but better.

"My mother used to tell me you can choose your friends but not your family," Toby said. "I look at it as if I have chosen my family. I could not have made a better choice."

To tell the world how they feel, the women plan to file papers with the State of California declaring themselves an association called "family." They will be among Californians who have begun to use an old law in a new way to express their feelings about the unrelated people they live with.

The 1933 law allowed people to register the names of their unincorporated nonprofit associations. But as of last month, non-traditional families, led by Tom Coleman, a Los Angeles attorney who heads the Family Diversity Project, have been registering themselves as "The Family of. . ."

"There are a lot of people sharing space together these days that indeed consider themselves as family members and their situation to be a family," said Tony Miller, chief deputy secretary of state. "Being able to tell each other, their friends and neighbors and the entire world that they consider themselves a family is important to a lot of people."

Miller said he is unaware of any legal benefits that accrue from the gold-sealed certificate. But since news of Coleman's movement broke in mid-December, hundreds of Californians have called to obtain registration forms.



ROBERT LACHMAN / Los Angeles Times

Anne Burke, left, and Toby Weiner plan to show the world that they are family.

So far, he said, he has received only one complaint, from a "constituent alleging this is recognizing homosexual couples, and giving them the status of family."

Though no one investigates the nature of the relationships, Miller said requests have come from a mixture of gay couples, extended families, stepfamilies and others. In addition, Coleman said he has received inquiries from an alcohol recovery house and unmarried heterosexual couples of all ages.

Burke and Weiner hope the certificate will enable them to visit one another under family rules in case of emergency hospital stays.

But most of all, it will help verify what they already know: that "family" is not limited to parents and children.

Says Toby, 52: "Family to me is knowing someone is always there for you when you need them and being there for them. It's anticipating, not waiting to be asked. Not, 'If you need something, let me know.'"

Says Anne, 53: "When you're a child, you're thrown into a family situation. When you're married, the family again is thrust on you. But here are two adults, each one of us we know we have to make changes. And yet we want to and we do it."

"This is better than a blood family, because we are close. We enjoy doing the same things, yet we give each other our space."

It began 15 years ago with a phone call.

Toby had moved from New York to Anaheim with her husband, Hal. A childhood spinal injury had left her paralyzed from the waist down. Her husband had had polio. They sought to escape the harsh winters that made transportation dangerous for people in wheelchairs.

But Toby was miserable, so far from her friends and parents, and decided to call her long-ago neighbor, Anne, on the suggestion of her parents who knew Anne's location.

"I get a phone call after 10 at night," Anne recalled. "I get a little upset at night. I don't like my kids' friends calling after 10."

"I said, 'Hello?' She said, 'Anne you don't remember me, but my name's Toby.'"

"I said, 'My God! The little girl in the wheelchair!'"

"We picked up our friendship as though it never ended." Anne, an office supervisor for H & R Block, and her husband, Sanford, a manager for Unocal, lived in a five-bedroom La Palma home with their six children, including triplets. Toby a secretary, and Hal, an auditor,



# FAMILY

lived with their son Eric in an apartment.

The families visited one another and socialized at Temple Beth Emet, though the Weiners were more religious than the Burkes. They watched each other's children grow into young adults.

Then five years ago, Toby's husband died of cancer. "Anne was there for me every step of the way," she said. "I never had to ask for anything. She was always two steps ahead of me, knowing what I needed."

Then Toby and her son moved to Florida. But when her son decided to move back to New York, Toby came back to Orange County. Anne was there to meet her plane.

Cherishing her independence, Toby found an apartment in Santa Ana and a secretarial job with the IRS.

Then last November, Anne's husband died. Still coming to terms with her own grief, she said, she began to think of Toby. "I needed her emotional support. In a way, she needed emotional support, too."

She worried whether Toby was safe, living in a low-rent neighborhood.

In January, she called her friend. "I said, 'Hey, look. Eventually all my kids will be gone. Your son is 3,000 miles away, why don't you come on in here and we'll live together.'"

"My entire family said, 'Mom, why didn't you think of this earlier?' It's as though we were the last to know," she laughed.

Anne began the necessary renovations to accommodate a wheelchair: ramps, handrails, larger doorways, new kitchen cabinets and roll-out shelves.

Curiously, despite the myriad arrangements, Anne said she never thinks of her friend as disabled. "It's a strange phenomenon," she said.

In July, Toby moved into a downstairs bedroom of the two-story, five-bedroom home.

Since then, there have been adjustments, mostly to ease concerns that Toby's independence would be threatened.

They learned to share the kitchen. Each has her own telephone—which they often use to call each other just to talk.

They go to movies, take spur-of-the-moment weekend trips to Las Vegas and have gone on an Alaskan cruise. They have other friends, too. One, a divorced man, is Anne's weekly bowling partner. Toby goes along as "the mascot," she says.

When they go out, the pair become feisty activists for disabled rights, challenging ship captains and hotel managers to provide more and better access for wheelchairs.

So far, they cite only one conflict—over how to cook potato *latkes*, a traditional Jewish dish for Hanukkah. "She started mixing the egg with the onion," Anne said. "I like to mix my eggs first."

"I went upstairs and the boys asked me what was wrong. Someone said, 'You know Mom, you're acting like sisters.' Five minutes later, I came down and we talked. That was it."

Anne's children never have resented her, Toby said. In fact, twice, when they have bought homes, they made sure the houses were wheelchair accessible, so Toby could visit along with Anne.

"It's taken time to adjust and we are still adjusting," Anne says. "You have to adjust. You cannot just stay put. Everyone has to grow, no matter how old you are."

They have their differences. Toby is compulsively neat, Anne is more relaxed. Toby likes Danielle Steele, Anne like histories. Anne is the intellectual, Toby outgoing. "But when she's out, she's a bundle of fun," Toby said. "We laugh a lot. We cry a lot."

"We can sense when something

is bothering each other."

Even after five years, Toby said she still misses Hal. "There are times I can't deal with the loneliness, the loss of somebody that knew every part of you and how your brain worked. Somebody who would look at you and say, 'It's OK, babe, everything will be fine, don't worry about it.'"

People often say to Anne that Toby is lucky to have a friend like her.

"You know what my answer is to that," she states flatly. "I'm lucky to have a friend like her."

Toby says, "We're lucky to have each other."