

Family ties — the legal way

*But some object to use of
'unincorporated associations'*

By Suzanne Schlosberg
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When Nancy Wilson divorced her husband, she retained a close relationship with Seth, her husband's son from a previous marriage.

Wilson and Seth considered themselves a lot more than "former stepson and former stepmother," Wilson said.

They considered themselves family.

Now, the state of California considers them family, too.

Wilson made use of a controversial new provision that allows California residents seeking recognition as a family to register with the state. Supporters believe registration will provide self-esteem and perhaps legal and economic benefits to non-traditional families such as stepfamilies, foster families and homosexual couples.

For \$10, families can declare themselves "unincorporated non-profit associations" under a 60-year-old section of the California Corporations Code used primarily by homeowners associations, fraternities and other clubs.

The non-profit designation simply means that the "family" isn't operating as a business, according to Anthony Miller, chief deputy secretary of state. It has nothing to do with non-profit charitable organizations, which are exempt from taxes.

Residents receive an actual certificate declaring the household an association called the "Family of (Doe)." So far, 118 families have registered.

The registration confers no legal rights, said Melissa Warren, media director for the Secretary of State's office in Sacramento.

Opponents consider registration a thinly disguised attempt by gay activists to garner for homosexual couples the legal status of married couples. Advocates of registration do support increased benefits for gay and lesbian couples, but they say they're trying to gain acceptance for all types of families that don't fit the Ozzie-and-Harriet mold.

"So many rights are dependent upon whether someone is in a family relationship," said Thomas F. Coleman, the Los Angeles attorney who conceived the idea of family registration.

For instance, Coleman said, credit unions will loan money only to employees and their family members. A certificate of family registration might persuade a credit union to extend membership to someone not related by blood or marriage, such as the lover of a gay employee.

However, Warren noted, "it would be up to the credit union to decide whether or not the registry is sufficient to treat this group as a family."

Coleman said he doesn't know if any of the registered families have used their certificates to challenge such policies. Because registration has been available only since December, it's too early to tell whether a certificate will provide any economic benefits, Coleman said.

Advocates are certain, however, that registration will provide psychological benefits to members of non-traditional families.

"It gives them status, a function and place in society," said Nora Baladerian, a Beverly Hills psychologist. "For many years, we've been really denigrating to people who don't fit. Family registration counteracts that precisely. They can say, 'We don't have a broken home.'"

Supporters consider registration part of a larger effort to gain social acceptance as well as legal benefits for non-traditional families.

"It's one baby step in a thousand-mile journey," said Don Harrelson, president of Gay and Lesbian Parents of Los Angeles.

Harrelson said he is planning to register as a family with his lover, John Rios, and Rios' two children, who live with them.

"It gives us an opportunity to be counted," said Harrelson, who lives in West Hollywood.

Daily News

Sunday
MARCH 17, 1991

Harrelson hopes that registration will be a step toward legal recognition of gay couples, so he and Rios can have the same tax, insurance and other benefits that married couples have.

"We pay through the nose tax-wise," Harrelson said. "If we were legalized, we could be a lot better off financially for us and for our kids."

However, there is no provision under the current tax laws to accept registered people as families, Miller said.

"(And) while these people may want it to change... there's no movement to do so," he said.

Family registration has drawn opposition from conservative and religious organizations.

"We see it as an illustration of a continuing effort to erode the family," said Paul Hetrick, vice president of Focus on the Family, a Pomona-based non-profit Christian organization.

Hetrick said his organization defines a family as a husband, wife and children.

"There are derivations, but to expand that to include the... homosexual community and to do it with the symbolic approval of the state is ludicrous... What this is really all about is not trying to help foster kids or children of a divorce but trying to broaden the appearance of approval for homosexuals."

The Traditional Values Coalition, a conservative organization based in Anaheim, believes that stepfamilies and foster families do not belong in the same category as homosexuals.

"(Gay activists) are using the credibility of these other groups to uplift themselves," said coalition spokesman Steve Sheldon.

Coleman disagrees. In the past few decades, he said, the definition of family has changed tremendously because of the divorce rate, teen pregnancy and increased acceptance of heterosexual and homosexual couples living together.

Family

er. Registration, he said, is merely an attempt to acknowledge the trend.

Each day, he said, 1,300 stepfamilies are formed.

"This is a huge, growing segment of the population," said Coleman, executive director of the Family Diversity Project of Spectrum Institute, a non-profit corporation that studies the changing nature of the American family.

Opponents of registration said they aren't morally opposed to registration of stepfamilies or foster families, but they say it isn't necessary.

"Those groups are already legitimate," Sheldon said.

Hetrick doubts anybody could gain self-esteem from what he calls a "pseudo-authoritative certificate."

Baladerian disagrees. "Some people have come to tears just understanding the concept (of registration)," she said. "There's a sense of empowerment."

Baladerian believes widespread registration ultimately could help reduce teen-age gang membership and drug use.

"When you get high, you get away from those horrible feelings of isolation," she said. "If we could get (registration) into the minority communities, it would be fabulous. I think we'd stop killing each other if we started to feel good."

Coleman, meanwhile, is concentrating on possible legal benefits of registration.

In a study of California statutes, Coleman found 167 laws that use the term family in a substantive way, but most don't define the term.

For instance, if a specified licensed professional dies, a new license is not required if the business is continued by a surviving family member.

Also, a law student may get a refund of the bar exam fee if the student cancels the exam due to the death or injury of a family member.

Coleman also hopes registration will have an impact on employee benefits, including sick and bereavement leave, health insurance and pension plans.

Of a handful of employers contacted, only the city of West Hollywood would accept the family certificate.



Tina Gerson/Daily News

Marty Kirschen, left, Phillip Kirschen-Clark and Elisabeth Clark hold their family registration certificate.



David Crane/Daily News

Jennifer Baughman, left, and Rebecca Tapia of Los Feliz have registered as a family with the state of California.

Forms obtained from Sacramento

To obtain a name registration form, write to Secretary of State, Special Filings, 923 12th St., Third Floor, Sacramento, Calif. 95814. Ask for a form to register for an non-incorporated, non-profit association.

To receive a certificate, send a \$10 check or money order (made out to Secretary of State) with the completed form to Secretary of State, P.O. Box 944225, Sacramento, Calif. 94244-2250.

A certified copy costs an additional \$6.

It takes about a week to receive the certificate.

Kevin Fridlington, the city's senior personnel analyst, said that, in addition to the certificate, the family also would have to register with the city under its domestic-partner registration program and file an affidavit of financial support. (Technically, the city's program would satisfy West Hollywood officials, making the family certificate unnecessary within the city limits.)

The domestic-partner registration program states that if an unmarried city employee wants his partner to receive benefits, the two must register as partners with the city, he said.

The partner then can receive full-range benefits, such as dental, visual and health insurance; parental and family responsibility leave; and bereavement leave, he said.

Other businesses are still unsure of the family-certificate provision.

Sharon Tandy, employee benefits specialist for Security Pacific Corp., said at the present time, the Los Angeles-based company won't accept the state document.

"We only offer coverage to spouses and legal guardians under the age of 19, dependents between 19 to 24 who are attending school full time or handicapped family members of our employees," Tandy said.

Officials with Delta Airlines, headquartered in Atlanta, were familiar with the certificate program, but said they would have to review it before making a judgment on it, said Frances Conner, airlines spokeswoman.

Health insurance companies are also uncertain about the ramifications of the certificate.

Blue Cross of California, one of the largest health insurance companies in the state, won't accept the certificate for health benefits, according to Mike Chee, a spokesman for company.

"We look at it as a domestic partnership because, more often than not, it is a homosexual couple who apply for this type of arrangement," he said. "We do not have any policy that addresses this issue. We don't recognize a domestic partnership as any legal or formal or traditional union. We basically follow the state's guideline for the definition of marriage or married couple."

(According to California Civil Code, marriage is "a personal relationship arising out of a civil contract between a man and a woman, to which the consent of the parties capable of making that contract is necessary.")

Attorney Coleman also noted that some hospitals only allow family members to visit patients in intensive care. He said the certificate could help gain access for non-traditional family members.

However, spokeswomen for Cedars-Sinai Medical Center and Northridge Hospital Medical Center said a certificate would not be necessary. If a patient considered visitors family, the spokeswomen said, the hospitals would allow visitation.

The conservative opposition maintains that gay couples shouldn't have these benefits.

"If two homosexuals want to call themselves a family, they're entitled to misuse that name as they want to," said Sheldon of the Traditional Values Coalition. "But those two people should not get the benefits that families receive."

Rebecca Tapia and Jennifer Baughman think differently. The gay couple, who live in Los Feliz and have been together 15 years, say they deserve the same rights as a married couple. They have registered with the state.

"I like to know that legally we're recognized, and there's now a potential to start working with the legal codes," said Tapia, an attorney. "The first step is to acknowledge there are different types of families."

Baughman said registration could give homosexual couples more social acceptance.

"You can't legislate attitudes, but, for the next generation and the generation after that, a lot of that prejudice could go away."

Tapia, who often works with juveniles, said she advocates registration not just for homosexual couples but also for foster families and stepfamilies.

"The exposure at a young age to different forms of family is very important, so there's no stereotyping or limited vision of what a family is."

Not all registrants are members of non-traditional families. Elisabeth Clark; her husband, Marty Kirschen; and their son, Phillip Kirschen-Clark, have registered.

The family did it partly to show solidarity with non-traditional families and partly to clear up the confusion that comes from all three members having different last names.

"It's kind of special to go out of your way and sign up somewhere as a family," Clark said.

Daily News Staff Writer Paula Monarez contributed to this story.