

California Gov. Gray Davis signed Oct. 14 the largest expansion of domestic partner rights in the country.

The legislation offers a significant and unprecedented array of benefits. "This bill is about responsibility, respect and most of all about family—and it's about time," said Davis, underscoring the significance of the new law.

The measure will provide eligible same-sex couples and opposite-sex senior couples with more legal benefits and stronger protections beginning Jan. 1, 2002. Jean Harris of the California Alliance for Pride and Equality, which sponsored Assembly Bill 25, is the former executive director of Basic Rights Oregon.

"Poll after poll reveals that a majority of Californians support basic rights for gay and lesbian couples under domestic partnership," she said. "While this is the largest expansion of domestic partner rights in the country, only a handful of protections the state and federal government offers to married spouses are included in AB 25; over 1,700 are not."

Domestic partners who register with the secretary of state now will have the ability to:

- Adopt a partner's child using the stepparent adoption process. This gives children of unmarried couples access to the protections of two legal parents throughout the state.

- Sue for wrongful death as well as seek damages for negligent infliction of emotional distress, as Diane Whipple of San Francisco was able to do only after winning a court ruling in the dog-



Gray Davis

CALIFORNIA DREAM COMES TRUE

Governor signs one of the nation's most comprehensive domestic partner bills by Jim Radosta

mauling death of her partner, Sharon Smith.

- Make important medical decisions and file for disability benefits on behalf of a seriously ill or incapacitated partner.
- Use sick leave to care for a partner or a partner's children.
- Be exempt from state income tax on a partner's health benefits.
- Leave a job to relocate with a partner without losing unemployment benefits.
- Administer a partner's estate.
- Continue health benefits for surviving

partners of government employees and retirees.

Additionally, AB 25 requires health plans to offer domestic partner coverage to businesses and associations similar to that offered to dependents of employees and subscribers. This requirement will assist small- and medium-sized employers that decide to offer domestic partner benefits to their employees.

Finally, the measure allows opposite-sex couples to register as domestic partners if one of the partners is older than 62.

"This is a pivotal moment in California's relationship to same-sex couples and their families," said Christopher Calhoun, American Civil Liberties Union of Southern California deputy director of public policy. "No other state except Hawaii and Vermont, both of which faced legal challenges from same-sex couples, has offered so many rights to same-sex couples."

AB 26 established California's domestic partners law, which created a statewide registry for lesbian, gay and senior couples guaranteeing hospital visitation rights and extending health benefits to partners of state employees. Since its enactment in January 2000, lobbyists have been urging lawmakers to add more legal and financial safeguards to increase the rights of domestic partners substantially.

"For the first time in California's history, there were more letters, phone calls, e-mails and faxes in support of an LGBT civil rights bill than in opposition," Calhoun said. "That's not because the right suddenly stopped opposing equality for

LGBT people but because the LGBT community and its allies mobilized an unprecedented campaign to communicate to legislators and to the governor their support for AB 25."

Lambda Legal Defense and Education Fund assisted Assemblywoman Carole Migden in drafting the bill. Senior counsel Jon W. Davidson said the law offers dramatic new protections for domestic partners but nothing close to full equality for lesbian and gay couples.

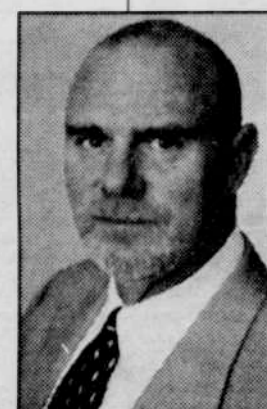
"The bill is extremely important and follows a strong national trend of recognizing that domestic partner benefits are common-sense provisions," he said. "Still, this law falls far short of what we should have."

Davidson noted that the bill leaves hundreds of unsolved inequities under state law and more than 1,000 under federal law. For

example, it does not provide domestic partners with inheritance or community property rights or access to the family courts if a relationship breaks up.

A civil union law, like what was passed last year in Vermont, is pending in the Assembly and would provide these state rights. But even civil unions will not grant the protections of marriage under federal law, such as Social Security or veteran benefits, immigration rights or income and estate tax recognition.

"This law will bring dramatic new security for domestic partners in California," said Kevin M. Cathcart, Lambda executive director. "As much as it is a measure of progress for lesbian and gay families, this measure also points to how far we have to go to have real equality." □



Kevin M. Cathcart



Assemblywoman Carole Migden

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