

# KEEP OUT! Blood relatives not allowed.

There are three bills pending in the California Legislature that would extend various legal protections to unmarried partners. All three proposals raise the same curious question: why are blood relatives excluded from domestic partner laws?

SB 75 by Senator Kevin Murray would create a domestic partnership registry, enabling two unmarried adults who live together to register their family status with the Secretary of State. The bill grants registered partners a few basic humanitarian protections, such as hospital visitation rights, the ability to use a statutory will form to bequeath property to the survivor, and the right to take care of a partner if a conservatorship proceeding is needed due to a mental incapacity. This is pretty basic stuff.

AB 26 by Assemblywoman Carole Migden would make domestic partner health coverage more available to small and medium-size employers. It does not require employers to offer domestic partner benefits. But if a company voluntarily decides to do so, it requires insurance companies and HMOs to provide coverage for domestic partners, just as they now do for other dependents. There is no business opposition to this bill because insurance companies will make money and the participation by employers is voluntary.

AB 107 by Assemblyman Wally Knox would authorize the Public Employees Retirement System to administer domestic partner health benefits. It does not mandate such benefits for state or local workers. It merely allows PERS to make the coverage available for state or local employers or collective bargaining agreements that want to voluntarily provide such benefits to government employees. This is simple, but helpful.

Last year, when I was testifying as an expert witness in Sacramento on a pending domestic partner bill, two senators asked why the definition of domestic partners excluded blood relatives. I scratched my head, thought for a moment, and replied: "There really is no good reason."

Blood relatives who live together on a long-term basis should be allowed to register as domestic partners. When Diane Feinstein was mayor of San Francisco, she vetoed a domestic partner bill because it excluded blood relatives. She saw the restriction as a form of unjust discrimination, and she was right.

Last year, Bank of America took the high road when it instituted a domestic partner benefits program. The plan lets a worker select one adult household member for benefits, either a spouse, or a domestic partner of either sex, or a dependent blood relative under age 65. Enrollment increased by only 1.4%.

That type of an inclusive domestic partner plan has been copied by Nations Bank, Bank Boston, and Merrill Lynch. This is a sign that an inclusive definition of domestic partnership is good for business and financially sound.

We seem to be living in an era when Republicans are promoting "family values" and Democrats are demanding respect for "family diversity." An inclusive domestic partnership definition -- open to any two unmarried adults who share a residence and basic living expenses -- fits both criteria.

The California Catholic Conference -- the lobbying group for the state's bishops -- stated that the only reason they opposed Carole Migden's bill last year was because it excluded blood relatives. Include blood relatives and the presumption that domestic partners have a sexual relationship evaporates.

Excluding blood relatives also hurts the African American community, where there is a higher percentage of households with unmarried blood relatives than households with unrelated adults.

Especially since there is virtually no price tag associated with the pending legislation in Sacramento, it might be wise to revisit the question posed last year by those two curious senators: Why are blood relatives excluded from this legislation?

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