

FOR IMMEDIATE RELEASE
Thursday, December 13, 1990

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**CALIFORNIA FIRST TO ALLOW FAMILIES TO REGISTER WITH STATE
Procedure Helps Domestic Partners, Stepfamilies, and Others
Seven Families Already Registered**

LOS ANGELES -- Families have asserted their freedom of association by making California the first state in the nation to sanction the use of an official government registry by domestic partners, stepfamilies, foster families, guardianship families, and other diverse family configurations. The new registration option, authorized by Secretary of State March Fong Eu, was announced Thursday by the Family Diversity Project.

"This is a significant breakthrough in the ongoing struggle of many families to obtain legal recognition and to receive benefits that have previously been limited to married couples and their biological children," said Thomas F. Coleman, Executive Director of the Los-Angeles based Family Diversity Project. "This procedure has national implications since several other states have registration laws similar to that in California."

The diversity of today's families is evident from statistics compiled by the Family Diversity Project from Census data and privately-sponsored studies. The once-dominant "nuclear family" consisting of an employed husband and homemaker wife with children at home is now found in only 15% of households nationally. Demographic trends show a significant rise in single-parent families, stepfamilies, unmarried partners, and extended families of adult blood relatives living together in the same household.

Registration is an important tool for members of these diverse families who have been fighting to stop discrimination against them. Coleman said that recent studies sponsored by the City of Los Angeles and by the California Legislature have found "widespread discrimination against employees and consumers on the basis of their marital status or family structure."

Phil Ansell, Senior Field Representative for Local 535 of the Service Employees International Union, said "Family registration is a major step toward meeting the needs of diverse families even though the procedure does not automatically confer any benefits." Ansell noted that employers have consistently raised the issue of registration in collective bargaining discussions regarding the extension of sick leave, bereavement leave, and health benefits to family members other than a worker's legal spouse or biological children. "This procedure will help eliminate administrative obstacles and thereby facilitate future progress in this area."

Registration has implications that extend beyond the economic and legal dimensions. Social recognition and personal self-esteem are valuable benefits that may be additional by-products of family registration.

"Members of families that do not conform to the stereotypical nuclear family, have for years been given a 'second class' status by societal attitudes," said Dr. Nora Baladerian, a psychologist and family therapist at the Beverly Hills Counseling Center. Dr. Baladerian said that research has shown that such negative attitudes are, in turn, internalized by the members of these families.

"The process of family registration can help contribute to the family members' self-esteem, especially when they receive an official Certificate of Registration from the state," Baladerian said. "As a result, members of diverse types of family structures can experience a sense that their community views their family structure as valid, positive, functional, and important," she stressed.

The idea of family registration for "alternative" families was first proposed in 1982 by the California Commission on Personal Privacy. "I'm pleased to see that family registration has finally become a reality," commented Wallace Albertson who chaired the Privacy Commission's Committee on Family Relationships. "Good proposals such as this often take time to implement," she added.

In authorizing family associations to register with her office, Secretary of State March Fong Eu called the use of the registry by families "a creative and valid use of existing law."

Each of the seven California families that has registered as an association with the Secretary of State has already received a Certificate of Registration. The certificates are decorative, bear the gold seal of the State of California, and list the names of immediate family members as each family has designated.

To date, the registered families include a male couple from San Diego, a married-couple stepfamily from Victorville, an engaged-couple stepfamily from Glendale, an unmarried couple from San Jose, a single-parent guardianship family from Los Angeles, an unmarried-couple stepfamily from Bakersfield, and a female couple from Los Angeles.

Other families who are in the process of registering in California include a husband and wife and their biological child (all three of whom have different last names) and a married couple with both biological children and disabled adult foster children.

Family diversity activists in other states are exploring the family registration procedure. According to David Piontkowsky, an adjunct professor at the University of Michigan Law School, some families have already submitted applications to register their family associations in that state. "Applications are pending," Piontkowsky said.

Madison City Councilman James McFarland is coordinating an effort to register families with the Wisconsin Secretary of State. Oregon, New Jersey, Virginia and West Virginia also have registration laws similar to that in California.

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DECEMBER 13, 1990
STATEMENT AT PRESS CONFERENCE
STATE OFFICE BUILDING
LOS ANGELES, CALIFORNIA

**SOME PSYCHOLOGICAL BENEFITS OF
REGISTERING AS A FAMILY**

by

Nora J. Baladerian, Ph.D.
Licensed Psychologist

ABSTRACT: The structure of one's family may vary from one's concept of "ideal" - although within it one feels loved and secure. Validation of the diversity of family forms that exist in the community provides important psychological benefits, including a sense of belonging, community acceptance, personal pride and self-confidence. Family Registration serves as a symbol of this validation. With the Certificate of Registration, families of all structural variations can finally feel that they are fully participating members of their society, free from "second-class" status.

Members of families that do not conform to the stereotypical nuclear family, have for years been subjugated to a "second class" status by societal attitudes. These negative attitudes, are, in turn, internalized by the members of these family structures.

Negative attitudes are reinforced by the development and usage of pejorative adjectives attached to family, such as:

"broken" home, "unmarried" couple,
"illegitimate" child, "adopted" children, etc.

These, in turn, become epithets on the playground. The members of these families are made to feel "less than", and a sense of personal pride and belonging are compromised or lost. With an emphasis on the important family status, i.e. home, couple, child, children, a great deal can be gained psychologically for each family member, as well as the family as a whole.

Variety in family constellations is now the norm, and no family constellation constitutes the majority family form. According to the world-renowned pediatrician Dr. Benjamin Spock, "the important factors that make a person grow up happy and outgoing are having parents who thoroughly enjoy and approve of him...", NOT the blood, marriage, adoptive or consensual framework of that family. Further, as we continue the life cycle

as adults, our sense of fulfillment and happiness are sourced in belonging to a family that meets our own personal needs and values.

The process of Family Registration can help contribute to the family members' self-esteem, both by today's public recognition and demonstration of respect by the community, and the receipt of the Certificate from the State. Thus, members of diverse types of family structures can experience a sense that their community views their family structure as VALID, POSITIVE, FUNCTIONAL AND IMPORTANT.

As we have seen recently, the importance of self-esteem pervades all areas of one's life, from values, to educational and vocational, social and personal achievement. Since the basic fiber of our culture is the family - the validation of one's family can not be over emphasized.

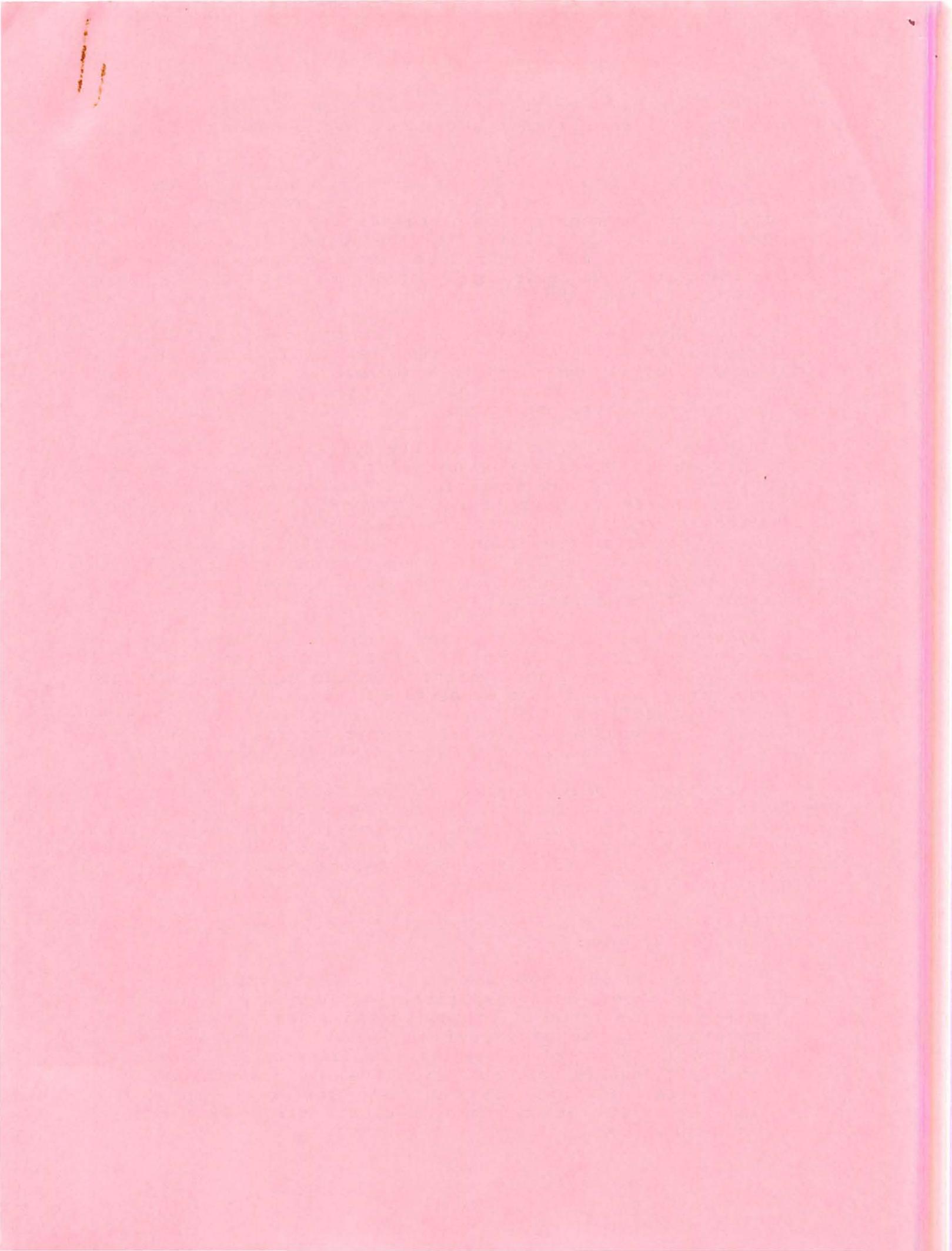
Language regarding various family types that pit one family form against another serves no positive function. Today's celebration of, and demonstration of positive regard for the family diversity we have in our community, is an important evolutionary step in our progress as a culture. Hopefully, negative attitudes strengthened by negative language will be reduced, and attacks on one family type can be easily refuted by a child with strong personal value, and the back-up of a Certificate of Registration.

Psychologically, the devaluing that we have experienced to date has contributed to depression, feelings of isolation, not belonging, and reduced self worth, bringing increased suicide, homicide, drug use and gang membership...living on the "fringes" of the "approved" society. Replacing de-valuing with valuing will have tremendous psychological benefit for the members of the family as a smaller unit, and the society as the greater whole.

According to psychologist Dr. Sol Gordon, "The primary needs for love, belongingness, safety, security, self-esteem and respect come before all others. The basic characteristic of these needs is that they can be fulfilled only from an outside source." This illustrates the vital importance of respect and valuing coming from one's community.

Internationally respected family therapist Dr. Salvador Minuchin, has written:

"In all cultures, the family imprints its members with selfhood. Human experience of identity has two elements" a sense of belonging and a sense of being separate. ...Man has survived in all societies by belonging to social aggregates. In different cultures these aggregates vary in their level of organization and differentiation. As societies grow more complex and new skills are required, societal structures are differentiated.



"In the face of...changes, modern man still adheres to a set of values that belong to a different society, one in which the boundaries between the family and the extrafamilial were clearly delineated. The adherence to an outmoded model leads to the labeling of many situations that are clearly transitional as pathological and pathogenic. The touchstone for family life is still the legendary 'and so they were married and lived happily ever after.' It is no wonder that any family falls short of this ideal.

"The occidental world is in a state of transition, and the family, which must always accommodate to society, is changing with it. But because of transitional difficulties, the family's major psychosocial task- to support its members- has become more important than ever. Only the family, society's smallest unit, can change and yet maintain enough continuity to rear children who will not be 'strangers in a strange land', who will be rooted firmly enough to grow and adapt."

The recognition of family diversity that we are celebrating today, is another step in the constant evolution of the human being - and the society in which we live. This is best reflected in the words of historian Dr. Jacob Bronowski who wrote:

"Evolution is founded in variety and creates diversity; and of all animals, man is most creative because he carries and expresses the largest store of variety. Every attempt to make us uniform, biologically, emotionally, or intellectually, is a betrayal of the evolutionary thrust that has made man its apex."

This paper was prepared by Nora J. Baladerian, Ph.D., a psychologist and family therapist in private practice at the Beverly Hills Counseling Center, and founder of Mental Health Consultants. She has served as a member and researcher with the Governor's Commission on Personal Privacy and Co-chair of the L.A. City Task Force on Family Diversity. Her areas of work focus on issues of family life for families in distress, poverty, Latino families & families with persons with disabilities.

CITATIONS:

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social services union

american federation of nurses

SEIU local 535

STATEMENT OF PHIL ANSELL, SENIOR FIELD REPRESENTATIVE
SOCIAL SERVICES UNION/AMERICAN FEDERATION OF NURSES, LOCAL 535,
SERVICE EMPLOYEES INTERNATIONAL UNION, AFL-CIO

FAMILY REGISTRATION PROCEDURE PRESS CONFERENCE
DECEMBER 13, 1990

In recent years, the structure of the American family has changed and with it the needs of those families. For most working people, family-related benefits -such as dependent health insurance, family sick leave, and bereavement leave- are provided by the employer. For this reason, our Union and many others have sought to negotiate an expanded definition of family as a means to extend job-related family benefits to today's families, as they actually exist.

In this context, the family registration procedure is a major step toward meeting the needs of diverse families. This procedure offers a statewide mechanism for individuals to gain official recognition of their family composition, whatever that may be. While not conferring any benefits automatically, this registration procedure will be the foundation for the future extension of job-related benefits to today's diverse families. Employers have consistently raised the issue of registration in collective bargaining discussions regarding the extension of employee benefits to family members other than an employee's legal spouse or biological children. This procedure will eliminate administrative obstacles and thereby facilitate future progress in this area.

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**CALIFORNIA FAMILIES PARTICIPATING
IN THE REGISTRATION PROCESS**

Some Families Who Have Already Registered

1. Family of Debra Deem and James Riley

(An Opposite-Sex Domestic Partnership Family / Campbell, CA)

Debra Deem and Jim Riley reside together in the San Jose area. While their relationship began in 1980, they have considered themselves a family since 1983. Before they moved to California in 1990, they had lived in Arizona where Debra was denied a job as a juvenile probation officer because she was living with a man out of wedlock which is illegal in that state. They left Arizona and moved to New Mexico where they discovered that unmarried cohabitation was also illegal. California's respect for family diversity and laws prohibiting marital status discrimination were factors in their decision to move to the Golden State. (To contact Debra and Jim, call the Family Diversity Project.)

**2. Family of John Brown, Robert Munoz, Ruben Dario Munoz,
Oscar Munoz, and Emilio Chavez**

(A Single-Parent Guardianship Family / Los Angeles, CA)

John Brown is a single man who lives in Silver Lake. A few years ago, John became aware of an immigrant family from Guatemala who were living in Los Angeles and applying for amnesty. The mother was a single parent who was often absent from the home because she was employed as a migratory farm worker. This left the responsibility of daily supervision of her children on the shoulders of the oldest son. When the oldest son decided to establish his own family and move out of Los Angeles, John offered to provide the younger brothers with a home. John felt he had the resources and ability to act as their parent. The boys moved into John's home and about two years ago John was appointed their legal guardian. As a result, John serves as the boys' parent and they all function as a single family unit. (To contact John, call the Family Diversity Project.)

3. Family of Herbert King and C. Stanley Mahan

(A Same-Sex Domestic Partnership Family / San Diego, CA)

Herb King and Stan Mahan have lived together for the past 31 years. About 22 years ago, they built a home in San Diego. Herb's career spanned many years as a consulting industrial engineer. Stan was a computer specialist. Both men are now retired. During the past 15 years, Herb has become very active politically to help promote equal rights for all citizens, especially for gay men and women. Since his retirement, Stan has become immersed in the study of the Spanish language and Hispanic culture. They are proud of their relationship and consider it to be one that should be respected and admired. They feel that society should recognize their relationship as a family. (To contact Herb, call the Family Diversity Project.)

4. Family of William Patrick Howard III and Cathy Howard, including Richard Howard, William Patrick Howard IV, and Shannon Gibson

(A Married-Couple Stepfamily / Victorville, CA)

William Patrick (Pat) Howard and Cathy Howard have been married to each other for several years. Pat is a construction contractor and Cathy works for the local school district. Each spouse has children from a former marriage. Thus, their new family unit would be considered a stepfamily. Although not all of the children are biologically related to each other, they consider themselves to be brothers and sisters. As a stepfamily, the Howards have no official certificate to show that all of their members have a family relationship to each other. They registered with the Secretary of State as a way to declare their family status and to demonstrate that they are one family. (To contact Pat or Cathy, call the Family Diversity Project.)

Some Families Who Are Submitting Applications

5. Family of Elisabeth O. Clark, Martin Kirschen, and Phillip Kirschen-Clark

(A Married-Couple and Biological Child / Hollywood, CA)

Elisabeth Clark and Martin Kirschen are married. Phillip is their biological child. Elisabeth and Martin are both employed full time and so they are considered a dual-career couple. Elisabeth works as a psychologist for Catholic Charities. Because of their unique name arrangement -- each family member has a different last name -- they sometimes find their family status questioned. The Kirschen-Clark family has registered for two purposes. They would like to have a certificate that lists them all as members of the same family unit. They would also like to show solidarity with the numerous other family types that exist in society. They are pleased to represent the nuclear family on the spectrum of diverse family relationships. They recently submitted their application to the Secretary of State but have not yet received their Certificate of Registration as a family association. (To contact Elisabeth, call the Family Diversity Project.)

6. Family of John Reynaert, Beppy Reynaert, Brian J. Reynaert, and Henry T. Reynaert, including Pamela C. Petrou and Kyeong Chang

(A Nuclear Family with Adult Foster Children / Torrance, CA)

Beppy and John Reynaert are a married couple with two biological children. Brian (25) lives at home with his parents. Henry (23) has his own apartment. About four years ago, the Reynaert family took two developmentally disabled teenage girls into their home. Pamela and Keong are now 21 years-old. John is retired. Beppy is a homemaker for the entire family as well as a special-needs provider for Pamela and Kyeong. The Reynaerts consider their two adult foster children to be members of the Reynaert family. The family is in the process of registering their family association with the Secretary of State. (To contact Beppy, call the Family Diversity Project.)

Other Families Who Have Already Registered

7. Family of Edward Vasquez Sr. and Suzette Palato, including Edward Vasquez Jr., Vernise Vasquez and Valerie Vasquez
(An Unmarried-Couple Stepfamily / Bakersfield-Oxnard, CA)

Edward Vasquez and Suzette Palato are an unmarried couple. They have lived together for the past two years. Earlier this year, Edward Jr. was born to the couple. A few months ago, Edward and Suzette moved with their newborn son to Bakersfield because job prospects were better and housing costs were more affordable. Edward is now employed as a welder and Suzette keeps busy as a homemaker and mother. Edward and Suzette frequently visit with Vernise and Valerie Vasquez, daughters of Edward from his previous marriage. Vernise and Valerie currently live in Oxnard with their biological mother, although the girls have lived for extended periods of time with Edward and Suzette. The family has registered with the Secretary of State to symbolize their family unity. (To contact the Vasquez-Palato family, call the Family Diversity Project.)

8. Family of John Sterling and Keli Roberts, including Javier A. Ocampo, Barbara J. Roberts and Johna N. Sterling
(An Engaged-Couple Stepfamily / Glendale, CA)

John Sterling and Keli Roberts are an unmarried couple. They have lived together for about two years. They plan to be married next March. Earlier this year, a baby girl, Johna, was born to John and Keli. John is also a stepfather to Javier (10) and Barbara (7) who are the biological children of Keli. John works as a waiter at a local restaurant. Keli is a homemaker and mother and works part-time as a nurses aide. Keli and John consider themselves to be a family even though they are not yet married. Due to their unmarried status, different last names, and stepfamily relationships, they welcomed the opportunity to register with the Secretary of State and value their Certificate of Registration as a family association. (To contact Keli Roberts, call the Family Diversity Project.)

9. Family of Rebecca A. Tapia and Jennifer L. Baughman
(A Same-Sex Domestic Partnership Family / Los Angeles, CA)

Rebecca Tapia and Jennifer Baughman are a family. They have lived together for many years and consider their relationship to be permanent. Rebecca is an attorney who specializes in child custody cases. Jennifer assists her as an office administrator. Rebecca and Jennifer have contributed much of their time to important social-justice causes. For example, they have been significantly involved with Amnesty International. They also participate in organizations seeking to eliminate discrimination against gay women and gay men. They registered with the Secretary of State as a symbol of their family relationship, hoping that such a registration process will be useful to families who have historically been denied social and legal recognition as well as economic benefits. (To contact Rebecca or Jennifer, call the Family Diversity Project.)

State of California

OFFICE OF THE SECRETARY OF STATE

Association
Reg. No. 4337

CERTIFICATE OF REGISTRATION OF UNINCORPORATED NONPROFIT ASSOCIATION

I, MARCH FONG EU, Secretary of State of the State of California, do hereby certify that in accordance with the application filed in this office the ASSOCIATION named below has been registered.

Name of Association FAMILY OF DEBRA LYNN DEEM and JAMES EDWARD RILEY

Date of Registration November 13, 1990

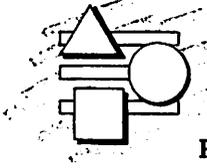


IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

13th day of November, 1990

March Fong Eu

Secretary of State



INFORMATION ABOUT FAMILY REGISTRATION

Thank you for expressing an interest in the Family Registration Procedure. Here is a description of some available information.

SECRETARY OF STATE. If you contact the California Secretary of State, you can obtain the following basic information about family registration: (1) a blank application to register the name of an unincorporated nonprofit association (Corporation Code Section 21300); and (2) a one-page general information sheet. This information may be obtained free of charge by contacting the Special Filing Unit of the Secretary of State at 923 12th St., 3rd Floor, Sacramento, CA 95814 / (916) 324-6778.

INFORMATION PACKAGE FROM SPECTRUM INSTITUTE. More detailed information about the Family Registration Procedure is available from Spectrum Institute. The package includes:

(1) **Blank application and General Information Sheet** published by the California Secretary of State;

(2) **Sample application form** as it might be filled out to register the name of the family of an unmarried couple;

(3) **Sample Certificates of Registration** that would be received from the Secretary of State after registration (samples include a certificate for a couple without children as well as a sample certificate for a couple with children)

(4) **Press Package about Family Registration** that includes: several newspaper articles; press release issued by the Family Diversity Project; demographics about family living arrangements in America; some flexible legal definitions of "family;" description of some families who have registered; article about "Psychological Benefits of Family Registration;" statement about potential employee benefits of registration; etc.

(5) **A "Report on Legal, Economic and Psychological Implications"**. See reverse side of this sheet for the table of contents of this 51-page report.

HOW TO ORDER. To receive the information package from Spectrum, please send a donation of **\$10.00** made payable to: Spectrum Institute at P.O. Box 65756, Los Angeles, CA 90065. Your donation will help offset our cost of photocopying, postage, and handling. Spectrum Institute is a nonprofit corporation.

NOTICE. Although registration may be helpful to many families, it is not a substitute for other available legal protections. All adults should have a will and a durable power of attorney for health care. Unmarried couples should have a cohabitation agreement. You should consult an attorney so that family registration, if used, becomes part of a comprehensive set of legal protections.

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REGISTRATION OF FAMILIES IN CALIFORNIA:

**Some Resources on Its Origin, Benefits,
Administration, and National Implications**

Origin of the Proposal

In its final report to the Governor and the Legislature in 1982, the California Commission on Personal Privacy recommended that a procedure be established to enable "alternative" families to declare their family status. The commission defined "alternative" families as persons who considered themselves to be a family unit even though some or all of the members are not related by blood, marriage, or adoption.

Critical to the development of the family registration procedure is Wallace Albertson who was a member of the Privacy Commission and chaired its Committee on Family Relationships. More recently, Ms. Albertson shared the Privacy Commission's findings on the "definition of family" with the Los Angeles City Task Force on Family Diversity. **(Wallace Alberston can be reached at: (213) 657-1131)** [See Enclosure on "Origin of the Proposal for Family Registration."]

Some Psychological Benefits

Declaring one's family status by registering as a family association has some potentially powerful psychological benefits, particularly for those whose family does not fit the mythical "ideal" structure. This month, Dr. Nora Baladerian completed a short article in which she describes some of the psychological benefits associated with family registration.

Dr. Baladerian is a licensed psychologist. She was a member of the California Commission on Personal Privacy and chaired its Committee on Aging and Disability. More recently, Dr. Baladerian was co-chairperson of the Los Angeles City Task Force on Family Diversity. **(Dr. Nora Baladerian can be reached at: (213) 391-2420)** [See enclosure on "Some Psychological Benefits of Registering as a Family."]

Potential Employee Benefits

Public and private employers and employees are recognizing the need to reexamine employee benefit programs that often use a restrictive and unrealistic definition of family. Family sick leave, bereavement leave, and medical benefits are the focus of much of this dialogue.

For example, in Los Angeles County, a Coalition for Domestic Partner Benefits has recently been formed at the initiative of several county-employee unions. Phil Ansell, a senior field representative for Local 535 of the Service Employees International Union, helped organize this coalition. **(Phil Ansell can be reached at: (213) 622-5660)** [See "Statement of Phil Ansell."]

Registration in California

Members of the public who are interested in registering their family association may write to the Secretary of State, Special Filings, 923 12th St., Third Floor, Sacramento, CA 95814; or call the Special filings Unit at (916) 324-6778. Request "an application to register a family association."

Because the application was not specifically designed for family associations, filling out the form may not be self explanatory. To register as a family association, where the form calls for the name of the association, an applicant should write in the words "FAMILY OF" followed by the names of the family members. For example, a two-member family would be "FAMILY OF JOHN DOE and JANE SMITH" or a three-member family might be listed as "FAMILY OF SUE JONES, STEVE JONES, and JOHNNY JONES." For more detailed information about registering a family association, members of the public may write to: Family Diversity Project, P.O. Box 65756, Los Angeles, CA 90065.

For press inquiries about this procedure, contact **Anthony Miller, Chief Deputy Secretary of State** at (916) 445-6371.

National Implications

Several other states -- Oregon, Michigan, Wisconsin, New Jersey, Virginia, and West Virginia -- have registration procedures similar to that in California. Some families in Michigan and Wisconsin are in the process of registering. None of these states, however, has either registered or refused to register a family association to date.

For press inquiries about family registration and the potential implications of registration in some of these states, contact: **In Michigan, call attorney David Pointkowsky at (313) 358-0080; in Wisconsin, call Madison City Councilman Jim McFarland at (608) 255-8891; in Oregon, call Portland City Council staff assistant Keeston Lowery at (503) 248-4046.**

California Public Officials

Several elected officials in California have played key roles in developing a public policy agenda that respects family diversity.

Assemblyman Tom Bates (D-Oakland) and **Senator Diane Watson** (D-Los Angeles) are co-chairs of the Legislature's Task Force on the Changing Family which proposed that benefits be extended to all families regardless of marital status or family structure. In Los Angeles, **Councilman Michael Woo** convened a Task Force on Family Diversity and **City Attorney James Hahn** convened a Consumer Task Force on Marital Status Discrimination. Laguna Beach **City Councilman Robert Gentry** helped pass a domestic partnership benefits plan for public employees of that city. Recently elected San Francisco **Supervisor Roberta Achtenberg** chaired a Task Force on Family Policy convened by **Mayor Art Agnos**. Last month, San Francisco voters approved an initiative, spearheaded by **Supervisor Harry Britt**, authorizing the local registration of domestic partners. **Insurance Commissioner-Elect John Garamendi** has pledged to work toward the elimination of marital status discrimination in the insurance industry.

ORIGIN OF THE PROPOSAL FOR FAMILY REGISTRATION

EXECUTIVE SUMMARY CALIFORNIA COMMISSION ON PERSONAL PRIVACY

A. DEFINING FAMILY

Recent Supreme Court decisions have recognized that the term "family" actually encompasses a wide diversity of relationships for the people of this state:

The definition of a "family" in our society has undergone some change in recent years. It has come to mean something far broader than only those individuals who are united in formal marriage. Many individuals are united by ties as strong as those that unite traditional blood, marriage and adoptive families.

*
* THE COMMISSION RECOMMENDS that the California Legislature enact procedures allowing members of California's "alternative families" (persons who are domiciled in the same household and who consider themselves to be a family unit, regardless of whether they are related by blood, marriage, or adoption) officially to declare their family status. A document evidencing such official declaration should be produced so that all Californians who are members of families can equitably share state and local resources. Such procedures would assist all family members to participate in benefit programs such as employment programs offering medical, dental, or other benefits to members of an employee's family.
*

The registration proposal was given momentum when the Los Angeles City Task Force on Family Diversity called for the use of expanded definitions of "family" and the extension of social, legal, and economic benefits to all families regardless of family structure. That report was issued in 1988.

The proposal for a registration procedure to allow families the option of registering with a state agency originated with the final report of the California Commission on Personal Privacy which was issued in December 1982.

TASK FORCE ON FAMILY DIVERSITY

The Task Force on Family Diversity received testimony on the subject of defining family.³⁸ Wallace Albertson, President of the Los Angeles Community College Board of Trustees, appeared before the Task Force in her capacity as Commissioner of the California Commission on Personal Privacy, for which she had served as the Chairperson of a subcommittee on Family Relationships.

Her testimony focused on the diversity of family forms and the problems that arise from a misplaced presumption that the traditional nuclear family is the social norm. The study of the Privacy Commission indicated:³⁹

* A dilemma surrounding the meaning of the word "family" exists both in a sociological/theoretical context and in social work practices.

* The presumption that "family" means a married, heterosexual couple with children no longer applies to most of the population.

* Persons whose family forms do not fit this presumed model suffer exclusion from legal, tax, and services protections.

* The nature and variety of family forms in current society warrants definitions that are inclusive rather than exclusive of nontraditional family forms.

* The right of personal privacy involves the right of an individual to choose intimate and familial associations without undue restriction.

* Any definition of family should consider the following elements: continuity of commitment, mutuality of obligation, economic and/or domestic interdependence, as well as love and caring.

The Task Force on Family Diversity has found these points consistent with its overall research into family definitions and has taken them into consideration in determining its recommendations.

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Reg. No. 4302

CERTIFICATE OF REGISTRATION OF UNINCORPORATED NONPROFIT ASSOCIATION

I, MARCH FONG EU, Secretary of State of the State of California, do hereby certify that in accordance with the application filed in this office the ASSOCIATION named below has been registered.

Name of Association Family of Thomas F. Coleman and Michael A. Vasquez

SAMPLE
Certificate

Date of Registration May 24, 1990



IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

24th day of May, 1990

March Fong Eu

Secretary of State

State of California

OFFICE OF THE SECRETARY OF STATE

Association _____
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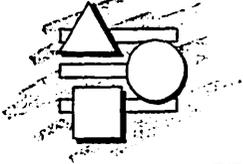


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REGISTERING A FAMILY WITH THE STATE OF CALIFORNIA

What is Registration? How Do We Register? What Does It Mean?

I. WHAT IS FAMILY REGISTRATION?

A. Formation of a Family. Families are formed by birth, marriage, adoption or by voluntary association. In California, two or more people have the right to associate with each other as a family.

B. Registration as a Family Association. Any association can register its name or insignia with the Secretary of State. By registering its name, a family can declare its existence and list its members.

C. Official Certification of Registration. A family receives an official document from the Secretary of State officially certifying that the named association has registered, for example, as "Family of John Doe and Jane Roe, including John Doe Jr."

II. HOW DOES A FAMILY REGISTER WITH THE STATE?

A. Fill Out Application. Obtain an application from the Secretary of State to register the name of a Non-Profit Unincorporated Association. Where the application calls for the name of the association, insert the words "Family of" followed by the names of the family members. The name of the association, therefore, might be "Family of Joan Smith and Jane Williams."

B. All Adult Family Members Should Sign Application. Although it is not absolutely necessary for more than one association officer to sign, it is advisable that all adult members of the family sign the application. This reduces concern over possible fraud and removes ambiguity regarding the intentions of the persons listed as family members. The title of those signing can be listed family "co-managers" or simply as "family members."

C. Specify What You Are Registering. Applicants should request that the "name" of the association be registered. Applicants can also register a family "insignia." An insignia can be the "motto" of the family, e.g. the basic agreement or statement of principles of the family. A fee of \$10 must be paid for each registration. Therefore, submit \$10 to register the name and an additional \$10 to register the insignia.

D. Request Certified Copy of Application. Applicants should request a certified copy of the application which will constitute proof of who signed the application. This costs an additional \$6.00.

E. Wait for Certificate. It takes about six to eight weeks to receive the Certificate of Registration and/or Certified Copy of the Application.

IV. DOES THIS DIFFER FROM A DOMESTIC PARTNER REGISTRY?

A. Local Registration Systems. Several municipalities have adopted domestic partner registration laws. Under these systems, "domestic partners" are limited to: (1) two persons; (2) who are not related by blood or marriage; (3) who are over 18 years of age; and (3) who declare some type of commitment and/or interdependence. Most cities require that the partners live together. Confidential registries for public employee benefit systems exist in cities such as Berkeley, Santa Cruz, Los Angeles, Laguna Beach, and Seattle. Public registries exist in West Hollywood and Ithica NY. San Francisco has a public registry but also gives partners an option for confidentiality.

B. Comparison with San Francisco. The following are some comparisons between the registry operated by the California Secretary of State and that of the City of San Francisco:

<u>COMPARISONS:</u>	<u>CALIFORNIA:</u>	<u>SAN FRANCISCO:</u>
Partners or Members Can Be Related by Blood	Yes	No
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Partners Must Declare Joint Responsibility for Basic Living Expenses Such as Food and Shelter	No	Yes
Partners or Members Must Register Publicly	Yes	Optional
One Partner Must Live or Work in San Francisco	No	Yes
Automatic Consequences for Partners or Members Receiving Assistance from Public Benefit Programs	No	Yes

V. ADDITIONAL INFORMATION. To receive an information packet, including a **COMPREHENSIVE LEGAL MEMO on the implications of family registration with the California Secretary of State**, send a \$10 donation to **SPECTRUM INSTITUTE**, P.O. Box 65756, Los Angeles, CA 90065.



FAMILY DIVERSITY AND FLEXIBLE DEFINITIONS

Some Legal Precedents in California

CALIFORNIA SUPREME COURT -- 1921

Quote. "'Family' may mean different things under different circumstances. The family, for instance, may be a group of people related by blood or marriage, or not related at all, who are living together in the intimate and mutual interdependence of a single home or household."

Comment. This quote comes from Moore Shipbuilding Corporation v. Industrial Accident Commission (1921) 185 Cal. 200. There, the Supreme Court awarded worker's compensation survivor benefits to a minor child who was not biologically related to a deceased worker. Before his death, the worker maintained a common household with the girl and her biological mother although the worker and the girl's mother never married each other. The Supreme Court ruled that the girl was a member of the deceased worker's family. In 1984, the Supreme Court used the same quote in a case granting unemployment insurance benefits to a woman who quit her job to relocate with her unmarried partner and their biological child.

ATTORNEY GENERAL EVELLE YOUNGER -- 1973

Quote. "It is possible that a local government may have more than one definition of the word 'family.' There is no reason why more than one definition of that term cannot exist. [Citation to the Moore Shipbuilding case.] The Legislature has defined the term differently for various purposes."

Comment. This quote comes from a formal opinion of the Attorney General (56 Ops.Cal.Atty.Gen. 47) which concluded that cities could adopt the Uniform Building Code's definition of family for some purposes and yet maintain a different definition of family for other purposes. The UBC definition recognizes that up to five persons who are not related by blood or marriage who live together can be considered a single family.

CALIFORNIA LEGISLATURE -- 1986

Quote. "Healthy individuals, healthy families, and healthy relationships are inherently beneficial and crucial to a healthy society, and are our most precious and valuable natural resources. . . . It must be recognized that a person, a human being, a personality, a relationship, and a family are each and all so unique and complex that they cannot readily be fixed much less should they be thought of or tried to be made uniform."

Comment. This quote comes from the findings of the California Legislature when it passed a bill that revised the necessary qualifications for licensing marriage, family, and child counselors. The bill was signed into law by Governor George Deukmejian. (Stats. 1986, Ch. 1365)



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III. WHAT ARE THE IMPLICATIONS OF REGISTRATION?

A. **Psychological Aspects.** The psychological implications of family registration should not be underestimated. Registration can generate psychological empowerment, enabling persons to declare who they are and to publicly acknowledge their primary relationships. This can help enhance the self-esteem of persons whose family structures have been ignored or devalued, e.g., domestic partnership families, foster families, guardianship families, stepfamilies, single-parent families, etc.

B. **Administrative Aspects.** Society has an interest in having accurate information about its members, including their personal characteristics, family and business relationships, and other vital statistics. Procedures have been established to record personal and family data through the issuance of birth and death certificates, name change decrees, certificates of marriage and judgments of divorce, and court orders for adoptions or child custody. The census collects other vital information, including household living arrangements. Methods to record business transactions include procedures to file fictitious name and partnership statements or incorporation papers, or registration of trade marks and trade names. The establishment of such procedures signifies that the data is important to society. Family registration fills an administrative gap by recording the existence of relationships that have previously been overlooked or ignored. Having such data recorded is helpful, if not essential, to the orderly administration of legal and economic rights and responsibilities.

C. **Legal Aspects.** Registration with the Secretary of State does not, per se, confer legal rights and responsibilities on the members of registering families. Registration, however, may be a powerful legal and political tool in the struggle of many so-called "nontraditional" families to receive the benefits and share the obligations that society often confers on families, especially on primary relationships such as those between spouses or between parent and child.

1. **Evidence of Family Relationship.** In effect, registration is a form of evidence. Such evidence can be particularly important when the term "family" is used without definition, as it is in about 75% of our state statutes that confer benefits or obligations on families. When "family" is not defined in a statute or in a contract, whether a particular relationship qualifies or not will usually depend on three factors: (1) whether the parties to the relationship subjectively consider themselves to be a family (rather than as friends or roommates); (2) whether the parties have publicly held themselves out to society as a family (rather than as friends or roommates); and (3) whether the parties function as a family. Registration as a family supplies objective proof of the first two factors. The third factor often will depend on other criteria, such as whether the parties live together, the length and intimacy of the relationship, and the degree of their interdependence.

2. **Evidence of Interdependence.** Sometimes society limits the extension of legal or economic benefits to persons who

have formed what might be called a primary family relationship. These are relationships that are presumptively intimate and financially interdependent, such as that between spouses or between a parent and child. These primary relationships are distinguishable from others because the law imposes various obligations of support between the parties as long as the relationship exists. Registering as a family with the Secretary of State is not, per se, proof of a primary family relationship. However, the parties could create proof of intimacy and interdependence by registering a family insignia. The family insignia could be a short and concise cohabitation agreement, a certificate of domestic partnership registration, or some other statement specifying that the parties live together, the duration of the relationship, and the degree of economic or other interdependence. It is optional, of course, to create evidence of interdependence through the registration of a family insignia. If cohabitation status and/or interdependence is established, the registered family may qualify, for example, under programs granting workers compensation benefits to a surviving household dependent or unemployment benefits when a worker quits a job to care for an ill family dependent or to relocate when a primary family member gets a job transfer to another city.

3. Evidence for Health and Estate Planning.

Registration as a family association is not a substitute for other legal documents that are available to protect families. Registration, however, can be most helpful when done in conjunction with these other legal mechanisms. Every adult should have a durable power of attorney for health care. This can confer primary family status on a designated agent, enabling the agent to have access to medical records, privileged hospital visitation, preference to be appointed as a conservator, priority in medical decisionmaking, and control of the disposition of the remains of the principal. Every adult should have a will. This enables the adult to control the transfer of property to designated beneficiaries and to specify who controls the administration of the estate. Sometimes a hostile relative will attempt to invalidate a will or a power of attorney, claiming that the agent or beneficiary used undue influence on the decedent. Family registration can be a form of proof regarding the logical and natural inclinations of a patient or a decedent in the event of a will contest or conservatorship proceeding.

4. Evidence of Equivalency.

Marital status discrimination is illegal in employment, housing, credit, and some types of insurance practices in California. All business establishments are prohibited from engaging in "arbitrary" discrimination against consumers. The government must provide equal protection of the laws to persons who are "similarly situated." Persons who register as a family, especially when insignia registration creates proof of a primary relationship, may be in a much better position to succeed in a lawsuit that alleges marital status discrimination, arbitrary discrimination, or a violation of equal protection than two friends or roommates would be who have not registered as a family.

IV. DOES THIS DIFFER FROM A DOMESTIC PARTNER REGISTRY?

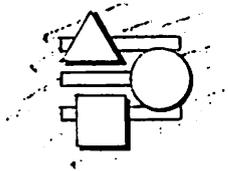
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WHAT IS THE FAMILY DIVERSITY PROJECT?



The FAMILY DIVERSITY PROJECT is organized to promote awareness about families in America, to conduct research on issues and problems affecting families, and to help find solutions.

The FAMILY DIVERSITY PROJECT acts as a National Clearinghouse on issues and research relating to family diversity and responds to media inquiries and requests from a variety of people and institutions, including elected officials, corporate leaders, union officials, professional associations, academics, judges, and individuals. The Project also sponsors Workshops, Seminars, Conferences, Research Projects, Legal Briefs, and related consultation services.

The FAMILY DIVERSITY PROJECT is a function of the non-profit Spectrum Institute. As a secular, non-partisan and non-political organization, Spectrum Institute relies on the financial support of private foundations, corporations, families, and individuals to sustain its work.

SPECTRUM INSTITUTE is governed by a Board of Directors and receives guidance from a Council of Advisors. SPECTRUM INSTITUTE and its FAMILY DIVERSITY PROJECT have headquarters in Los Angeles, California. Its board members, officers, and associates appear frequently on radio and television throughout the nation.

The FAMILY DIVERSITY PROJECT has produced a number of publications, including its newsletter "FAMILY DIVERSITY." Requests for copies of reports and publications and requests for interviews, articles, and speaking engagements should be directed to its office in Los Angeles.

Principal Associates:

THOMAS F. COLEMAN
attorney; adjunct professor, USC Law Center;
member, California Legislature's Joint Select Task
Force on the Changing Family

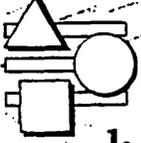
CHRISTOPHER McCAULEY
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Diversity; commissioner, Los Angeles City Human
Relations Commission

DR. NORA BALADERIAN
mental health consultant; co-chair, Los Angeles City
Task Force on Family Diversity; member, Governor's
Commission on Personal Privacy

JAY KOHORN
attorney; adjunct professor, Southwestern University
School of Law; associate director, California
Appellate Project

MARGARITA CONTRERAS
Office of Community Affairs, California State Senate;
staff member, California Legislature's Joint Select
Task Force on the Changing Family

PUBLICATIONS AVAILABLE FROM SPECTRUM INSTITUTE

- 
- 1. Report of the Task Force on Family Diversity**
(City of Los Angeles, 1988)

Includes sections on the following topics: families in America, in California and in Los Angeles; public policy and the definition of family; insurance discrimination; family violence and abuse; housing and homelessness; child care; employee benefits; families with elders; families with disabled members; domestic partnership families; schools programs and curricula; etc. (121 pages)

- 2. Report of Legislature's Task Force on the Changing Family**
(State of California, 1989)

Includes information on the following topics: balancing work-family conflicts; employee benefits; child care; elder care; parenting education; health care; domestic partnerships; low-income families; principles of good family policy (160 pages)

- 3. Amicus Curiae Brief: Family Service America et al.**
(Filed in Braschi case in New York Court of Appeals, 1989)

Includes information on the following topics: definition of family in American law; constitutional considerations in defining family; demographics on New York City families (70 pages)

- 4. Report of Consumer Task Force on Marital Status Discrimination**
(Los Angeles City Attorney, 1990)

Includes information on the following topics: marital status demographics for Los Angeles City; examples of unfair business practices against unmarried individuals and couples, e.g., housing, insurance, credit, airlines, health clubs, auto clubs, nursing homes, mortuaries; recommendations for reform (126 pages)

- 5. Legal Syllabus: Rights of Domestic Partners**
(Used in Class at U.S.C. Law Center, 1989)

Outline for law school seminar includes citations to statutes, ordinances, judicial decisions and administrative rulings on rights of unmarried couples in the following topic areas: sexual privacy and cohabitation rights, right to marry, palimony, employee benefits, housing rights, insurance, health care, tort recovery, immigration, child custody, survivor rights, etc. (86 pages)

HOW TO ORDER

These publications can be ordered from: Spectrum Institute, P.O. Box 65756, Los Angeles, CA 90065 / (213) 258-8955. A donation of \$10 per document is suggested. Please make checks payable to Spectrum Institute. Spectrum is a non-profit corporation with state and federal tax-exempt status.