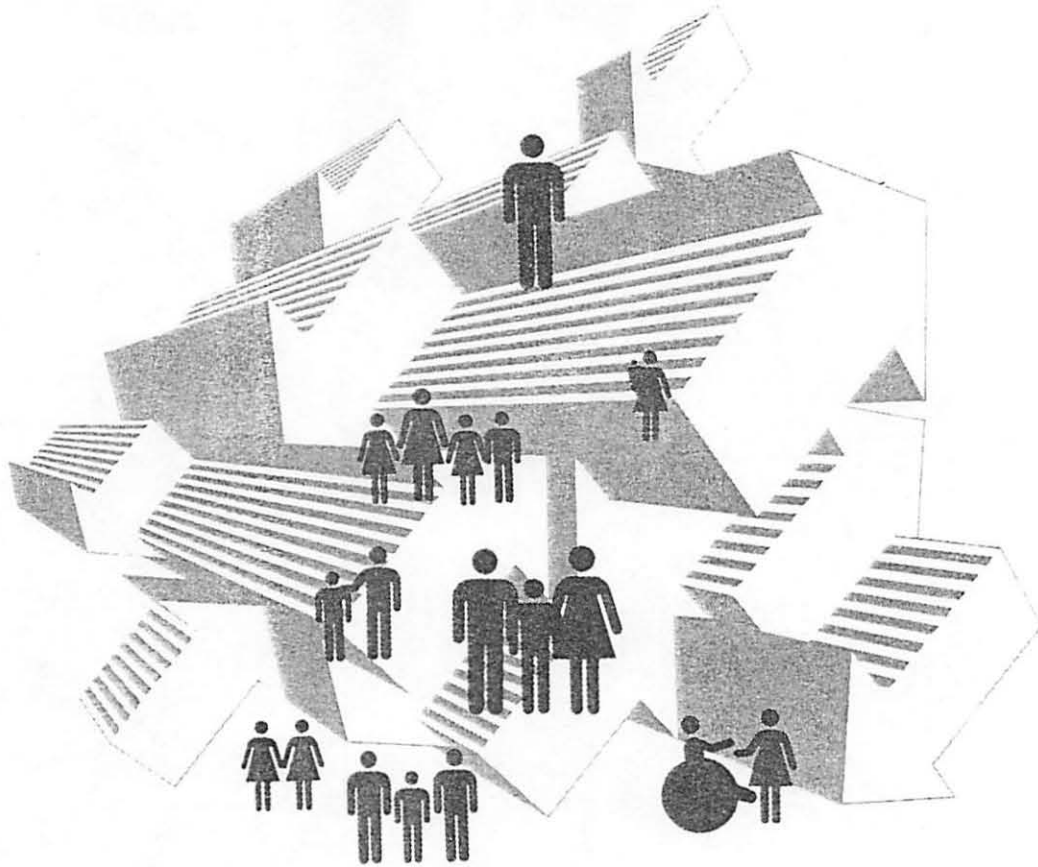


OFFICIAL REGISTRATION OF FAMILIES
WITH THE SECRETARY OF STATE

A Report on Legal, Economic, and Psychological Implications



FAMILY DIVERSITY PROJECT



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SINCE REGISTRATION IS A LEGAL PROCEDURE

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**A NEW STATE REGISTRY FOR FAMILY RELATIONSHIPS:
CALIFORNIA'S PROCEDURE HAS MAJOR IMPLICATIONS**

by Thomas F. Coleman, Esq.

Introduction

On December 13, 1990, the Family Diversity Project held a press conference at the State Office Building in Los Angeles to announce that California had become 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.¹ The announcement resulted in widespread publicity.²

In the following weeks, the Secretary of State was flooded with telephone calls requesting application forms and information about family registration.³ The Family Diversity Project also received scores of inquiries.

The gay and lesbian community showed an extremely high level of interest. Many organizations sponsored seminars and community forums to educate lawyers, political leaders and members of the

¹The Family Diversity Project is operated by Spectrum Institute, a nonprofit California corporation with tax-exempt status. Spectrum Institute engages in research and educational activities designed to promote recognition of, and respect for, human diversity, especially in the context of family relationships.

²Laurie Becklund, "The Word 'Family' Gains New Meaning," Los Angeles, Times, December 13, 1990; Tupper Hall, "State Lets Gay Couples Register," San Francisco Examiner, December 15, 1990 (national edition); Tamar Lewin, "Nontraditional Families Register in California in Bid to Get Benefits," New York Times, December 17, 1990; Elizabeth Groat, "Unmarried Couples Use Law to Put Relationships on Record," Los Angeles Daily Journal, December 19, 1990 (AP Release); Lynn Smith, "Not Kin But Kindred, Pair Will Put Official Seal on Their Status," Los Angeles Times, December 25, 1990 (Orange County Edition). For the complete text of these news articles, see "Appendix H."

³According to Anthony Miller, Chief Deputy Secretary of State, several hundred inquiries had been received by the end of January 1991.

public about the implications of family registration.⁴

This article explains the need for family registration, it outlines the procedures used to register a family, and it examines some of the legal implications of family registration.

Family Diversity Requires Flexible Definitions

During the past decade, members of the public and their elected representatives have noticed many structural changes in family life. There has been a major shift away from a stereotypical "nuclear" family unit consisting of an employed husband and homemaker wife with minor children at home. Today, "diversity" is the hallmark of contemporary family demographics.

Family diversity is associated with a variety of sociological, economic, and legal trends. For example:

- * Delayed marriage is typical as a growing number of young men and women defer marriage until educations are completed and careers are established.

- * Many unmarried couples live together in so-called "trial marriages" before they formally tie the knot.

- * Dual-income marriages are now the norm, whether out of necessity or as a result of choice.

- * Single-parent households are on the increase, sometimes as a result of divorce and other times because

⁴On January 22, 1991, more than 60 lawyers attended an afternoon seminar that was jointly sponsored by the San Francisco Bar Association, Bay Area Lawyers for Individual Freedom, and the AIDS Legal Referral Panel of San Francisco. That same night, more than 100 members of the Harvey Milk Democratic Club of San Francisco heard a presentation about family registration. On February 2, 1991, the topic of family registration was part of the focus of a panel presentation at a meeting in Los Angeles sponsored by Life Lobby, a political action committee comprised of dozens of AIDS groups and gay and lesbian organizations throughout California. On February 23, 1991, the Orange County Federation of Gay and Lesbian Organizations sponsored a presentation on this topic. On March 21, 1991, a similar community forum was sponsored by the Southern California Political Action Committee (SolPac). SolPac represents the interests of the gay and lesbian community in Long Beach. On May 23, 1991, a forum on family diversity and family registration was sponsored by three organizations in Sacramento that focus on women's issues and gay and lesbian issues.

women have chosen to have children outside of marriage.

* Divorces have become commonplace. Currently, about half of all marriages dissolve and researchers predict that about two-thirds of recent marriages will eventually end in divorce.

* Stepfamilies are one of the fastest growing family forms, due to a tremendous rise in divorce and remarriage.

* Cross-cultural and interracial families are no longer uncommon as the population becomes more ethnically diverse.

* Foster families are a permanent part of the social structure, providing stability to children in need.

* Same-sex couples are leaving the sidelines and demanding a visible place on this broad spectrum of family relationships.

Two recent government studies have documented major demographic and structural changes in California families.⁵ Addressing the need for flexibility in the definition of "family," both reports quoted from a settled decision of the California Supreme Court on this issue:⁶

"'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."

Avoiding a structural view of family, the State Task Force on the Changing Family has recommended that families should be

⁵"Strengthening Families: A Model for Community Action," Final Report, Los Angeles City Task Force on Family Diversity (City of Los Angeles, May 1988), hereinafter referred to as "City Report;" "Planning a Family Policy for California," First Year Report, Joint Select Task Force on the Changing Family (California Legislature, June 1989), hereinafter referred to as "State Report."

⁶Moore Shipbuilding Corporation v. Industrial Accident Commission (1921) 185 Cal.200, 196 P. 257.

identified by five basic functions.⁷ The Los Angeles City Task Force on Family Diversity has referenced numerous statutes, administrative regulations, and court cases documenting a pattern of flexibility in defining family, with many legal definitions encompassing couples or groups who live together and function as a family, but who are not necessarily related by blood, marriage, or adoption.⁸

The State Has Procedures to Register Relationships

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.

In California, the Legislature has passed many statutes manifesting the state's interest in collecting and maintaining current information regarding its residents and their relationships. Many of these laws pertain to the registration of

⁷The Task Force lists the five basic functions as: (1) maintaining the physical health and safety of members by providing for their shelter, food, clothing, health care, and economic sustenance; (2) providing conditions for emotional growth, motivation, and self-esteem within a context of love and security; (3) helping shape a belief system from which goals and values are derived, and encouraging shared responsibility for family and community; (4) teaching social skills and critical thinking, promoting life-long education, and providing guidance in responding to culture and society; and (5) creating a place for recreation and recuperation from external stresses. (State Report, pp. 7-8)

⁸City Report, pp. 18-23.

business names and relationships.⁹

Other statutes reflect a similar state interest regarding the registration of personal or family information.¹⁰ For example, the State Registrar of Vital Statistics and county recorders must register and issue certificates pertaining to births, deaths, and marriages.¹¹ After an adoption is finalized, the State Registrar must issue a new birth certificate reflecting the names of the adopting parent or parents and that of the adopted child.¹² A new birth certificate also must be issued to reflect the results of a

⁹Some examples include the formation of corporations, partnerships and associations as well as the use of names by such organizations. The state requires that persons, associations or corporations who regularly transact profit-oriented business under a fictitious name must file a fictitious name statement with the clerk of the county in which the principal office of the business is located. (Business and Professions Code, Sections 17900 et seq.) Persons who form a for-profit or a non-profit corporation must register the corporation's name and its articles of incorporation with the Secretary of State. (Corporations Code Sections 200, 9304.5; Government Code Sections 12164.5, 12200) An unincorporated partnership may register its name and a partnership statement with a county recorder. (Corporations Code Section 15010.5) Any unincorporated business organization may register its name with the Secretary of State. (Business and Professions Code, Section 14492.5) A power of attorney delegating authority from a principal to his or her agent may be recorded with a county recorder. (Government Code, Sections 27280, 27238) A farm, ranch, or villa may register its name with the Secretary of State. (Government Code, Section 12191; Business and Professions Code, Section 14461) Any person, corporation or association may register a trade mark, trade name or service mark with the Secretary of State. (Business and Professions Code, Section 14230)

¹⁰For example, Health and Safety Code Section 429.50 authorizes the Department of Health Services to "make a continuing study of births, deaths, marriages, and divorce" and to collect any other data necessary to describe and analyze "family formation and dissolution."

¹¹The county recorder is the local registrar of marriages, births and deaths. (Government Code, Sections 10052, 10060; Civil Code, Section 4202) The State Registrar has a duty to keep track of adoptions as well as divorces and marital separations. (Government Code, Section 10619; Health and Safety Code, Section 10369)

¹²Health and Safety Code, Section 10432.

court order establishing paternity.¹³ After completion of sex reassignment surgery, a new certificate also may be prepared to reflect the new gender and any new name of the person who has undergone such surgery.¹⁴ The law also provides a method of registering an ordinary change of name. Any court decree changing the name of a person must be filed with the Secretary of State.¹⁵

Some Families Need Other Options

Family members who are directly related by blood, marriage, or adoption, can satisfy a psychological or legal need to authenticate their relationship as a family by utilizing a birth certificate, marriage certificate, or adoption decree. However, for many other families the usual methods of registering family names and relationships can be woefully inadequate.

For example, the "official" relationship of a foster parent and foster child generally terminates when the child reaches the age of majority.¹⁶ The same holds true for a guardianship.¹⁷ Despite this legal fiction regarding the termination of the relationship, many foster and guardianship relationships continue to function as families long after the child becomes an adult. Many of these families would welcome an opportunity to register their associational status in some official manner. Many stepfamilies would have a similar interest in registering as a single entity.¹⁸

The passage of domestic partnership ordinances or resolutions by several municipalities in California and in other cities

¹³Health and Safety Code, Section 10450.

¹⁴Health and Safety Code, Section 10475.

¹⁵Code of Civil Procedure, Section 1279; Government Code, Section 12194.

¹⁶Welfare and Institutions Code, Sections 300, 601, 602, 11400-11401.

¹⁷Probate Code, Section 1600.

¹⁸A stepfamily generally is the product of divorce and remarriage, where one or both of the new spouses has biological children from the previous marriage. The newly created family, often referred to as a "stepfamily," is a combination of a marital relationship (the new spouses), blood relationships (biological parent and child), and psychological relationships (stepparent and stepchild / stepsiblings).

throughout the nation is evidence that many unmarried couples share this growing interest in registering their relationships as families.¹⁹ However, most domestic partners do not live in these local jurisdictions. Furthermore, domestic partner registration does not satisfy the needs of foster families, stepfamilies, and extended families consisting of blood relatives. The answer to the growing demand for family registration is found in a statewide registration system that is available to all families, regardless of their structure or configuration.

Registering With the Secretary of State is an Option

The creative and legitimate use of an existing statutes has provided a remedy to families who have been seeking a way to register their associational status with the State of California.

Under current law, a non-profit association may register its name with the Secretary of State.²⁰ The statutory scheme that provides for such name registration is very broad and inclusive.²¹

¹⁹West Hollywood (CA), San Francisco (CA), Ithica (NY) Madison (WI), Minneapolis (MN) and East Lansing (MI) allow unmarried couples who live in long-term and committed relationships to register as a family unit with the city clerk. Seattle (WA), New York City, and four other municipalities in California (Berkeley, Los Angeles, Santa Cruz, Laguna Beach) have adopted personnel policies that allow city employees with domestic partners to privately register their relationships with the city's personnel office.

²⁰Corporations Code, Section 21301.

²¹A group is considered "nonprofit" if it is an unincorporated association of natural persons for religious, scientific, social, literary, educational, recreational, benevolent, or other purpose not that of pecuniary profit. (Corporations Code, Section 21000) The term "association" includes several specific types of organizations, as well as "any other society, organization, or association." (Corporations Code, Section 21300) The use of the term "includes" in the definition of "association" indicates a legislative intent not to limit the definition to those organizations listed. The term "includes" is ordinarily a word of enlargement and not of limitation. People v. Horner (1970) 9 Cal.App.3d 23, 27. Thus, specific organizations listed in the definition become illustrative rather than restrictive. Paramount General Hospital Company v. National Medical Enterprises (1974) 42 Cal.App.3d 496. 501-502. Furthermore, by its own terms, these statutes provide that "any association" that is not subversive may
(continued...)

In law, the term "association" does not have a fixed meaning such as is accorded to "partnership" or "corporation," but is used to indicate a collection of persons who have joined together for some common purpose and who are called, for convenience, by a common name.²² The term "association" is ordinarily and customarily used in such a broad manner.²³

The concept "unincorporated association" generally denotes a voluntary group of persons, without a charter, formed by mutual consent for the purpose of promoting a common enterprise or prosecuting a common objective.²⁴ Such associations exist under the common law right of contract.²⁵ The term "unincorporated association" has been defined very broadly by statute to mean "any partnership or other unincorporated organization of two or more persons, whether organized for profit or not."²⁶

An unincorporated association may keep its structure simple. Formal officers or a constitution and by-laws are not necessary.²⁷ One example of such informality is found in a case where members of a family were recognized as an association.²⁸

An unincorporated association has the right to adopt a name by

²¹(...continued)
register its name (Section 21301) and that in addition to those groups listed, the name registration provision is available to "any other" society, organization, or association. (Section 21300)

²²Corpus Juris Secundum 22; People v. Farina (1963) 220 Cal.App.2d 291, 33 Cal.Rptr. 794, 796.

²³Blacks Law Dictionary (4th Ed.), p. 156.

²⁴Local 4076 v. United Steelworkers of America (U.S.D.C., W.D. Penn. 1971) 327 F.Supp. 1400.

²⁵Morris v. Willis (Mo. 1960) 338 S.W.2d 777, 770.

²⁶Corporations Code, Section 24000. The only exception is that a government agency or subdivision is not considered to be an unincorporated association. (Ibid.)

²⁷Law v. Crist (1940) 41 Cal.App.2d 862, 863-864.

²⁸John v. John (Mich. App. 1973) 209 N.W.2d 536. In this case three sisters who lived together and shared expenses and who jointly contributed to the purchase of an automobile were held to be an "association."

which it shall be known.²⁹ By publishing the name or by using it in a public way, such an association can acquire the exclusive right to such a name.³⁰ An association can also protect its name from unauthorized use by registering with the Secretary of State.³¹

Some families in California have already registered with the Secretary of State pursuant to Section 21301 of the Corporations Code.³² Other families have submitted applications to register as an association and are waiting to receive their certificates of registration.³³

Registration is Evidence of a Family Relationship

No benefits are automatically conferred upon a family that registers itself as an association with the Secretary of State. However, a certificate of registration might be used by domestic partners, household members, or other intimate associates as evidence that they are, in fact, a family unit. Such evidence could be helpful to administrators or judges who sometimes are required to distinguish families from nonfamilies.

Although the term "family" appears more than 1,300 times in California statutes, it is only used about 162 times in a substantive way that specifically confers benefits or imposes obligations.³⁴ In 75 percent of these substantive references, the term is not defined.³⁵

²⁹Boogie Kings v. Guillory (La. App. 1966) 188 So.2d 445.

³⁰John Beard Memorial Foundation v. Krebs (1950) 96 Cal.App.2d 597, 598-599.

³¹Corporations Code, Sections 21302, 21307, 21308.

³²As of April 1991, the Secretary of State had issued a "Certificate of Registration of Unincorporated Nonprofit Association" to more than 150 families. These family associations have included same-sex couples (both with and without children), opposite-sex unmarried couples (both with and without children), stepfamilies, foster families, and guardianship families.

³³As of April 1991, hundreds of families had requested applications. Many are in the process of being registered.

³⁴For a summary of these statutes, see "Appendix A," *infra*.

³⁵No uniformity exists in the other 39 statutes that do give a specific definition. The following list includes the
(continued...)

Especially in contexts where "family" has not been defined, it is primarily a question of fact as to whether or not a particular relationship is a "family."³⁶ In many cases, courts have ruled that in deciding this factual issue, it is reality and not mere legal fiction that matters.³⁷

Although courts have used various factors for determining the existence of a family relationship, three general criteria seem to have emerged. The first issue is whether the parties subjectively consider themselves to be a family. The second is whether, to some degree, they have publicly informed society that they are a family. Finally, and probably most importantly, is whether the relationship of the parties functions as a family.³⁸

Registering with the Secretary of State as a family association supplies proof of the first two criteria. By naming the association "Family of John Doe and Mary Roe," for example, the parties have created objective proof that they subjectively

³⁵(...continued)

relationships and the number of times they are specified in these definitional statutes: 28 include "spouse," 23 include "parent," 22 include "child," 17 include "relative," 15 include "household member," 14 include "brother," or "sister," 9 include "grandparent" or "grandchild," 9 include various "in-laws," 5 include "stepparent," 4 include "aunt" or "uncle," 3 include "stepchild," 2 include "foster parent" or "foster child," and 2 include "legal guardian."

³⁶Ibach v. Hoffman (Or. 1948) 198 P.2d 266, 184 Or. 296; Group House v. Board of Zoning Appeals (N.Y. 1978) 408 N.Y.S.2d 377, 381.

³⁷Morrow v. Morrow (Okla.App.) 612 P.2d 730, 733; City of Livonia v. Department of Social Services (Mich. 1985) 378 N.W.2d 402, 431.

³⁸For families who are not related by blood or marriage, the California Supreme Court has identified several functional criteria: (1) living together in a single home or household; (2) intimacy; and (3) mutual interdependence. Moore Shipbuilding, supra. The Michigan Supreme Court has used similar, although slightly different criteria: (1) living together; (2) continuity and permanency; and (3) operating as a fixed housekeeping and social unit. City of Livonia, supra. The New York Court of Appeals has listed several factors that will distinguish mere roommates from a family relationship: (1) longevity of the relationship; (2) level of emotional and financial commitment; (3) manner in which the parties conduct their everyday lives and hold themselves out to society; and (4) reliance placed upon each other for daily family services. Braschi v. Stahl Associates (1989) 74 N.Y.2d 201.

consider themselves to be a family. Furthermore, having such an association listed as a matter of public record provides ample evidence that the parties have projected this family status to society in a public manner. The amount and kind of proof required to satisfy the final criteria -- whether they function as a family -- will depend on the legal context in which the definitional issue arises. Greater proof would be required, for example, for large economic benefits, such as a surviving family dependent, than would be required for a discounted family membership card at a library or museum.

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.³⁹

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.⁴⁰

³⁹In addition to registering its name, an association may also register its "insignia" with the Secretary of State. (Corporations Code, Section 21301) "Insignia" includes a badge, motto, button, decoration, charm, or rosette. (Id, Section 21300) Although "motto" is not defined by statute, the dictionary defines that term as a statement of principles.

⁴⁰One same-sex couple that registered its name with the Secretary of State as a family association later registered a family insignia. The couple had previously registered as domestic partners with the City of West Hollywood and had obtained a Certificate of Domestic Partnership from the city clerk. The city certificate indicated that the partners shared the common necessities of life, were each other's sole domestic partners, had been domestic partners since October 17, 1981, and were responsible for each other's welfare. Desiring to affirm, via the state registry, that the couple had a primary family relationship with interdependency, the couple registered the West Hollywood certificate with the Secretary of State by submitting the requisite \$10 fee and designating the certificate as the family's insignia.
(continued...)

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.

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. It can become powerful evidence of the intentions of the parties to have a family relationship.

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 also 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 has 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.

Family registration also can be helpful, if not essential, evidence for couples who want file a lawsuit against a private company or government agency under a theory of discrimination. Marital status discrimination is illegal in employment, housing, credit, and some types of insurance practices in California.⁴¹ Other statutes prohibit business establishments from engaging in "arbitrary" discrimination or "unfair" business practices against

⁴⁰(...continued)

The insignia was officially registered by the Secretary of State on January 15, 1991.

⁴¹Government Code, Section 12940 (employment); Government Code, Section 12955 (rental housing); California Administrative Code, Section 2560.3 (insurance); Civil Code, Section 1812.30 (credit); Health and Safety Code, Section 35811 (credit); Welfare and Institutions Code, Section 10000 (public social services); Business and Professions Code, Section 125.6 (services by licensed businesses and professions).

consumers.⁴² Discrimination by public sector agencies is prohibited by the equal protection clauses of the state and federal constitutions that require people who are "similarly situated" to be treated equally.

In order to recover under these civil rights theories, it would generally be necessary to prove that the policy or practice in question favors one family type, such as spouses, and discriminates against others, such as domestic partners. It may also be necessary to prove that the discrimination is invidious, arbitrary, or unfair, because the disfavored family is similarly situated to the preferred family. Persons who register as a family, especially when insignia registration creates proof of a primary relationship, may be in a much better position to supply proof of such functional equivalency than would be two friends or roommates who have not registered as a family.

Registration Has Psychological Benefits

In addition to its evidentiary value, registration as a family association may give members of many families a needed psychological boost.⁴³ 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 by society.

Unmarried opposite-sex couples may find it refreshing to be labeled as a "family" association instead of having their relationships described by outsiders in pejorative terms.⁴⁴ In a similar vein, gay and lesbian couples may find it empowering to liberate themselves from terms that do not appropriately describe their relationships. Linguistic justice is not done by referring to lifemates who are living in committed and long-term relationships as mere "friends" or "roommates."

Stepfamilies may reap a different kind of psychological

⁴²Civil Code, Section 51.

⁴³See Appendix E: Dr. Nora Baladerian, "Some Psychological Benefits of Registering as a Family."

⁴⁴Courts historically referred to unmarried couples as having "meretricious" relationships. Morone v. Morone (1980) 50 N.Y.2d 481, fn. 2. "Meretricious" was defined as "of or pertaining to a prostitute; having a harlot's traits." (Ibid.) Recently, some courts have intentionally rejected such negative language to describe the relationships of unmarried couples.

benefit. By having all members of a stepfamily register as one family, some of the emotional conflicts experienced by many of these families may be reduced.

Many foster families or guardianship families experience anxiety as a foster child or ward reaches his or her late teens.⁴⁵ Although adoption is one way to bolster these relationships, adoption is not always possible. Another way for a foster family or guardianship family to obtain a sense of continuity or psychological security would be for the members to register as a family association before, or just after, the foster child or ward becomes an adult.

Recognition as a Family May Have Legal Implications

Again, it should be emphasized that registration as a family association does not automatically confer legal benefits on those who register. However, a certificate of registration, along with other appropriate evidence, may result in the registrants being recognized as a family by courts, administrative agencies, or by private-sector organizations. As summarized below, various legal benefits may follow such recognition.

Criminal Law. Being recognized as a family could activate the protection of several criminal statutes that use the term "family" without definition. For example:

Extortion. A person is considered a victim of extortion if the perpetrator threatens to accuse the victim's family member of a crime.⁴⁶

Telephone Threats. It is a crime to make a phone call threatening to injure the family member of the person receiving the call.⁴⁷

Physical Force. A person may use physical force to resist a crime about to be perpetrated against a family member.⁴⁸

Restitution. A victim's family survivor has a right

⁴⁵By definition, a foster child is a person under 19 years old. (Health & Safety Code, Section 1527) A guardianship terminates when the ward becomes 18 years old. (Probate Code, Section 1600)

⁴⁶Penal Code, Section 519.

⁴⁷Penal Code, Section 653m.

⁴⁸Penal Code, Section 693.

to receive restitution from a convicted defendant.⁴⁹

Witness Relocation. In order to protect a witness, the state may relocate the witness and his or her family.⁵⁰

Employee Benefits. Recognition as a family could be beneficial to some government workers who need to take time off from work. For example, employees of local school districts may take bereavement leave upon the death of a family member.⁵¹ Community college employees may be eligible for leaves for personal necessity in order to care for a family member.⁵² Of course, any public or private sector employee could present his or her employer with a certificate of registration as a family association in an attempt to secure various employee benefits for family needs, such as family sick leave or bereavement leave. Although registration as a family association with the Secretary of State would not automatically entitle an employee to benefits, registration could be an important tool in the ongoing struggle to make domestic partners and other family dependents eligible for participation in employee benefits plans.⁵³

Judicial Procedures. Several procedural statutes use the term "family" without definition. Parties to a lawsuit may challenge a prospective juror for cause or object to a referee if the juror or referee is a family member of a litigant or witness.⁵⁴ If a defendant cannot be personally served, process may be left with a family member who lives at the defendant's residence.⁵⁵ A defendant may object to an attachment to satisfy a judgment if the defendant needs the asset to provide necessities to a dependent family member.⁵⁶

Business and Professions. Many statutes regulating licensed businesses or professionals use the term "family" without definition. Recognition as a family in these contexts would have

⁴⁹Penal Code, Section 1203.04.

⁵⁰Penal Code, Section 4001.1.

⁵¹Education Code, Section 44981 does not define "family."

⁵²Education Code, Section 87784 also does not define "family."

⁵³See Appendix F: "Statement of Phil Ansell, SEIU, Local 535."

⁵⁴Code of Civil Procedure, Sections 229, 641.

⁵⁵Code of Civil Procedure, Section 700.080.

⁵⁶Code of Civil Procedure, Sections 703.115, 704.020, and 706.051.

legal implications. For example:

Continuation of Business. If a specified licensed professional dies, a new license is not required if the business is continued by a surviving family member.⁵⁷

Funeral Service. A funeral home employee may not use profane language in the presence of a surviving family member.⁵⁸

Bar Exam Fee. A law student may get a refund of the fee paid to take the bar exam if the student cancels the exam due to the death or injury of a family member.⁵⁹

Nursing. A nursing or respiratory care license is not required prior to giving various types of medical care to a family member.⁶⁰

Officials and Political Candidates. Several statutes regulating the conduct of politicians use the term "family" without definition. Being recognized as a family could have ramifications to candidates or elected officials. For example, some of the statutes restricting self-dealing also prohibit various transactions between candidates and their family members.⁶¹ Other statutes that impose limits on gifts to legislators also create restrictions on gifts to family members of legislators.⁶²

Health Services. Being recognized as a family also could have implications in connection with health services provided by government agencies or private sector providers. For example:

Resident Councils. Family members of a patient may serve on resident councils for long-term health care facilities or community care facilities.⁶³

Visitation Rights. Family members have a right to personal visits with patients in long-term health care facilities or community care facilities.⁶⁴

⁵⁷Business and Professions Code, Section 7065.5 (contractor); Section 7505.3 (repossessor); Section 7594.3 (alarm company).

⁵⁸Business and Professions Code, Section 7700.

⁵⁹Business and Professions Code, Section 6060.3.

⁶⁰Business and Professions Code, Section 2727; Section 3765.

⁶¹Government Code, Sections 82033, 82045, 84219, 84302.5.

⁶²Government Code, Section 85310.

⁶³Health and Safety Code, Sections 1418.2, 1520.2.

⁶⁴Health and Safety Code, Sections 1418.3, 1512.

Prescription Drugs. A prescription drug may only be used by the designated patient, except that such a drug may be shared with a family member under certain circumstances.⁶⁵

Alcohol Rehabilitation. Rehabilitation programs for drunk drivers may permit family members to attend along with the defendant.⁶⁶

Access to Records. A patient must be given access to his or her records, except that a service provider may refuse to disclose information supplied to the provider in confidence by a patient's family member.⁶⁷

Notice. A mental health facility that takes a patient into custody must notify the patient's family of his or her whereabouts.⁶⁸

Unemployment Compensation. Under California law, a worker is not entitled to unemployment compensation if the worker voluntarily quits a job. However, leaving a job due to a family necessity may not be considered a voluntary quit. For example, if a worker quits in order to relocate to another area to accompany a spouse or preserve a family unit, the worker may be entitled to unemployment compensation. In this circumstance, the worker need not be married to his or her family partner in order to qualify, as long as a significant family necessity requires relocation.⁶⁹ Leaving a job to care for a seriously ill or dying family member is another example of a family necessity that would entitle a worker to unemployment benefits.⁷⁰ Having a certificate of family registration may be advantageous to workers who become temporarily unemployed due to an important family need, especially when the necessity involves a relationship not based on blood or marriage.

Airlines. Some airlines have adopted restrictions that favor family members in connection with the use of frequent flyer programs or super-saver tickets. For example, a recent study found that Delta and US Air limited use of tickets issued in exchange for

⁶⁵Health and Safety Code, Section 11164.

⁶⁶Health and Safety Code, Section 11837.

⁶⁷Health and Safety Code, Section 11977; Welfare and Institutions Code, Sections 4514, 4727.

⁶⁸Welfare and Institutions Code, Section 5350.2.

⁶⁹McGregor v. Unemployment Ins. Appeals Board (1984) 37 Cal.3d 205.

⁷⁰California Unemployment Appeals Board, Administrative Law Judge Decision #SF-24774, filed September 13, 1985.

frequent flyer miles to account holders or their family members.⁷¹ The study also found that some airlines, such as TWA, prohibited consumers from changing or canceling a super-saver ticket, unless it was necessitated by the death or illness of a family member.⁷² Being able to produce a certificate of family registration could be helpful to airline customers in circumstances such as these.

Credit Institutions. Being recognized as a family could also prove beneficial in various credit transactions. For example:

Credit Unions. Credit unions can only lend money to members. Membership is limited to designated employees and their family members. Unmarried couples have been denied joint loans because the designated employee and the unmarried partner were not married or related by blood.⁷³ Credit unions that would like to serve more consumers could easily extend membership eligibility to include registered family relationships.

Credit Cards. The registration procedure could also be brought to the attention of Gold Master Card. This credit network provides valuable services to account holders and their family members in times of need.⁷⁴ If they are stranded away from home because the credit card has been lost or stolen, a "Hotline" service will arrange for one pre-paid airline ticket for each family member. If an immediate family member dies while the card holder is abroad, "MasterAssist" will help make necessary arrangements and pay for the trip back to the United States. When a car is rented, personal effects are covered from loss, theft, or damage. Coverage is extended to any immediate family members accompanying the card holder. Consumers might convince Gold Master Card or participating lending institutions to expand "family" eligibility to include registered relationships.

These are some of the legal and economic benefits that may result when a relationship is recognized as a family. In some cases, a certificate of registration could be vital evidence to

⁷¹Consumer Task Force on Marital Status Discrimination, Office of the Los Angeles City Attorney, Supplement to the Final Report, pp. 153-154 (March 1990).

⁷²Id., at p. 132.

⁷³"Unmarried Adults: A New Majority Seeks Consumer Protection," Final Report, Consumer Task Force on Marital Status Discrimination, Office of the Los Angeles City Attorney, p. 41 (March 1990).

⁷⁴Id., at p. 39.

help prove that a relationship is, in fact, a family.

Precautions May Minimize Unintended Results

Just as registration does not, in and of itself, confer benefits, it is unlikely that registration would automatically create obligations that are not already inherent in the relationship of the registrants. However, precautions may be taken to avoid unintended legal obligations.

Financial Duties. A legal duty to provide financial support to a family member is limited to specific family relationships. Legally married spouses have a duty to support one another.⁷⁵ A parent has a duty to support a biological or adopted minor child.⁷⁶ A parent also must support an indigent adult child.⁷⁷ Conversely, an adult child must support his or her indigent parent.⁷⁸ Otherwise, a legal duty to support is not inherent in a family relationship. For example, siblings do not have an obligation to support one another. Also, a stepparent generally does not have a duty to support a nonadopted stepchild.⁷⁹ Similarly, unmarried partners do not have a duty to support each other, absent an express or implied agreement to the contrary.⁸⁰ In other words, registration as a family association should not create any support obligations that do not already exist. However, in order to avoid any possible misinterpretation of the intention of the parties, registrants who have not assumed obligations of financial support for each other could include wording such as this on the reverse side of their copy of the registration application:⁸¹

⁷⁵Civil Code, Section 242.

⁷⁶Civil Code, Section 206.

⁷⁷Ibid.

⁷⁸Ibid.

⁷⁹Woods v. Woods (1982) 133 Cal.App.3d 954; In re Estate of Teddy (1963) 214 Cal.App.2d 113.

⁸⁰Marvin v. Marvin (1976) 18 Cal.3d 660.

⁸¹The parties should place the date and their initials or signatures below such a disclaimer. Wording such as this would be evidence that the parties did not intend to create new obligations but were merely acknowledging their existing family status by registering as a family association. Of course, even after they have registered, the parties would remain free to enter into
(continued...)

"By registering as a family association, the parties do not intend to create financial obligations to each other that did not already exist prior to the signing of this application. Furthermore, this application shall not be considered as evidence of preexisting financial obligations, if any, between the parties."

Tax Returns. A family that registers its name with the Secretary of State as an unincorporated nonprofit association should not have to file an annual tax return or statement with the Franchise Tax Board, provided the association, as an entity, does not carry on business, perform services, borrow money, own property in its name, or obtain tax exempt status. Annual tax returns or financial statements only must be filed by: (1) individuals;⁸² (2) partnerships;⁸³ (3) corporations that perform services, borrow money, own property, or do business in California;⁸⁴ and (4) exempt organizations that have income.⁸⁵ Therefore, an association that does not engage in such activities should not be required to file a tax return or statement separate from its members. Obviously, individual members of a family would have to file individual returns, as usual, if they have received taxable income. Also, if members of a family have formed a business partnership with each other, they would need to file a partnership return. Again, precautions could be taken to be doubly sure that tax returns will not have to be filed by the family association. Persons who register as a family with the Secretary of State might want to clarify the nonbusiness nature of their association by adding a disclaimer such as this to the reverse side of their copy of the registration application:⁸⁶

⁸¹(...continued)
separate verbal or written agreements with each other pertaining to support, property distribution, or other financial matters.

⁸²"Individual" is defined as a natural person. (Revenue and Tax Code, Section 17005).

⁸³"Partnership" is defined as a syndicate, group, joint venture, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on. (Revenue and Tax Code, Sections 17932, 17921).

⁸⁴Revenue and Tax Code, Sections 23301.5, 23037, 17707, 17009, 23028, 23151, 23101).

⁸⁵Revenue and Tax Code, Section 23771, 23701, 23774.

⁸⁶If family members had any other concerns regarding possible unintended legal consequences, they could consult with a certified public accountant or tax attorney.

"This association (as an entity) will not engage in business activities or services, borrow money, hold property in its name, or seek tax exempt status."

Public Benefits Assistance Programs. Adults who receive public benefits assistance or who are likely to need such assistance in the near future, should consult an attorney before registering as a family with the Secretary of State or as domestic partners with a local registry. Family registration may be used against an applicant to deny benefits if his or her registered family partner is working and has income or assets that might be considered available, at least partially, to the applicant. Assistance programs, such as AFDC, SSI, or General Relief, look to the "household" income to determine eligibility. Registration could trigger a presumption that the registered partners or family members are one household.

The Registration Process Is Not Complicated

Registration of a family association with the Secretary of State is a relatively simple process. The first step is to obtain the proper form.⁸⁷

Application. To register an association as a family, the application may be completed as follows:⁸⁸

Name of Association. The applicant may begin the name of the association with the words "Family of" followed by the names of the members of the family.⁸⁹

Address. List the street address or post office box of the primary adults who head up the family. Remember, this is a public document and so the address listed on the form will be disclosed to inquiring agencies or individuals. To maintain confidentiality regarding a

⁸⁷Applicants should write to the Special Filings Unit, Secretary of State, P.O. Box 944225, Sacramento, CA 9424-2250 or call (916) 445-9872. A request should be made for an "Application to Register an Association's Name" under Corporations Code, Section 21300. Forms are provided without cost.

⁸⁸See sample application in Appendix B.

⁸⁹For example, a two-person family could be listed as "Family of John Doe and Jane Roe." Three adults who function as a family unit could be listed as "Mary Smith, Sue Jones, and Brenda Williams." Two adults with children could be listed as "Jim Peters and Rita Collins, including Barbara Peters and Stephanie Peters."

home address, use a post office box or list an address in care of your attorney.

Signatures. An association officer must sign the form on behalf of the association. In the case of a family, an officer would be one or more adults who heads up the family. The officer or officers should sign the form and indicate their chosen title.⁹⁰ It is highly recommended that all adults who are listed as family members should sign the application. Those who sign can designate themselves as "Family Co-Manager" or simply as "Family Member."

Certified Copy. Applicants should request that a certified copy of the application be returned to them. This costs an additional six dollars. The certified copy of the application will supply proof that all adults listed on the Certificate of Registration in fact signed the application.

Insignia. Applicants also have the option of registering a family insignia. This could include a short cohabitation agreement or other statement of principles that will put third parties on notice as to the level of economic interdependency, if any, between the family members. Registering an insignia costs ten dollars.

Applicants should keep a copy of the registration form for their own files. They may want to write or type an appropriate disclaimer on the reverse side of their copy of the application.⁹¹ Applicants must pay a one-time fee of \$10 to register a name and a one-time fee of \$10 to register an insignia.⁹²

Within a few weeks, the Secretary of State will mail the applicant a decorative certificate of registration and a certified

⁹⁰Some families who have already registered have adopted the title of "Family Manager" for the person who heads up the family and signed the form. Other families have opted for dual leadership, having two people sign the form with each using the title "Family Co-Manager." Although the preprinted form contains a place for only one signature, these families have simply typed onto the form another signature line. See sample form at Appendix B.

⁹¹See "Reverse Side of Application Copy" at Appendix B for a sample of wording of disclaimer language that has been used by some families who have registered.

⁹²Checks should be made payable to "Secretary of State" and mailed to the address listed in note 79 above.

copy of the application if one was requested.⁹³

Precautions. Applicants should not list anyone as a family member without receiving their permission first. Listing someone against their will or without their knowledge could subject an applicant to civil liability for fraud, invasion of privacy or defamation.

Changes. The membership of a family association may change from time to time. For example, a member might resign, a new child may be born, adopted, or otherwise become a new family member, or another person might join the family association.⁹⁴ Relatively simple procedures can be used to reflect these changes.⁹⁵

California's Precedent May Have National Repercussions

The registration procedure being utilized in California has national implications. At least 12 other states have laws that provide for the registration of the name of an unincorporated nonprofit association.⁹⁶ Although these statutes are worded

⁹³See sample "Certificate of Registration of Unincorporated Nonprofit Association" at "Appendix C." The certificate is multi-colored with the gold seal of the State of California attached. Some families have made color copies for each member. A color copy can be reduced in size and laminated so it can easily be carried in a checkbook or purse.

⁹⁴Families should anticipate such changes and provide for a procedure to accommodate them. A family might adopt a rule requiring a simple majority vote of existing members to add a new member to the family association or a two-thirds vote might be required. A rule for expulsion from the association might also be adopted. These rules do not necessarily have to be put into writing, but existing family members should agree on a procedure to expand or contract the membership before a dispute arises.

⁹⁵If the family association dissolves or the family wants to alter or cancel its name registration, a new form may be filed with the Secretary of State to notify that office of the change. (Corporations Code, Section 21303).

⁹⁶Annotated Code of Maryland, Article 27, Section 184; Michigan Compiled Laws Annotated, Chapter 430, Section 430.1; Minnesota Statutes, chapter 333, Section 333.07; Nebraska Revised Statutes, Chapter 21, Section 21-617; Nevada Revised Statutes, Title 52, Section 601.050; New Jersey Statutes Annotated, Title 56, Section 56:2-1; New Hampshire Statutes Annotated, Title 27, Section 302.2; (continued...)

virtually identical to California's law, the application forms and fees vary among these states.⁹⁷

At least one other state has replicated the precedent established by California Secretary of State March Fong Eu. The State of Michigan has issued a certificate of registration to a stepfamily.⁹⁸ How the other states will react remains to be seen. This may depend, in large measure, on the legal fate of family registration in California.

Registration is Withstanding Legal Challenges

After about two months of positive press, the family registration procedure was challenged by several right-wing religious and political leaders and groups. However, despite an organized campaign vigorously attacking the procedure, family registration remains a viable option for California families.

The first official challenges came from State Senator Newton Russell (R-Glendale). Russell introduced a "spot bill" to redefine "association" as that term is used in the Corporations Code.⁹⁹ Expressing his concern that family registration was an "improper use" of state law, Russell sought an opinion from the Legislative

⁹⁶(...continued)

Oregon Revised Statutes, Section 649.020; Virginia Code Annotated, Section 2.1-74; South Dakota Codified Laws, Title 43, Section 43-44-1; West Virginia Code, Chapter 35A, Section 35A-1-1; Wisconsin Statutes Annotated, Section 132.16.

⁹⁷See sample applications from Michigan, New Jersey, Oregon, and Wisconsin at "Appendix D."

⁹⁸On December 6, 1990, the Michigan Department of Commerce issued a certificate of registration to a stepfamily living in the City of Troy. See "Appendix E." Recent changes in Michigan law transferred various duties of the Secretary of State to the Department of Commerce. The authority to register associations was one of the duties transferred to the department.

⁹⁹As of April 25, 1991, Senate Bill 192 was still languishing in the Senate Rules Committee and has not been assigned to an appropriate standing committee of the Senate for hearing. Presumably, Senator Russell will amend the bill to restrict the definition of "association" before the bill is referred to the appropriate committee.

Counsel on the legality of the procedure.¹⁰⁰

On February 19, 1991, the Legislative Counsel issued an opinion that questioned the legality of the family registration procedure.¹⁰¹ The opinion concluded that unmarried couples and other "unrelated" persons have the right to form a family association. The opinion also concluded that such family associations have the right to adopt a name in the style of "Family of John Doe and Jane Roe." However, the opinion stated that an association name in that style may not be registered with the Secretary of State. The opinion gave two reasons to support the conclusion that such names were not registerable. First, the opinion claimed that the term "family" is a word of common usage and that an association cannot gain exclusive use to such a word through the registration process. The opinion also claimed that the names of individuals could not be registered.

On February 20, 1991, Senator Russell forwarded the Legislative Counsel's opinion to the Secretary of State and demanded that she invalidate the previous family registrations and desist from registering additional families.¹⁰²

On February 21, 1991, a coalition of right-wing leaders and organizations convened a "Family Congress" in Sacramento. Over the course of three days, conference participants heard speeches from various public officials and private-sector notables.¹⁰³ Two of the objectives emerging from the conference included a resolve to fight family registration and a consensus to promote a "Family Bill of Rights" as an amendment to the California Constitution.

On March 4, 1991, the Western Center on Law and Religious Freedom sent a letter to the Secretary of State complaining about the family registration procedure. The letter demanded that the Secretary of State "terminate this practice forthwith and rescind

¹⁰⁰See "Appendix I" for the full text of Senator Russell's request for a Legislative Counsel opinion.

¹⁰¹See "Appendix J" for the full text of the Legislative Counsel's opinion #2151.

¹⁰²See "Appendix K" for the full text of Senator Russell's letter to the Secretary of State.

¹⁰³Among the keynote speakers were James Dobson, founder of "Focus on the Family," Lou Sheldon, founder of the "Traditional Values Coalition," Attorney General Dan Lungren. The conference was organized and supported by Assemblyman Tim Leslie (R-Sacramento) and Senator Newton Russell (R-Glendale) as well as two right-wing "think tanks" known as the Western Center on Law and Religious Freedom and the Capitol Resource Institute.

any existing 'family association' registrations."¹⁰⁴

On March 11, 1991, Secretary of State March Fong Eu officially responded to Senator Russell's demand that family registration be terminated.¹⁰⁵ Based upon a legal memorandum issued by her Chief Counsel, Anthony Miller, the Secretary of State indicated that her office would continue to register family associations.¹⁰⁶ After an extensive legal analysis of relevant statutes and cases, the Secretary of State's legal memorandum concluded:

"This office always gives considerable weight to the Opinions of Legislative Counsel. In the instant case, we agree with most of his conclusions. However, the Secretary of State is, ultimately, responsible for the implementation of the laws that are within the jurisdiction of her office and she must independently determine what those laws require her to do. We construe section 21301 to provide for the ministerial registration of the names of unincorporated nonprofit associations upon proper application and the issuance of certificates accordingly even if the names include the word 'family' or one or more 'surnames.'"

In reaction to the Secretary of State's decision to continue the family registration procedure, Senator Russell informed the press that he was considering legislative options to stop the practice.¹⁰⁷ A spokesperson for the Western Center on Law and Religious Freedom indicated that a lawsuit against the Secretary of State was also under consideration.¹⁰⁸

On March 18, 1991, Senator Russell requested an opinion from the Attorney General about the legality of the family registration

¹⁰⁴See "Exhibit L" for the complete text of this letter.

¹⁰⁵Between January and early March, the Secretary of State was bombarded with more than 900 letters demanding that she stop registering families. These letters were an apparent attempt to influence her response to Senator Russell. They were generated by James Dobson who requested listeners to write protest letters to the Secretary of State. Dobson's radio program, "Focus on the Family" is heard by millions of listeners through a network of hundreds of religious stations that broadcast the show daily.

¹⁰⁶See "Appendix M" for the complete text of Mr. Eu's letter and Mr. Miller's legal memorandum.

¹⁰⁷J.P. Tremblay, "State Will Continue to Recognize Homosexual 'Families,'" Sacramento Union, March 12, 1991.

¹⁰⁸Ibid.

procedure.¹⁰⁹ Considering the likelihood of impending litigation in which the Attorney General may be required to defend the Secretary of State, it is unlikely that a formal opinion will be forthcoming from that office.¹¹⁰

To fully appreciate the battle over family registration, the issue should be viewed as part of a larger political struggle over the definition of family. Although the political and legal debate is occurring throughout the nation, California appears to be destined as a front line in the ongoing battle over who should qualify for "family rights."

The religious and political leaders of the "radical right" have developed a strategic plan to restrict "family rights" to narrowly defined relationships in California. A so-called "Family Bill of Rights" was drafted by David Lwellen of the Western Center on Law and Religious Freedom. The draft was distributed to the "Family Congress" in February 1991. A consensus emerged from the "Family Congress" supporting a plan to amend the California Constitution to restrict the definition of "family" and to limit the extension of family benefits to opposite-sex spouses and their biological or adopted children.

Assemblyman Tim Leslie (R-Sacramento) introduced a bill to amend the California Constitution to implement some of the goals adopted by the "Family Congress."¹¹¹ One part of the proposal would add "the preservation of the integrity of one's family" to the list of inalienable rights protected by the state Constitution. Another provision would enact a "Family Bill of Rights" by adding Section 31 to Article I of the California Constitution. Among other things, the "Family Bill of Rights" would restrict the definition of "family" to the detriment of domestic partners, foster families, guardianship families, and stepfamilies.

If passed by the Legislature, the "Family Bill of Rights" would appear as an initiative on the California ballot in 1992. Political insiders predict that the Legislature will quickly reject the proposal. Leaders of the right-wing network who participated

¹⁰⁹See "Appendix N" for the full text of Senator Russell's letter to the Attorney General.

¹¹⁰In addition to the threat of a lawsuit by the Western Center on Law and Religious Freedom to stop family registration, the American Civil Liberties Union has indicated that it will participate and possibly initiate litigation in defense of the procedure. See "Appendix O" for the full text of the ACLU's letter to the Secretary of State.

¹¹¹See "Appendix P" for the full text of Assembly Constitutional Amendment (ACA) 28, as amended on April 23, 1991.

in the "Family Congress" anticipated an initial legislative defeat. However, they have vowed to collect enough signatures to have the measure placed on the ballot anyway.

In the meantime, many families continue to register their relationships with the Secretary of State. Others continue to pursue changes in public and private sector policies and to seek greater fairness in the distribution of family benefits under existing laws and programs.

APPENDIX A

**Summary of California Statutes
That Use the Term "Family"
in a Substantive Manner**

Code Section	"Family"	"Immediate Family"	Spouse	Parent	Child	Stepparent	Stepchild	Brother/Sister	Grandparent	Grandchild	Aunt/Uncle	Niece/Nephew	Other Relative	Foster Parent/Child	Legal Guardian	Household Member	No Definition	Topic
Penal 422		x	x	x	x								x			x		Terrorist Threats Against Immediate Family Members
Penal 519	x																x	Extortion by threats to Accuse Family of Crime
Penal 653m	x																x	Phone Calls Threatening to Injure Family Member
Penal 693	x																x	Use of Force to Resist Crime to Family Member
Penal 868	x		x	x	x			x							x			Victim's Right to Have Family at Court Hearing
Penal 1000.6	x		x	x									x			x		Domestic Violence Diversion Program
Penal 1000.13	x			x		x		x		x	x		*			x		Child Abuse Diversion Program / * = cousin
Penal 1102.6		x															x	Victim's Right to Have Family at Trial
Penal 1203.04		x															x	Right to Restitution from Convicted Defendant
Penal 3058.8	x																x	Right to Notice of Release of Violent Offender
Penal 4001.1		x															x	Relocation of Family of Witness/Informant
Penal 6231		x															x	Portion of Prisoner's Wages Sent to Prisoner's Family
Penal 6350	x																x	Prison Visitor Services

Code Section	"Family"	"Immediate Family"	Spouse	Parent	Child	Stepparent	Stepchild	Brother/Sister	Grandparent	Grandchild	Aunt/Uncle	Niece/Nephew	Other Relative	Foster Parent/Child	Legal Guardian	Household Member	No Definition	Topic
Penal 12028.5	x		x	x	x								x			x		Domestic Violence / Taking Firearm from Offender
Penal 12285	x																x	Joint Registration for Guns by Family Living Together
Penal 14206	x																x	Report of Missing Persons by Family Members
Vehicle 233		x															x	Exception to Definition of "Bus"
Vehicle 322		x															x	Exception to Definition of Farm Labor Vehicle
Vehicle 12513	x																x	Driving Permit for Minor if Illness of Family Member
Vehicle 23145.6	x																x	Probation Officer Inquiry to Family Members
Elections 207	x																x	Place of Domicile
Unempl. 2601	x																x	Purpose of Unemployment Insurance Program
Unempl. 15044	x																x	Service Delivery Area Plans
Educat. 37617	x																x	Grouping of Students in Year-Round Program
Educat. 44981		x															x	Bereavement Leave for School District Workers
Educat. 44985		x	x	x	x			x					*					Bereavement / Certified Workers / * = child in-law, relatives living in household

Code Section	"Family"	"Immediate Family"	Spouse	Parent	Child	Stepparent	Stepchild	Brother/Sister	Grandparent	Grandchild	Aunt/Uncle	Niece/Nephew	Other Relative	Foster Parent/Child	Legal Guardian	Household Member	No Definition	Topic
Educat. 45194		x	x	x	x			x	x	x			*					Bereavement for Classified Workers / * = some in-laws
Educat. 45207		x	x	x	x			x	x	x			*					Personal Necessity for Classified Workers / * = some in-laws
Educat 48604	x																x	Furnishing Residence for Superintendent & Family
Educat. 67360		x	x	x	x	x		x	x	x	x	x	*					No Financial Inducements to Student Athletes / * = Some In-Laws
Educat. 67361		x																Same as Section 67360
Educat. 69621	x																x	Renewing Grants Based On Family Hardships
Educat. 87788		x	x	x	x			x	x	x			*					Comm. College Leave of Absence for Workers / * = Some In-Laws, Relatives
Educat. 87784		x															x	Leaves for Comm. College Workers for Personal Necessity
Educat. 88194		x	x	x	x			x	x	x			*					Bereavement for Comm. College Workers / * = 87788
Educat. 88207		x	x	x	x			x					*					Personal Necessity for Comm. College Workers * = same as 88194
Probate 6540	x		x		x													Family Allowance for Surviving Dependents
Probate 9304	x																x	Exemption from Writ of Attachment for Dependents
Probate 6500	x		x		x													Remaining in Possession of Family Home

Code Section	"Family"	"Immediate Family"	Spouse	Parent	Child	Stepparent	Stepchild	Brother/Sister	Grandparent	Grandchild	Aunt/Uncle	Niece/Nephew	Other Relative	Foster Parent/Child	Legal Guardian	Household Member	No Definition	Topic
Probate 3901	x		x	x		x		x	x		x							Trusts for Minors
Probate 3700	x		x	x	x													Personal Property of Absentees
Civ. Pro. 229	x																x	Grounds for Challenging Prospective Jurors for Bias
Civ. Pro. 340.1	x			x		x							x			x		Statute of Limitations for Incest Liability
Civ. Pro. 487.020	x																x	Property Exempt from Attachment
Civ. Pro. 542	x		x	x	x								x			x		Domestic Violence Prevention Act
Civ. Pro. 641	x																x	Grounds for Objecting to a Referee
Civ. Pro. 700.080	x																x	Service of Process on a Defendant
Civ. Pro. 703.115	x																x	Exemption from Judgment Based on Need
Civ. Pro. 704.020	x																x	Exemption from Judgment
Civ. Pro. 704.710	x		x	x	x			x	x	x			x					
Civ. Pro. 706.051	x																x	Exemption from Judgment

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Bus & Pro 654.2		x															x	Conflict of Interest for Health Care Providers
Bus & Pro 2727	x																x	Nursing License Not Required
Bus & Pro 3765	x																x	Respiratory Care License Not Required
Bus & Pro 3927.5	x																x	Nursing Home Probation
Bus & Pro 6060.3		x															x	Refund of Bar Exam Fee if Family Death/Injury
Bus & Pro 7065.1		x															x	No Contractor Exam if Family Continues Business
Bus & Pro 7505.3		x															x	No Repossession License if Family Continues Business
Bus & Pro 7539	x																x	Restriction on Soliciting by Private Investigators
Bus & Pro 7594.3		x															x	Continuation of Business of Alarm Company
Bus & Pro 7700	x																x	Profane Language by a Funeral Service
Bus & Pro 23356.2	x															x		No License for Making of Beer for Personal Use
Bus & Pro 10241.1	x																x	Credit Life Disability Ins.

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Gov. 3308	x																x	Financial Privacy Rights for Police Officers
Gov. 7281.2		x															x	Hiring of Veterans; Restricting Reimbursements
Gov. 13960	x																x	Restitution for Crime Victims
Gov. 20009.1		x	x										x					State Credit Union for Retired State Workers
Gov. 22754	x		x		x		x											Annuities for Public Employees
Gov. 27471	x																x	Duty of Coroner to Locate Family
Gov. 29636	x																x	Limit on Restitution if Hardship to Deft's Family
Gov. 51230.1		x	x	x	x			x										Transfer of Property in Agricultural Preserve
Gov. 53944	x																x	Exemption from Pleasure Riding Tax on Animals
Gov. 82033		x															x	Conflict of Interest; Political Reform Act
Gov. 82045		x															x	Conflict of Interest; Political Reform Act
Gov. 84219		x															x	Contribution Limits; Slate Mailer Organizations
Gov. 84302.5		x															x	Limit on Intermediaries; Political Contributions

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Gov. 85310	x																x	Limits on Gifts to Legislators
Gov. 87103		x	x		x													Conflict of Interest; Public Officials
Finance 7450.2		x															x	Restriction on Loans; Savings Associations
Finance 15100	x		x													x		Restrictions on Credit Union Loans to One Family
Rev / Tax 7094	x																x	Release of Tax Levy
Mil/Vet 985		x	x	x	x													Benefits for Veterans
Mil/Vet 270.10		x	x	x	x													Purchase of Farm Home; Nat. Guard Members
Pub. Util. 528	x																x	Reciprocal Reduced Rates by Common Carriers
Insurance 12374	x																x	Restriction on Loans by Title Insurance Company
Insurance 12156	x																x	Insurance Services by Motor Clubs
Insurance 10233.4	x																x	Long Term Care Benefits
Insurance 10119		x															x	Disability Insurance
Insurance 1101.1		x															x	Conflict of Interest; Board of Directors

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Labor 5408	x																x	Worker's Compensation Trustee for Injured Worker
Labor 4454	x																	Worker's Compensation Benefit Adjustment
Labor 3503	x		x	x	x		x	x	x	x	x	x	*			x		Worker's Comp. Dependent Benefits / * = in-laws
Labor 3352	x																x	Definition of Employee at Camp or Lodge
Labor 2650	x																x	Definition of Industrial Homework
Labor 1133		x															x	Definition of Professional Strikebreaker
Labor 300	x																x	Employee Deductions from Wages
Health 199.74	x																x	AIDS Pilot Project for Home or Hospice Care
Health 413	x																x	Alzheimer's Diagnostic & Treatment Centers
Health 429.50	x																x	Data Collection on Family Formation
Health 1250.3	x																x	Family Therapy in Substance Abuse Programs
Health 1267.8	x															x		Disabled Group Home is Defined as a "Family"
Health 1289		x															x	Conflict of Interest; Long-Term Health Provider

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Health 1310.5	x																x	Objectives for Alzheimer's Disease Institutes
Health 1310.7	x																x	Definitions for Hospice & Home Care Services
Health 1418.2	x																x	Resident Councils in Long-Term Health Facilities
Health 1418.3	x	x															x	Right of Family Members to Meet With Patient
Health 1312	x																x	Services at Alzheimer's Disease Institutes
Health 1502	x													x				Definition of Foster Family Home
Health 1505	x																x	Exception for Licensing of Foster Family Home
Health 1512	x																x	Right to Visits at Residential Community Care Facility
Health 1520.2	x																x	Resident Councils at Community Care Facility
Health 1522.4		x															x	Limits on Fees to Adoption Agencies
Health 1527	x													x				Definition of Foster Parent and Foster Child
Health 1566.2	x															x		Residential Facilities for Six or Fewer People
Health 7054.7	x																x	Restriction on Commingling of Creameated Remains

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Health 7191	x																x	Decisions on Life-Sustaining Procedures	
Health 8961	x		x	x	x	x	x	x	x	x									Limitations on Plots in Cemetery Districts
Health 11164	x																x	Use of Prescriptions by Members of Same Family	
Health 11372.7	x																x	Family-Oriented Drug Rehab Programs	
Health 11760	x																x	Policy of State on Abuse of Alcohol	
Health 11765	x																x	Definition of Alcohol Recovery Service	
Health 11811.7	x																x	Community Self-Help Alcohol Recovery Groups	
Health 11834.25	x															x		Substance Abuse Recovery House is a "Family"	
Health 11837	x																x	Drunk Driver Programs May Include Family Members	
Health 11837.4	x																x	Required Content for Drunk Driver programs	
Health 11965	x																x	State Policy on Drug Prevention Programs	
Health 11977	x																x	Confidentiality of Patient Records	
Health 17005.5	x																x	Regulation of Employee Housing	

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Health 17010	x																x	Regulation of Temporary Labor Camps
Health 17031.5	x																x	Regulation of Farm Labor Camps
Health 17958.11	x															x	x	Building Regulations of Living/Working Quarters
Health 34322	x																x	Tenant Selection Criteria in Public Housing
Health 50067	x																x	Definition of "Elderly" for Low Cost Housing
Health 50072	x																x	Definition of "Handicapped" for Low Cost Housing
Welfare 676	x																x	Support Person for Prosecution Witness
Welfare 729.6		x															x	Restitution to Family of Crime Victims
Welfare 731.1		x															x	Restitution to Family of Crime Victims
Welfare 975	x																x	Residence for Superintendent of Adjustment School
Welfare 1851	x																x	State Policy on Youth Correctional Centers
Welfare 4310	x																x	Adjustment of Salary of Resident Employees
Welfare 4331	x												x		x			Respite Care for Family of Brain-Impaired Adults

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Welfare 4514	x																x	Confidentiality of Patient Records
Welfare 4727	x																x	Confidentiality of Patient Records
Welfare 5116	x															x		Group Home for up to Six Disabled is a Single Family
Welfare 5259.2	x																x	Family Preference for Treatment Facility
Welfare 5350.2	x																x	Notice to Family by County Mental Health
Welfare 5352.6	x																x	Family Participation in Conservatorship Plan
Welfare 5353	x																x	Temporary Conservatorship & Return to Family
Welfare 5354	x																x	Conservatorship Investigation of Family and Friends
Welfare 5458	x																x	Reunification of Family & Mentally Ill Patients
Welfare 102	x																x	Role of Juvenile Dependency Special Advocates
Welfare 18291	x		x													x		Funding of Domestic Violence Programs

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Civil 4359	x															x	x	Protective Orders Against Domestic Violence
Civil 3345	x																x	Unfair Practices Against Seniors and Disabled
Civil 2470	x																x	Power of Attorney for Personal Affairs
Civil 1950	x																x	Double Letting of Rented Rooms
Civil 1861.6	x																x	Restriction on Issuance of Ex-Parte Writ of Possession
Civil 1788.12	x																x	Prohibited Debt Collection Practices
Civil 798.37		x	x	x	x								*					Occupancy Fees for Mobilehome Parks / * = Parent In-Laws
Civil 50	x																x	Right to Use Force to Protect Self and Family
Civil 38	x																x	Duty of Mentally Incompetent to Pay for Family Necessities
Civil 36	x																x	Duty of Minor to Pay for Family Necessities