Report

Beyond Marriage:
Unrecognized Family Relationships

Forum and Panel Discussion: October 29, 2009
Report Adopted: March 10, 2011
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Acknowledgements

The Human Rights Commission would like thank those who made the Beyond Marriage public forum and this report possible, including the honored guest presenters at the forum California Assembly member Tom Ammiano, San Francisco Supervisor David Campos, and Human Rights Commissioner Cecilia Chung; the panelists from the forum whose ideas are presented here including Cathy Sakimura and Melanie Rowen, Staff Attorneys from the National Center for Lesbian Rights (NCLR), Judy Appel, Executive Director of Our Family Coalition, and Samer Danfoura, San Francisco Immigrant Rights Commissioner and LGBT Advisory Committee member; Human Rights Commission (HRC) Executive Director Theresa Sparks and HRC staff Larry Brinkin, Nadia Babella, Hadas Rivera-Weiss, and Domenic Viterbo; Alice Kessler from Equality California (EQCA), Nathan Purkiss, Rahul, Kari Stevens, and Jerry Berbier; the LGBT Advisory Committee members for both 2009 and 2010 with special thanks to Poonam, Bart Broome, Martin Rawlings-Fein, Brad Vanderbilt, Mark Dunlop, and Mark Snyder; the San Francisco LGBT Community Center and Center Women Present; and finally the members of the public who attended the forum and contributed their experiences with chosen family relationships.

A Note on Language

Sometimes the English language fails us. Sometimes concepts that exist in our thoughts, or even in other languages, have no generally understood name in English. Such is the case with the term alternative family.

As initially envisioned, the public forum that was the genesis of this report was intended to focus on kinship structures among people who are not related by blood or legal adoption. Emancipated youth, seniors, those estranged from their legally recognized families, and others were invited to discuss how their alternative families were created from bonds of friendship, mentoring, and caregiving. However, the working group organizing the forum struggled to find a term that would be generally understood and come closest to those families unrecognized by current language and legal structures.

Ultimately, the word alternative was used because it was more widely understood than non-conjugal and sounded better than non-kinship. However, the term alternative family presents its own problems. Alternative denotes a second-class status to these families, reminiscent of the days when LGBT individuals were derogatively labeled as people practicing an alternative lifestyle. These families are not alternatives, they are real families, and are as present and loving as other families that are labeled traditional. Another challenge with the term alternative family is that it is too broad, as it is commonly understood to include LGBT couples in intimate relationships who were not the focus of the public forum and are not the focus of this report. Despite the recognition that the word alternative has been used by some to marginalize the LGBT community, and despite its overly broad meaning, the families which were the focus of the public forum were labeled alternative simply because it was the closest, generally understood term that could be found. Clearly, the love shared between people is never alternative or secondary to those who are loving or being loved. It is the hope of the authors of this report that someday soon there will be better language, as well as better legal mechanisms, to label and support chosen relationships of mutual commitment in all their sizes and shapes.
Part I: Introduction

by Samer Danfoura
Member, LGBT Advisory Committee

What is an Alternative Family?

Seniors without legal spouses or children and no surviving relatives are becoming more common as nuclear families have become smaller. Emancipated foster youth and others who are not biologically related are forming deep, long-lasting familial bonds. People, for reasons as varied as all humanity, often have no long-term romantic partner and yet have formed profound emotional connections with others who are not biologically related. The prevalence of these non-spousal alternative relationships is increasing and, while they provide emotional, financial, and caregiving support structures, these vital relationships - these alternative families - are made more vulnerable by the absence of family law protections.

The issue of alternative families transcends sexual orientation and gender identity; however, the lesbian gay bisexual transgender (LGBT) community appears to have more alternative family relationships than the general population. Many LGBT people are estranged from their blood relatives, have no spouse, and rely on alternative family relationships without the legal protections of married spouses or relatives. These people are more than friends and they are not lovers. They are as brothers and sisters or adults with senior mentors, and they often become caregivers when illness or infirmity strikes, but they have no legal standing in hospitals, no employer benefits, and no place in the legal line of consanguinity.

This report was born from the experiences of the LGBT community in San Francisco, but the reality is that anyone may find themselves at some point in life without the love and support of a spouse or relative. Alternative family relationships have always existed, in big cities and small towns, and they can be found wherever there are people who are lucky enough to consider themselves loved by another. Fostering these relationships by acknowledging their existence and then protecting them as we do biological families is in the best interests of everyone, in every jurisdiction.

Inception of the Forum

When I originally proposed the idea that the Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) of the San Francisco Human Rights Commission (HRC)
hold an event regarding the unique familial relationships that LGBT people create, I initially pitched the concept as a celebration of our families at a time when LGBT families were under attack by right-wing conservatives opposed to marriage equality. It was April 2008, when my own alternative family, consisting of my partner, my long-time brother of choice, and me, were embarking on a joyous opportunity of growth. We were buying a house together. It was unstated but understood that by purchasing a home for our alternative family we were "legalizing" our emotional ties with a physical representation of our spiritual connections.

That year the alternative families proposal did not win enough votes to become one of the issues addressed by the LGBTAC’s limited resources. However, the following year, the Advisory Committee reconsidered the concept and decided to take on the important issue of non-conjugal alternative family relationships. Poonam, Bart Broome, and I, with the support of HRC Chair, Cecilia Chung, and HRC staff, Nadia Babella, Hadas Rivera-Weiss and Domenic Viterbo, began planning what became the ground-breaking public forum and panel discussion billed as “Beyond Marriage: Recognizing Alternative Family Relationships.” More importantly, the concept had expanded from being purely a celebratory event to a forum seeking to identify the legal and institutional obstacles faced by alternative families and included an exploration of potential governmental solutions to those obstacles.

From this committed group of volunteers and HRC staff, we were driven to plan an event that would both honor and support all kinds of families that LGBT people have created. Our effort culminated in a panel and public forum sponsored by the LGBTAC October 29, 2009 at the San Francisco LGBT Community Center. The purpose of the panel and forum was to bring experts and the public together to discuss alternative families, which we defined as non-spousal relationships between people who are not related by blood, marriage or adoption. The forum drew approximately 70 people with the intent to explore the prevalence of these alternative relationships and to identify how government can support non-spousal alternative family relationships beyond the current push for marriage equality.

The Forum Discussion

The forum consisted of three parts: Comments from LGBT Leaders; Presentations from a Panel of Experts; and a Public Discussion.

Comments from LGBT Leaders
Four San Francisco LGBT leaders provided opening remarks to contextualize the event within the historical and current political climate. Those leaders consisted of Tom Ammiano, Member of the California State Assembly; David Campos, Member of the
San Francisco Board of Supervisors; Theresa Sparks, Executive Director of the SFHRC; and Larry Brinkin, Manager of the LGBT – HIV Division of the SFHRC.

Assemblymember Ammiano provided important historical narrative of the late Hank Wilson, who was one of the founders of the LGBTAC. He discussed a judicial system that categorically refused to recognize families consisting of two women with children, and that elevated biological paternal rights above the best interests of the children. In response, a group was formed to provide gay male sperm to lesbian would-be-mothers. Mr. Ammiano became a donor, and 10 years later, formed an alternative family of his own when he established a relationship with his biological offspring and her two mothers.

Supervisor Campos highlighted the interconnection between LGBT alternative families and immigrant rights. Supervisor Campos discussed the similarities between immigrants to the United States and LGBT transplants to San Francisco, both fleeing persecution in the hopes of a better life, where they form loving alternative familial relationships that deserve to be honored. Moreover, Supervisor Campos recognized that the right to define family is integral to the right to keep them together and that the expansion of family law would necessarily expand all kinds of rights, especially immigration rights.

Director Sparks recognized that many LGBT people have come to San Francisco after being rejected by their birth families and have created their own loving alternative families. Director Sparks also identified the care-circle that LGBT leaders created to provide familial health support to Harry Hay, an early gay community leader, and his partner John Burnside. The 15 members of the care-circle came together as an alternative family to provide financial stability and medical care for these two gay leaders because there was no birth family to do so.

Mr. Brinkin spoke about his experience during the 1970s living in a commune that was a collective of different alternative family relationships for more than 12 years. Mr. Brinkin stated that the communal members faced several legal barriers with regard to housing and medical services, and was pleased to see that progress has been made to remove some of those barriers.
Presentations from a Panel of Experts
The panel of alternative family experts consisted of Judy Appel, Executive Director of Our Family Coalition; myself, Samer Danfourea, a member of an alternative family, an Immigrant Rights Commissioner, an LGBTAC member, and a local attorney; Melanie Rowen, staff attorney for the National Center for Lesbian Rights (NCLR); and Cathy Sakimura, another staff attorney for NCLR and the coordinator of the NCLR Family Protection Project. The panel addressed three questions: (1) What kinds of non-spousal alternative families exist today; (2) What obstacles or legal hurdles exist for non-spousal alternative family relationships; and (3) What can be done to support alternative families through legal and other means.

The panel’s responses to these questions are provided in Part II of this report and a video recording of the event is available online at the link designated below. Everyone on the panel acknowledged that state law governs the rights and responsibilities of kinship such as medical decision-making, inheritance, and disposition of remains. However, many of these rights and responsibilities often are not available to non-spousal alternative families without creating complex and costly contracts between the parties.

The panel identified family law mechanisms that have been expanded to focus on spousal and parental relationships through marriage, divorce, adoption, and emancipation of youth, but non-spousal familial relationships have not seen an equal expansion. Some of this failure is due to the lack of awareness and support for non-spousal alternative families. Most people have encountered others in alternative family relationships, but did not recognize them as family. Some people in those relationships do not even identify their relationships as “familial” because of the lack of language to that end. Besides the failure to identify or label these relationships, the panel also identified the problem that there is no easy way to convey a legal standing between non-spousal alternative families.

Regarding solutions, some of those identified by the panel include: expansion of California’s domestic partnership law to allow different sex couples under age 62 to also register and to allow registration of non-spousal parties; creation of local government mechanisms for alternative families to more affordably convey contractual benefits and responsibilities; passage of a state law to allow people to sign up for traditional family rights through a “designated beneficiaries” process similar to what has been established
in Colorado; expansion of the rights of foster youth; unpacking of rights historically bundled together and granted to traditional families; and the advocacy for piecemeal extensions of family law protections to alternative families.

Public Discussion
Approximately 70 people attended the event, and the comments and questions of the audience are paraphrased in detail in Part II of this report and a video recording is available online.

View a video recording of the forum online at http://blip.tv/file/4617708

Beyond the Event

This introduction and Part II of the report provide an account of the events that took place to organize the event and at the forum itself. However, in order to take the findings of this panel and forum to a larger audience and provide a resource to people fighting to expand the rights of non-spousal familial relationships, we have added Part III: Legislative Proposals; Part IV: Alternative Family Relationship Narratives; Part V: Alternative Family Resources; and an Appendix of reference documents.

Part III provides the state legislative proposals drafted by Bart Broome, which the LGBTAC approved in November 2009 as recommendations to advance the rights of non-spousal alternative families. Part IV includes narratives of members in alternative families, which provide a more detailed account of individual family experiences. Part V is a resource list compiled by Poonam that identifies important studies, articles, organizations and various media tools addressing the issues of non-spousal alternative families. The Appendices include the flyer for the event, the press release, the Colorado Designated Beneficiaries Form, a California Domestic Partnership Registration Form, and a California Statutory Will.

"Beyond Marriage: Recognizing Alternative Family Relationships" was indeed a groundbreaking public forum and panel discussion. The forum and this companion report have begun the process of defining alternative families, documenting their experiences, and charting a path to the extension of family law protections to these vital social structures. A family is not exclusively defined by biology or by the traditional legal institutions of marriage and adoption.

The LGBT civil rights movement has fostered self-awareness and a new look at family. It has revealed that familial relationships are, and always have been, more than just biological associations. What makes a family is the love expressed within a "network of mutual commitment." These alternative families transcend the sphere of LGBT rights,
and exist throughout society as a whole. As non-spousal alternative families become self-aware and empowered by expanded family law protections, our larger society and government only stand to benefit from stronger communities where individuals have more opportunities for relationships of mutual caring, free from prejudice, discrimination and subordination.
Part II: Forum Summary Notes

Beyond Marriage: Recognizing Alternative Family Relationships
A public forum and panel discussion

Sponsored by the San Francisco Human Rights Commission – LGBT Advisory Committee
Thursday, October 29, 2009 - 6:00 to 7:30 pm at the LGBT Community Center, San Francisco, CA

View a video recording of the forum online at http://vimeo.com/4617708

Theresa Sparks, Executive Director of the San Francisco Human Rights Commission (HRC)

Ms Sparks welcomed everyone and then spoke about the purpose of the forum. She said that many LGBT people come to San Francisco after their families have turned them out. Once in the City, they build their own families through alternative relationships that have no legal basis. Sometimes these relationships are called extended families, but they have many names. Some are “living together” relationships, some are not. It can be awkward just recognizing them as a relationship of significance, since there is no established name for the family-like bonds between people. In San Francisco we have become experts at alternative family relationships and this forum and the panel will discuss how we should support these relationships. Should they be institutionalized? Should there be legal remedies? How should we as a community address this very important issue?

Ms Sparks thanked the members of the LGBT Advisory Committee of the San Francisco Human Right Commission for organizing the event. She pointed out that it is an all-volunteer group and is one of three standing committees of the HRC. She said that during her tenure as an HRC Commissioner she served as Chair of the LGBT Advisory Committee for nearly three years and that she has a “soft spot” in her heart for the Committee. These are 20 people who come together every month to discuss significant issues, explore alternatives, and recommend solutions. Domestic partnerships, equal benefits, and transgender health care are all issues that have been explored first in the LGBT Advisory Committee. It is a significant organization in San Francisco, and through hard work over the years, the Committee has become a significant entity throughout the United States.

Ms Sparks introduced California State Assemblymember Tom Ammiano as a friend and guiding light of the community and said he has committed his life to San Francisco.
Tom Ammiano, Member of the California State Assembly
Assemblymember Ammiano congratulated Theresa Sparks on her recent appointment as Executive Director of the HRC. He said that as he walked in he recalled his own participation in the creation of the LGBT Advisory Committee in the 1970’s. The LGBT Advisory Committee was originally the Gay Advisory Committee. Mr. Ammiano spoke of the late Hank Wilson who helped create the Committee. He and Mr. Wilson were activists who “made as much trouble as possible for the School District,” and they asked the Director of the Human Rights Commission to help them convince the School District to include gay and lesbian issues in the curriculum and to address gay and lesbian issues at the HRC.

Like many of the gay community’s early friends, there was some hesitancy, but eventually the HRC established the Committee. With the advice of a woman named Gail Roberts, the Committee became successful.

Mr. Wilson and Mr. Ammiano didn’t know much about committee structure in those days. There were agendas and Robert’s Rules of Order to follow, but the two of them in particular “couldn’t sit still for 5 minutes.” Even the people on the Committee asked why the two of them wanted to “move so fast.” That was always the words people used, ‘so fast.” Assemblymember Ammiano wondered what some of them would think of Theresa Sparks’s appointment as Executive Director of the HRC.

Mr. Ammiano said that in some ways we have moved fast over the past 25 years, but we have the right to be impatient. The early years were about educating others about gay and lesbian issues. The Committee used to meet in front of Grace Cathedral in a refectory that has since been demolished. Despite the elegant surroundings, Hank Wilson used to show up in his tee shirt with no socks, and even that was an education for some people. Mr. Ammiano said he was happy to see that those early efforts have yielded so many successes.

In the 70s there were efforts to match anonymous sperm donors with lesbian couples who wanted to have a child. In those days there was a lot of discrimination against gay women with kids. “If there was a man involved, then you could just forget it.” If there was a dispute with a child’s father and it went to court, the judge would always rule in favor of the man no matter how irresponsible, and the woman would lose the child. It was very sad and painful, but out of that injustice was born the movement for anonymous sperm donors. The literature consisted of a mimeographed pink pamphlet and it told women how they could be matched with an anonymous donor. It was very informal.

A friend of Mr. Ammiano’s who was involved with the donor matching group asked him to be an anonymous donor. He recalled talking to his lover who is now deceased and
who asked, "Well, are you sure it's OK?" Dianne Feinstein was mayor of San Francisco at the time and Mr. Ammiano's lover asked rhetorically, "Do you think Dianne would approve?"

Assemblymember Ammiano agreed to be a donor even though he didn't know the lesbian couple who would receive his sperm. The situation, as Mr. Ammiano remembers it, was comical. "You'd get a phone call, 'The ova is ready.' And being young and foolish, I was always ready. And then there was this mysterious knock at your door. It's a woman with an artichoke jar. Put it in an artichoke jar, Cara Mia as I remember. How they did it I don't know. Did they put it on BART?"

The biological mother became pregnant on the first try and that was the end of the story for Assemblymember Ammiano until 10 years later. The friend who had arranged the donation called to ask if he would like to meet the little girl born to the lesbian couple. The girl had been wanting to meet her father for a long time and the parents decided that they would like this to happen if Mr. Ammiano was OK with it. So he and his lover Timmy met the girl, Annie, after the Castro Street Fair. He said he could see why they pushed for the meeting. Her biological mom is tall and big boned, and the girl is quite small and looks exactly like Mr. Ammiano's sister and cousins. Annie immediately wanted to know who this guy was, and from that day on they have had a wonderful relationship. The two moms are Dion Jones and Roma Guy who are associated with the Women's Building. It turned out that they had lived 10 blocks away from Mr. Ammiano in the Mission and he never knew it. Now his daughter Annie is turning 30 and she has two girls of her own. Assemblymember Ammiano now has a lovely extended family, and Annie loves being half Italian and adores the Ammiano family back East who are totally accepting.

Mr. Ammiano recalled that when Supervisor Bevan Dufty announced that he and his friend were pregnant, a radio host made jokes about them and about the baby. It was terrible. Mr. Ammiano at that time spoke about his experience because he wanted to make people aware that this has been happening for a very long time and with great success. He said that, he was talking about something that happened over 30 years ago and yet our future is bright and alternative families are enduring. Assemblymember Ammiano wished the audience a great and productive discussion. He also offered, "Whatever happens tonight, whatever you need from me, I'm known as No-No which is the Italian word for grandfather. And you can call No-No anytime."

**Director Sparks**

Ms Sparks called Supervisor David Campos a distinguished guest who came to this country as an undocumented immigrant and rose in his life to what many would consider the American dream. She said he is an accomplished lawyer who worked for the School Board for many years. Supervisor Campos was previously a member of the
Police Commission and served there at the same time as Ms Sparks. Joking, she said they agreed on perhaps half the issues. However, she added that they agree on the essential issues of family and human rights.

Ms Sparks introduced Supervisor Campos as a close friend and a person who stands up for civil rights and particularly the immigrant community.

David Campos, Member of the San Francisco Board of Supervisors
Supervisor Campos thanked Ms Sparks for her comments. He said that Assemblymember Ammiano is a very difficult act to follow both as a speaker and as a Supervisor. Mr. Campos filled the seat on the Board of Supervisors vacated by Mr. Ammiano when he was elected to the State Assembly.

Supervisor Campos said he was happy to be among people at the forum who he considers to be an extended family. One of the things that happens when you take on an issue like immigration is that it brings out the best and the worst in people. He said his office in the last few weeks has been subjected to that. He said that following in the footsteps of Tom Ammiano gives him strength and courage, because as difficult as it is for us to do what we think is right today, when Assemblymember Ammiano started out he was a lone voice on the Board of Education and then on the Board of Supervisors for a long time.

Supervisor Campos said the fight about LGBT rights and immigrant rights comes down to family. It’s the interconnection for family that underscores the issues. The fight against the policy that the Mayor instituted - where if you are an undocumented kid, you don’t get due process - is really a policy that is tearing families apart. That issue is dividing people in a way that goes contrary to the family values that so many in this country say they believe in.

The impact of LGBT discrimination comes down to families and the definition of a family, and the alternative family concept goes through the very heart of these issues. Supervisor Campos said that he adds the immigrant perspective and he thinks that you cannot talk about alternative families without recognizing the need to talk about comprehensive immigration reform. He sees it especially in his district (District 9 in the Mission) particularly, where so many LGBT men and women left their biological families behind escaping persecution and are here in the U.S. alone. However, they are not alone entirely because these immigrants have created alternative families. They are in every sense of the word their brothers, their sisters in everyway except biologically. These relationships transcend blood or sexual relationships and society has a problem understanding it.

It is only appropriate that these alternative family relationships be discussed here because San Francisco has led the way on so many issues. Same-sex marriage,
universal health care, equal benefits for domestic partners...on all of the issues San Francisco has set the tone for the rest of the country. It is important that we understand the interconnection of all of these family issues. Supervisor Campos offered the assistance of his office with district issues or with legislation to address legal protections for alternative families. He thanked the HRC for allowing him to address the forum.

**Director Sparks**
Director Sparks commended Supervisor Campos for his courage in standing up for the immigrant community. She said that she would be remiss if she didn’t ask the Chair of the Human Rights Commission to make a few comments. She said that Cecilia Chung is her friend, a national leader on HIV issues, treatment and education, and one of her personal heroes in life.

**Commissioner Cecilia Chung, Chair, San Francisco Human Rights Commission**
Commissioner Chung thanked everyone for coming on behalf of the LGBT Advisory Committee. She said that they have been planning the Forum for a long time and that she is proud to have committee members who have put so much time figuring out how to bring these issues to the community.

Alternative family is an important issue for Ms Chung on a personal level. When she first transitioned from male to female she did not have the support of her own family and ended up on the street calling the Tenderloin “home.” She found support in many gay friends who called her their sister and provided the nurturing and protection that she needed. Without them, she would not be alive today.

Family is more than just the clan we are born into. She said that family is also defined by the people we choose as family. It is any place where love, protection, nurture, and hope are found. Hopefully, there will be time to hear from the panel and to hear from the audience what are your experiences and your definition of family.

**Director Sparks**
Director Sparks said that Larry Brinkin has been involved with the HRC for many years and that he was actually the person who coined the term “domestic partners.” He has worked on every issue brought before the Human Rights Commission for more than 20 years and he is now retiring in February. He is the Manager of the LGBT-HIV Division of the HRC and the guiding soul of the HRC.

**Larry Brinkin, Manager of the LGBT – HIV Division of the Human Rights Commission**
Mr. Brinkin welcomed everyone and said that alternative family is an important discussion because we have been working on family relationships since the 1960’s. He said he lived in a commune in the 1970s and that it consisted of alternative family relationships. He lived in the commune for 12 years which included co-parenting a baby,
and among commune's members were gay, straight, and bisexual people. The group often ran into legal barriers because no one recognized that they were a family for hospital visitation, when renting a house, and other times. This has been an important discussion for many years and we keep moving along the continuum toward greater equality and toward expanding who we are, what we mean to each other, and what family really means.

Before going to the panel discussion, he thanked his staff who are very hard working people and who assisted with the Forum, including Nadia Babella, Hadas Rivera-Weiss, and Domenic Viterbo. He also recognized Human Rights Commissioner Faye Woo Lee who was in the audience.

**Director Sparks**

Director Sparks advised the audience that the Forum was being video recorded and those who did not want to be captured on video should sit at the back of the room. She said that it was her honor to introduce the distinguished panel, all of whom are knowledgeable about this issue of alternative families. Each panelist had been asked to answer in turn three key questions regarding alternative families, and she said that the audience also would be given an opportunity to comment.

Director Sparks said the purpose of the Forum was to gather information and to understand the issues so that the Human Rights Commission can determine the best ways to move forward.

The first panelist introduced by Ms Sparks was Judy Appel who is the Executive Director of Our Family Coalition, an organization that promotes civil rights and well being of Bay Area LGBTQ families with children, and prospective parents through education, advocacy, social networking, and grass roots community organizing. Ms Appel has more than 10 years experience as a public interest lawyer involved in policy based work and more than 20 years working for non-profits both nationally and internationally.

The next panelist introduced was Samer Danfoura who lives in an alternative family. He, his partner, and his brother of choice, a good friend since they were both 17, bought a home in San Francisco together 15 months ago. The three men, along with a dog and a cat, live together and have made their own non-conjugal family. Mr. Danfoura is an attorney in private practice serving a diverse clientele, and he is a community volunteer for the Arab American Discrimination Committee and the LGBT Advisory Committee of the Human Rights Commission. He was recently appointed by Mayor Gavin Newsom to the San Francisco Immigrant Rights Commission.

Melanie Rowen was then introduced. Ms Rowen has been a staff attorney for the National Center for Lesbian Rights (NCLR) since 2006. She is actively involved with
NCLR's full range of case work with a focus on transgender issues and elder law, and she manages the organization's Law Clerk Program. Previously Ms Rowen was a litigation associate with the San Francisco law firm of Latham and Watkins where she was an NCLR cooperating attorney doing pro bono work for the homeless and individuals with HIV/AIDS.

The final panelist introduced was Cathy Sakimura who is a staff attorney for NCLR and is the coordinator of the NCLR Family Protection Project. Ms Sakimura works to increase access to family law for low income LGBT parents and their children with a focus on increasing service to families of color. The Project provides free and low cost legal services to LGBT families, trains and supports lawyers providing free and low cost services to these families, and works in coalition with other organizations to provide culturally competent services to families of color. Ms Sakimura is currently a member of the Board of Directors of COLAGE, a national movement of children, youth, and adults with one or more LGBTQ parents.

Moving on to questions, the first was directed to Ms Appel and Mr. Danfoura and they were asked to keep their responses to 3 minutes.

**Question 1 – What kinds of non-spousal alternative families exist today?**

**Judy Appel**

Ms Appel thanked Director Sparks and said she was honored to be included on the panel. She said it has been both fun to prepare for this forum and also a challenge. Our Family Coalition is often tasked with pushing the envelop on how the world and LGBT community is seeing and recognizing families with children. Thinking beyond families with children requires that we consider how we define “family” and what legal protections might be needed for this expanded definition.

After reviewing numerous definitions of family the one most suitable here was “a network of mutual commitment.” It’s simple and it allows us to self-define our families of choice. This definition also allows us to define our families in different ways, for different reasons, and at different moments.

Ms Appel conveyed a story of a conversation she had with her children ages 8 and 11. They were talking about another family that they know that has the same biological donor as her kids. They used an anonymous donor so it is just by chance that they know this family, and they see them perhaps once every six months. They don’t really call them “family,” but the kids understand the relationship. In the conversation they were talking about how they would build their family tree. The children talked about Ms Appel’s family and her partner’s family and then they spoke of their family of choice… all the other adults in their lives that help care for the kids. Ms Appel asked what they thought about the other family with the same biological donor, and they said that they
"would be out there somewhere" but the caregiving adults were really their family of choice.

For Ms Appel’s kids, their definition of family went far beyond their nuclear family and included a much broader definition of community. The LGBT community has been instrumental in broadening the definition of family, often by need, due to rejection by biological family or due to being seniors without offspring.

The people who have spoken so far have explained how their own family somehow breaks the traditional view of family. Some examples of situations where adults are taking care of one another are:

- Communal living arrangements for adult couples who aren’t in a romantic relationship – it could be friends or chosen siblings;

- Caretakers – people who are living together to take care of one another either emotionally or physically; and

- Collective living relationships – emancipated youth, friends, or others who are living together and mutually caring for one another - they may not be living together, but still providing a loose network of support and commitment.

We also have a lot of different ways families with children are being formed.

- There are a lot of single parent families.

- Co-parenting relationships - sometimes there are two, three, or four parents who may or may not be in some kind of romantic relationship. It was groundbreaking when we had Bevan Dufty, a member of the San Francisco Board of Supervisors, decide to create a family with someone with whom he was not in a romantic relationship. He and his non-romantic co-parent are raising their daughter together as a family.

- Senior women (and sometimes men) who are taking care of children in the community because the actual parents can’t.

Everyone should take a moment to think about how they would define their own family using the definition of “a network of mutual commitment.”

**Samer Danfoura**

Mr. Danfoura said he was born in San Francisco and raised in a Catholic conservative family that instilled that family is the building block of society. He looked around for a family that was right for him. He loved his family very much, but knew that somewhere out there was another family for him. When he was 17 he went far away to college and soon met someone who was from a similar background. Neither of them was openly
gay at the time, but they built a sibling-like relationship by choice. They lived together during college and after college, but Mr. Danfoura then moved back to California. Later he convinced his sibling of choice to move to California also. They reconnected and deepened their relationship, and 15 months ago Mr. Danfoura, his partner, and his sibling of choice bought a house together.

The sibling of choice and his cat, and Mr. Danfoura, his partner, and their dog have created a non-conjugal family of choice. It has been working smoothly and it is beautiful. Their biological families have reacted differently to the arrangement, but they see the love and are happy for the alternative family even if they don’t understand the arrangement.

Mr. Danfoura had invited the House of Moore to be a part of this forum, but they were unable to be a part due to preparations for Halloween. They are a drag family that includes Juanita Moore, Glama Moore, and Candy Moore. They have created their own beautiful family based on ideals they communally share. They created their own definitions and roles for each other and it is just another beautiful example of alternative family.

As our families grow bigger, stronger, and more powerful, hopefully the greater society will reflect the diversity that exists here.

**Melanie Rowen**
Ms Rowen was raised by her grandparents who lived in a senior community where everyone was retired and everyone was always home. It was a wonderful way to grow up. With this experience she thinks about to what extent alternative families are inter-generational. Some people have community parents and community children. As people in these relationships age, who are our community parents and how are we committed to care for them? That’s something she thinks about as the years go on and she is interested to hear from people what their experiences might be with community family.

**Cathy Sakimura**
Ms Sakimura acknowledged the wonderful examples that have been mentioned previously, but reminded the group that we should not forget about foster families and the parents who are part of the foster care system. They sometimes stay in touch even after their foster children go back to their biological family or even move on to a different foster family. So there are familial relationships that develop from the foster care system as well.
Comments from the Audience
(Members of the audience may identify themselves or remain anonymous, and may comment or ask questions of the panel.)

Shavante Keaton – Honoring the Emancipated Youth Program
Ms Keaton said she was excited to be here and glad that some of the panelists brought up foster youth. Ms Keaton is a former foster youth and she is very familiar with the idea of alternative families. Many foster youth don’t have family and support each other through alternative family relationships.

She created her own family among other foster youth and they have a huge network of support. They give support to each other because they don’t have biological families. Ms Keaton’s guardian actually decided to accept her for full guardianship which also provided more stability for her. Just as Ms Sakimura noted, she has someone who cared for her in a foster family situation who she calls her grandmother, although they are not biological relatives. This woman raised her, and she sees her grandmother of choice for holidays and vacations.

Many people don’t realize that foster youth have created these networks and that they have to create these new families because they don’t have the nuclear family base to rely on. It is heartening to hear that people are looking to recognize alternative families and she hopes that society begins to broadly accept these families.

[Director Sparks recognized the attendance of Donna Sachet who is a community leader and a member of the LGBT Advisory Committee]

Question 2: What obstacles or legal hurdles exist for non-spousal alternative family relationships?

Melanie Rowen
Due to the limited time, this discussion will be a list of legal hurdles and then it would be good to hear from others what kinds of legal obstacles they have encountered. Any time an alternative family is looking to exercise a right based on their relationship there is a circumstance where obstacles may be a problem.

- Owning a home – If a property is owned jointly and someone passes away, there can be property tax implications. Sometimes the alternative family member with no legally recognized relationship can be taxed out of their home from the property reassessment at the current market value.
• Assessing Public Housing Benefits – There’s a definition of family that applies to people who are trying to get public housing; and who may live in a public housing unit is prescribed by legally recognized relationships.

• Hospital and Medical Decision Making – Many LGBT people are aware of these issues because it has been talked about quite a bit in the community. This is something that can be addressed in advance, but it is something many people don’t think to address until it is too late. Estranged biological family members may swoop into a situation when there is an emergency and make decisions that are not in keeping with the patient’s wishes. People who are in alternative family relationships and an estranged biological family member does not accept or recognize that relationship, run the risk of having estranged family members swooping in to make unwanted decisions. This is particularly a problem when a person is incapacitated.

• Institutional Settings – People who are incarcerated may only get to see legally recognized family members. One in 100 people are incarcerated and many people don’t realize that LGBT people are disproportionately incarcerated. NCLR has heard from a transgender man who is incarcerated in another state and he is the chosen parent of a child he was raising with his girlfriend. The child’s biological parent is the incarcerated man’s cousin. Sadly, the prison system will not allow the child visits because he is not the biological father. This is really harmful for the child and the prisoner.

• Employment Benefits – Insurance and family leave can be denied to those whose family is not legally recognized. Most of us have the right to take family leave to take care of a parent or a child, but not a sibling or alternative family member.

• Public Benefits – For SSA, Medi-Cal, etc. you must have a legally recognized relationship to draw benefits or participate in these programs in many circumstances. Also, it can be complex regarding when someone is legally required to pay benefits, such as benefits for a child after a co-parenting relationship is ended.

• Death – Many people just haven’t taken the time or don’t have the resources to plan for what happens when they die. Left unaddressed, property and assets will go to a person’s legal relatives.

Samer Danfoura
When he was trying to buy a house, they had a lot of difficulty getting a mortgage because lenders didn’t understand their relationship. Ultimately, they had to write a letter to explain why they were buying a house together. It didn’t turn out to be an actual obstacle to getting the loan, but it was an impediment. In the letter they had to describe
the nature of their relationship and it was sad that they had to do that in order to get the loan.

In another situation, Mr. Danfoura’s brother of choice was attacked and injured badly after September 11, 2001 and he was unconscious for a long time. Mr. Danfoura was in college at the time and the institution’s Dean didn’t understand why he would need to go immediately to another city to visit his sibling of choice during the final exam period. He was told that because his sibling of choice was not his legal relative, he would have to suffer the consequences of missing any exams Had he been a blood relative, they would have been far more accommodating.

There are also social and personal obstacles. Many people are in these relationships and can’t even admit it to themselves. First, those in the relationship have to identify it and acknowledge it to themselves and then explain it to other people. Finally, how others react has a great impact both with the outside relationships and with the alternative family relationships as well.

Judy Appel
In co-parenting relationships we have many courts that will recognize two gay men or two lesbians as parents of a child, but what we haven’t seen is a court that will acknowledge more than two co-parents for a child. There are lots of situations where two couples are co-parenting, but only one from each couple can be recognized by the court as the legal parents of the child. This can create some serious obstacles for the child, particularly if there is a breakup of the co-parenting arrangement.

Another issue is recognition of co-parenting by service provider agencies. Many don’t make room for co-parenting situations on forms and in interviews designed to determine what is in the best interest of the child. This is true for adults and seniors as well. If a service provider isn’t asking the right questions, they can’t provide the best services or care. They have to allow in, those people who are the closest network for the children, seniors, or adults who are looking for care, without limiting consideration to just legally recognized family relationships.

Finally, there is the intersection between immigration and family. There are many undocumented folks in San Francisco who rely on one another regardless of whether they are biologically family or not. They have no legal protection and so that is something that should be addressed.

Cathy Sakimura
There are so many areas where our families intersect with the government and there are so many ways an alternative family can be facing legal hurdles. Another issue is not just being recognized as a parent, but also the difficulties of forming families by having children. For example, the way the insurance industry treats fertility treatments and who
is eligible to receive treatment for assisted reproduction. This is also an issue for adoptions because it is generally recognized that there can be only two parents. So the forming of families with children also presents hurdles for alternative relationships.

Comments from the Audience

Unidentified Audience Member – At this time there are many people who are going off to war. In 1991, this man was recalled to active duty for Operation Desert Storm and he was in an alternative family with a one year old daughter. If something were to happen to her, he would not be allowed to return to the country to be at her side. Also, being recalled to active duty, his income was cut in half from what he earned in his non-military job. So his family didn’t get the benefits that everyone else’s family received when they were shipped off to war.

Ms Appel mentioned a child having four parents and that is something that the audience member is interested in. In a utopian society that would be wonderful, but having been through two divorces and fighting for custody of my children, it scares him to think of fighting with three other people for custody. How would that impact the child and what are the legal ramifications of that? There would need to be a team of people working on developing a way to make it safe for everyone involved. He always wants as many loving people in his children’s lives as possible, but how do you navigate that in the real world?

Bernie S. (audio unclear) Audience Member – One thing that resonated with him is how difficult it can be to acknowledge within a relationship that it is a primary caregiving relationship. Our education systems provide a lot of information on how to develop and maintain a legally recognized family relationship, but little information on how to make alternative relationships last, for example with a brother of choice or a sister of choice. He has been single for most of his life and has had to rely on close friends for care. It can be difficult to establish that level of commitment that would equate to a sibling of choice. He feels that we lack resources for helping to develop relationships to that point.

Another issue for him as an older gay man is how to connect his blood kin with his family of choice relatives. As we talk about legislation and policies, we should also talk about what resources we might have to help people establish these alternative family relationships.

Larry Brinkin – Question for the panel – As we have struggled for domestic partner rights and marriage equality, do you see anything inimical to the legal rights for alternative families in focusing on these “coupistic” relationships? Some people have said we should have equality for a group marriage, and
others said no we don’t want that. Is there a retarding of the effort for alternative families by having so much focus on coupled relationships?

Ms Appel said that this is a good point to bring up. We want to have the same rights as everyone else and marriage is the focus right now. In advocating for marriage equality we are holding up monogamous couple families as a model, and in doing that, we push under the rug the strides that have been made in networks of mutual commitment. This is a challenge for community leaders. How do we advocate for one without undermining the other?

Ms Rowen said that advocacy for both marriage equality and alternative families can be going on at once. The majority of her work with NCLR is not couple based work, but often the public perception is that NCLR is focused only on couples. Her work on elder law issues is mostly about educating people on what they can do to protect their alternative families now, based on mechanisms currently available under the law. She said that couple based advocacy is important to many of their constituents, but that these two issues can go together.

Mr. Danfoura said he has nothing against couples and that he is in one. However, he does feel there is damage done to alternative families by the often singular focus on marriage equality. It erases the rest of our relationships and puts the focus on this one model of family. While that coupled family model is present, it is in some ways romanticized in both the straight and gay community, and that focus on models isn’t necessarily helpful to our society. It would be better if we could simply democratize our relationships and stop bundling the rights of family with just that one model.

Ms Sakimura said that it is very important that we focus on all the paths that people use to form families. We should be protecting marriage, domestic partnerships, and all the other ways that people make family. There can be a tension with messaging for marriage equality, but it doesn’t have to be taking away from alternative families. Because of the media’s focus on marriage, people don’t hear about the extensive work being done to protect all kinds of families. Those interested in helping alternative families should seek out groups doing the advocacy work to become involved in policy and public education on these issues.

Unidentified Audience Member – Question for Mr. Danfoura: You’ve used the term “brother of choice,” but in the bank mortgage situation or other social situations, have you tried to just use the term “brother” to describe your relationship?

Mr. Danfoura said he has used a variety of terms: brother, brother of choice, friend, roommate, etc. In different contexts he has used different terms to define the relationship, and he likes having the flexibility to use the term that will yield the desired
effect. For example, in the bank mortgage situation, his brother has a different last name and they are different races, so he didn’t use the term brother. Instead, he explained how they met, the length of the relationship, and that they have lived together in the past.

The audience member followed up with the comment that many people use the term “auntie” for a close family friend that is not related, but the term “brother” is not commonly used in the same way. Mr. Danfoura agreed that people don’t “cross that line as much.”

Question 3: What can be done to support alternative families through legal and other means? Do we need protection for these families?

Cathy Sakimura
Looking at the current law, people in alternative families do need to take additional legal steps to protect their relationships. The law just isn’t set up to recognize other relationships. Therefore, it is really important to look ahead and take steps to get as much protection as possible in case something significant happens to an alternative family. It also is important for us to be working to change the law to recognize the ways people really form their families and have relationships with others.

Ms Sakimura said she would speak about efforts at the federal and state level and then some things that could be done at the local level to protect alternative families. There was a bill in the California Legislature to open up domestic partnerships to allow difference sex couples under age 62 to also register. The U.S. Department of Housing and Urban Development recently announced they will be changing their rules to define family in a way that will include LGBT couples, and it is currently collecting public comment on the proposed changes. People should make comments supporting equal access to public housing. The draft policy includes protection from discrimination based on sexual orientation, gender identity, and marital status; and this is a very important step for the federal government to be taking.

Another current effort is California Assembly Bill 12 which would increase the age for defining foster youth to 21. This will give youth more time to have foster parents in the system and not just be emancipated at age 18 and be left without a family support system.

Beyond the federal and state level, there are things that a local government like San Francisco can do. San Francisco has been a leader on so many fronts and could create mechanisms to make it easier for alternative families to take advantage of what can be achieved through private agreements. For example, agreements that state which people you may want to have visit you in the hospital, which people you want to make medical
decisions, and estate planning documents like wills and agreements stating who should take care of your estate if something happens to you.

A local government could create mechanisms, perhaps connected to the court, that would enable people to more easily access the creation of these documents without an estate planning attorney. This could be a more streamlined process, especially for low-income families and others who may not know what protections may be available to them.

Colorado just recently passed a law which created a system for what is called “designated beneficiaries.” Under this law, any two people can go to the county clerk and register the rights checked on a list which they choose to convey between them. For example, they can choose who they want to inherit property from them and they don’t have to check everything. They can select only those rights that work in their particular relationship situation. What’s great is that you pay one fee, you have a simple mechanism for conveying rights, and you have a streamlined process where government is providing access to people who might otherwise not receive these protections.

These are just a few things that are either currently happening or could happen and Ms Sakimura is interested to hear what ideas others have to protect alternative families.

Judy Appel
There has been a regional effort to get LGBT people to foster older queer youth. We can be a resource for young people who have been rejected by their families and still need homes and people to care for them and understand them. Making this easier is something that also should be explored.

Samer Danfoura
All our families need advocacy and deserve equal recognition, and that’s not what is happening now. It may not be that every alternative family needs all the rights conveyed between married couples or blood relatives. We should look at how we can unpack the bundled rights of the model family and figure out what are the underlying values and assumptions that go into that legal framework. I suspect that we will find community property rights, inheritance rights, and all the things viewed as essential to the model nuclear family, are needed by some alternative families. However, we may also find that the heterosexual family legal structures could be opened up to become as introspective and open minded as alternative families have had to be.

Melanie Rowen
What is interesting about bundles of rights is that advancing alternative family rights may need to be a piecemeal process. While marriage equality may be completed with a single law stating that gay couples be treated the same as other couples, to address
how specific rights are allocated, you have to look at each one. We can do advocacy about people being taxed out of their homes, about how many people you can name to visit you in the hospital, about each individual right. Rights that really "get under people's skin" can be points of community activism that we can work with on an individual basis. These rights should not be conveyed through a single large court action; in fact, they can't be accomplished that way. This necessary piecemeal approach can be a strength for making alternative family rights happen.

Director Sparks
An alternative family arrangement that she has known about was the one around Harry Hay who was an early gay community leader and who was an advocate before almost anyone alive today. He and his partner John Burnside retired to San Francisco and they were Radical Faeries. They formed a care circle of people around them of about 15 people and they became a part of Harry's and John's extended family, but not necessarily to each other. This group worked together to provide for their care, both financial and medical, and lasted until both had passed. It was a very functional and wonderful thing to watch, and it grew organically out of a community to care for these two elders. We need to have a way to recognize these types of cooperative care arrangements and understand how they could be adapted for the larger society.

Comments from the Audience

Unidentified Audience Member – He is glad that Assembly Bill 12 was mentioned and wanted to thank the advocates for doing that work. When he was at the Transgender Law Center he saw foster youth who had "timed out" of the foster care system at age 18 and were dropped from Medi-Cal (California's Medicaid program), just as they reach the legal age allowed to make hormonal changes to their bodies. Regarding AB 12, are you considering the loss of health insurance as part of the raising of the maximum age for a foster youth?

Ms Sakimura replied that this is absolutely a big issue for young people. Although it hasn't been successful, NCLR has been involved in a long litigation in New York regarding a foster youth that was getting transition related care, was in that threshold age range, and was trying to get coverage for that transition related care. Access to healthcare is an issue for all foster youth aging out of the system, but it is particularly acute for transgender youth who may not be allowed to get gender related care until they are 18. While she didn't know if AB 12 will specifically address that issue, it is one that NCLR is concerned about.

Unidentified Audience Member – While we acknowledge that there are all kinds of alternative families, not just those in the LGBT community, there are two concerns when we start talking about the legal ramifications. First, do we really want to ask the government into our homes to prove we have a connected
relationship; and second, there is a potential for abuse that could be a large issue. For example, a person with a rent controlled apartment may want to temporarily register a domestic partnership so that a low rent lease can be conveyed to another person.

Mr. Danfoura responded that what is sought is an equality of family options that would be available to everyone. The potential for abuse can happen with married couples and domestic partners now, and it is not unique to alternative families.

**Director Sparks**
Director Sparks said that she was estranged from two of her children for almost nine years and had a very rocky relationship with her third child. Like many people who have lost connection with their blood relatives she formed an alternative family. For her, however, she was able to reconnect with her kids and the result has been the merging of the two – her blood relatives and her extended family – to create one large supportive family group. Not everyone is that lucky. Sometimes biological family emerges who are hostile. There are so many angles around this community dilemma that we need to continue to have these discussions to flesh out what these issues are.

The LGBT Advisory Committee will continue to work on alternative family issues and will recommend to the San Francisco Human Rights Commission what they believe are the next steps for addressing the concerns of alternative families. The Human Rights Commission can develop a regulatory framework that in turn can be recommended to the Board Supervisors for legislative action. In most cases the Board has adopted what has been recommended by the Human Rights Commission. This forum is the beginning of a larger process and we now are identifying the issues of alternative families.

Director Sparks then invited anyone on the panel or in the audience to make further comments.

**Comments from the Audience**
**Unidentified Audience Member** – The far right often says that if marriage equality is granted to gay couples, then we will have all sorts of other relationships that will have to be recognized. Polyamorous relationships are commonly cited. While many in our community would be fine with that, in the battle for marriage equality it is used against us. How do we balance the advancement of alternative family rights with the effort to win marriage equality? She is concerned that by advocating for alternative families we feed our opponents' "slippery slope" arguments and we could lose the very important battle for marriage equality.

**Unidentified Audience Member** – She is excited to see people talk about multiple forms of kinship and ask that they be recognized and protected. She
thanked the panel for holding this forum in the community. She is interested in comparative law, such as the different ways that the French system handles family law. She asked the panel what they know of alternative family law in other places.

Mr. Danfoura mentioned that in Canada there have been several studies of how to recognize non-conjugal relationships. Much of this data is available online.

Ms Rowen added that she is also interested in how other jurisdictions in the world handle alternative families. Looking at how others have solved problems is something that America needs to be doing more. Ms Rowen also spoke about the slippery slope concern of the previous speaker. In Washington, Maine, and Kalamazoo polling shows that the slippery slope arguments are not getting much traction with the public. Opponents are no longer using slippery slope arguments in their commercials. It came up in the California marriage cases and was dealt with because it doesn't stand the test of logical argument. In short, approving one thing doesn't always lead to another. It simply isn't true. What is showing up in the ads is “equally annoying,” but slippery slope is not what is being used now.

Mr. Danfoura said that he was troubled by the slippery slope question because it prioritizes one type of family, couples seeking marriage, over alternative families. Why should one be more important than another, and be asked to wait while others have their day in the sun? This issue has come up at various times in the LGBT movement with transgender and bisexual people being asked to allow gay and lesbian rights to go first. He said that instead of worrying about how others will receive the LGBT community, we should concern ourselves with how we receive each other.

**Unidentified Audience Member**— It has never been an “either/or” situation. He said he grew up in a foster home and did not relate to the Brady Bunch and Donna Reed. For many years as a young adult, he didn’t think that those families existed anywhere. Later he learned that wasn’t true. It is not a question of whether we have marriage OR alternative families. We have always had both of them. His foster home included 7 to 15 kids and a single mom, and together they were a family. At the end of the day, love is love and it is what protects children. People who in their hearts really want to protect children, will see the love in this alternative family debate. Those whose hearts are lower than they should be will refuse to see that love.

**Unidentified Audience Member**— With so many people in the LGBT community that don’t fit a monogamous couple model and may not be interested in marriage, actually advocating for what is more genuine in our communities will bring everyone along and we will have more power. Also, there are many unexplored
affinities with other communities who are also experiencing a lot of pressure on their families. For example in New York there are many straight, thirty-something Generation Xers who don’t have families, aren’t married, and aren’t interested in marriage as yet. These heterosexual people are having alternative families and could be allies if we can touch that piece of their need.

Ms Appel said that having straight allies is an interesting point as well as the point about there always being both marriage and alternative families. Marriage is the basis of the attacks from the Right. We have to find a way to resist those attacks and bring alternative families and the Manhattan Gen Xers along with us. We also have to find a way to get some of the 51% of Californians that just voted for Proposition 8 saying we shouldn’t have marriage equality. Marriage is the battle we face today, and while we could just walk away from that battle, Ms Appel said we should instead work to not allow the battle for marriage to completely subsume our movement. We have to look thoughtfully at how to advance both marriage and alternative families.

Director Sparks said that we saw this issue in the federal Hate Crimes Bill just recently where gender identity was thrown out as a red herring. After embracing everyone we saw success. The same debate continues with ENDA (the federal Employment Non-Discrimination Act) and it remains to be seen if we will have success with that bill. However, today even the Human Rights Campaign is supporting transgender employment rights. Our lesson here is that the LGBT community is one community and we need to stick together. Marriage equality is a very important issue that we need to protect as we go forward, but not at the expense of any other movement.

Ms Sparks said that in talking with Geoffrey Kors at Equality California they are aware there are many other battles to be fought and keep that in mind as they advance marriage. We are a community and that community includes all of us. Ms Appel added that it is our job to hold accountable the leaders of the advocacy organizations that represent us at the statewide and national level. These organizations must represent the broader interests of our community.

Director Sparks then thanked the San Francisco Human Rights Commission staff who helped organize this forum and concluded the event.
Part III: Alternative Family Narratives

Nathan and Rahul
by Nathan Purkiss

Rahul and I were living in Sacramento in 2003 when we met online and went out on a date. He was an undergrad student at UC Davis and he hadn't come out of the closet yet to his family because they were very conservative.

We had a very nice time on our date, but when he told me that he was still in the closet and didn't have any gay friends yet, I told him that I would be his friend. I remember when I was younger the gay community could seem so alienating when you first come out, and so I told him that even though I had a great time and was flattered a younger guy like him was interested, I really thought he should have someone who will just be a friend for him. And so we started a friendship together. We started hanging out and would speak to each other every day. We went on road trips together and I took him to his first gay bar. I kind of became his gay big brother.

A year later, Rahul and I became inspired by all the same sex marriages that started taking place by Mayor Newsom in San Francisco and so we went to a rally together in Sacramento to support them. A San Francisco Chronicle photographer took a picture of us at that rally. When the photographer asked us for our names, I stopped Rahul and told him – are you sure you want to do this? You know what this means? He replied – "Yeah, I really want to do this – actually I think it's perfect."

The Chronicle printed our picture in the newspaper and we knew it was inevitable that his family would find out that he was gay. Sure enough, later that week I dropped him off at his apartment, and right after I dropped him off, something really strange happened. Rahul disappeared for more than a week. First he didn't return my calls for a few days, so then I called his roommates and they hadn't seen him. Then I called his work and he hadn't show up for several days and the boss was worried.

His roommates still hadn't seen him at all, and so I called his dad, and his family hadn't heard from him either. So I began to really freak out. His family didn't seem too concerned, but as the only person who knew he was gay and just starting to learn about
the gay world, I was afraid that maybe he met someone online and ran into some kind
of danger. So I went to the Davis Police Department and filed a police report.

After a few days, the Police called me to the station and told me they had found Rahul
and they wanted me to come get him. What had happened was his family had waited
for him at his apartment after slashing his tires and they abducted him by gunpoint, took
him to his uncle’s home and kept him there for a week to try and make him ‘not gay’.

I had no idea that Indian culture could be so conservative. I thought of anti-gay
sentiment being mostly a Christian conservative thing and it just never occurred to me
that his family would have such an intense reaction. This was almost like a hardcore
religious intervention to try and ‘fix’ their son. They punched him and forced him to drink
these potions, forced him talk to Indian psychics who warned him he would get AIDS if
he kept on this course, and they put him through this terrible ordeal in trying to get him
to drop this ‘crazy idea that he’s gay’.

When the police found him, they asked who he wanted to stay with and he said he
wanted to stay with me. So, he came home to live with me and from that time, he and I
became family. His parents had pulled him out of school and took everything away from
him (even things like his computer that he paid for). He wasn’t willing to fight with his
family, so he just stopped talking with them and didn’t make an issue out of all the
things they did. He still doesn’t speak to them to this day. And he turned to me as the
one person he felt like he could count on, so I put him up at my place while he found a
job and restarted his life.

We spent the next few years partnering on everything. I helped him find a counselor
because he was depressed and really needed support. I helped him move to San
Francisco and helped him set up with a lease for an apartment and co-signed his loan
to get back into school.

We did everything as if we were blood relatives, because we really became family. We
also had a lot of fun and tried not take it all so seriously. We went to Gay Pride, Burning
Man, the Folsom Street Fair, spent all of our holidays together, and just got to enjoy life.
The great thing out of this tragedy is that we became close in a way I never would have
expected.

I guess some people might see us as friends, but that’s not how we see each other. We
became family over many years because we chose to become family. We are each
other’s support system. If ever we need something, we are each other’s resource. And
it’s not just him needing things from me. As I’m getting older and thinking about my life,
having no kids and being single at the moment, friendships like the one I have with
Rahul are everything to me. We are family, and that’s just the fact of it.
The Circle of Loving Companions:
The Harry Hay & John Burnside Care Giving Circle
by Jerry Berbiar

This is the story of eight friends who came together to form the Circle of Loving Companions, a care giving circle for Harry Hay and his long time partner John Burnside. Harry was the founder of the Mattachine Society, the first American gay rights organization, and later he and John founded the Radical Faerie movement. We cared for Harry and John for three years until Harry died, then we cared for John another six years, until he too passed away.

Our care giving circle held regular meetings to figure out what we needed to do for Harry and John and who would do which tasks. One of us became treasurer, others did fundraising. Like many seniors, Harry’s and John’s Social Security did not cover their expenses and we knew we needed to raise funds for their care. We developed a schedule of who would be with Harry & John when no paid caretaker was available. All of us participated in taking them to events, often ones where awards were being presented to them for their work as LGBT and civil rights activists.

Harry was in a wheelchair, on oxygen, using a hospital bed, and required someone to help him bathe, dress, serve meals, administer medications, and to be with him most of the time. Harry and John also needed housing, a doctor, and other medical specialists.

In the beginning our first task was to find them affordable housing in the expensive San Francisco rental market, as they had just relocated from Los Angeles to San Francisco.

Actually, they thought they were coming for a two week visit, but Harry was in the hospital deathly ill within days of their arriving, and it became apparent that Harry and John couldn’t return home with just one friend who was helping them. They never returned to the home they left behind.

One of the Circle members generously took Harry & John, with Harry’s hospital bed and oxygen tanks, into his house for two months while we searched for affordable housing. We devised a schedule for us to take turns caring for Harry & John in the day, but at night their “host” singlehandedly cared for Harry, which required getting up frequently during the night.
We ran a press release in the Bay Area Reporter, our local LGBT newspaper, asking for help in finding an affordable apartment. Ultimately, a friend of ours offered an apartment to Harry and John in his building for about half the rental market rate. In the newspaper article we also asked for help caring for Harry and John and a respondent joined our care giving circle and later became a life partner with another Circle member. What a lovely example of the rewards of giving to others!

We hired a part time caretaker to cook, shop, clean, run errands, and help Harry with his daily needs during the period that John was able to do some cooking and provide care for Harry at night.

Meanwhile the Circle dealt with Medi-Cal, found Harry and John doctors and various medical specialists, drove them to all their medical appointments, accompanied them into the doctor’s examination rooms to listen to what the doctors were saying, as well as driving them places for their enjoyment, etc. It was an honor for us to just spend time being with them, learning from their experience and wisdom.

Within a couple of years John started going blind, Harry was in and out of the hospital, and we needed someone to move in and care for both of them at night. It was much more difficult to find a suitable caregiver to live-in with them than finding someone to work with them in the day. There was a lot of turnover in live-in caretakers so we often took turns sleeping over when necessary.

Each year I wrote a fundraising letter which was sent out to about 180 people, which brought in both onetime contributions as well as pledges for funds sent at regular intervals. Both Harry’s and John’s ninetieth birthday parties were held at the San Francisco LGBT Community Center and also were successful fundraisers. Members of the LGBT community and the Circle members donated items to be auctioned off at these events.

In 2002 Harry passed away at age 90. John was now almost completely blind and we continued to care for him. One of our Circle members moved out of San Francisco, but a new member joined us after he came to Harry’s 90th birthday party. Harry died six months later, but our new friend and caregiver stayed on to care for John over the next six years.

As a group of eight loving friends, devoted to these two old men who had contributed so much, we were able to meet not only their basic needs, but we also created an environment that enabled them to live fulfilling happy lives within their physical limitations during the years that were left to them. If a family is to be there when you need them most, then the Circle of Loving Companions was Harry’s and John’s family.
Commune

by Larry Brinkin

In the late 1960s as I was embracing hippie culture, I started inviting friends to stay with me in my small apartment. Eventually, we outgrew the apartment and moved to a flat. Then more of our friends moved in and we outgrew the flat and moved to a big house. By the time we had grown to 15 people we realized that our shared values, politics, and interests were helping us grow closer in love and friendship.

We were women and men, mostly gay and lesbian but also bisexual and straight. There were couples within the larger group. We made a decision early on to start having house meetings where the discussions were deep and fierce. This led to our desire to acknowledge that we wanted to live communally and collectively, as a family. We took the name “Hunga Dunga” from a Marx Brothers movie, which perfectly blended our politics and our sense of fun.

As the alternative family matured, we decided to have one bank account with all of our money belonging to all of us. Some people worked for good wages, some for not-so-good wages, and some were unemployed. It didn’t matter who contributed what— we all shared all of our resources. We made a budget and each person got a weekly allowance that was the same amount for each person, regardless of their income.

We provided support and love and companionship for each other, tended to those who were sick, divided up household chores, played together, cooked together, went to movies, and some of us had intimate relationships. A male/female couple had a baby, and we all participated in parenting her. We were part of a network of Bay Area communes. Most of the communes provided some kind of service. Ours was to gather everyone’s financial resources, and buy food in bulk and deliver it to other communes. All the services from all communes were free. One commune produced a newsletter which served as a communication tool for all the communes.

Within our commune, we struggled with the human condition, with how to have privacy and our own identities within the structure of our family. And “family” we truly were, and it was the word we used to describe our group. We faced some problems: some of our families of origin were hostile to us; when one of us went to the hospital and was in intensive care they didn’t want to let us in to visit him; when we looked for houses to rent, we were refused several because they wanted a “family;” we were denied family discounts from businesses such as auto clubs and gyms.

Our family was strong for about 12 years but then death (mostly from AIDS) and other issues led to our breaking up over time. But the strength of our love and commitment, and the sharing of our hearts and minds as well as money and responsibility, taught me more about what “family” means than the family I grew up with.
Part IV: Legislative Proposals

LEGISLATIVE PROPOSALS OF THE LGBT ADVISORY COMMITTEE

Background
Not all close human relationships fit into the mold of parent, child, sibling, or spouse. Many LGBT people, former foster or emancipated youth, seniors, and people from all walks of life are estranged from their biological relatives or have no surviving family. They have no spouse and rely on members of alternative families without the legal protections of blood relatives. These people are more than friends and they are not lovers. They are as brothers and sisters or adults with senior mentors, and they often become caregivers when illness or infirmity strikes, but have no legal standing in hospitals, employer benefits, or in the legal line of consanguinity.

Family law mechanisms focus on spousal and parental relationships through marriage, divorce, adoption, and the emancipation of minors. However, there is no easy way to convey a legal standing between friends similar to the family rights of siblings or non-spousal domestic partnerships. There are no simple legal mechanisms to aid in the formation of caregiving cooperatives for the purpose of improving the quality of care for a single ill, disabled, or senior person.

On October 29, 2009 the San Francisco Human Rights Commission’s LGBT Advisory Committee sponsored a public forum and panel discussion titled, Beyond Marriage: Recognizing Alternative Family Relationships. The Forum sought a broader concept of family and it was defined as a "network of mutual commitment." A variety of human relationships that could benefit from a mechanism to convey family law rights, responsibilities, and benefits were identified. Relationships such as brothers or sisters of choice, emancipated youth supporting each other, seniors caring for each other in non-spousal relationships, communal living arrangements, "care circles" in which groups of people are committed to the care of a senior or disabled person, and co-parenting relationships were all discussed.

In the Forum numerous legal hurdles faced by people in family by choice relationships were identified. Some of the issues were housing and property rights, taxes, hospital visitation, medical decision making, rights asserted "out of the blue" by estranged biological family, employment benefits, disability payments, death and dying issues, and rules by residential nursing care, educational, and correctional institutions.

The following legislative proposals are intended to provide people in alternative families with easy-to-establish legal rights that foster relationships of mutual caring and responsibility.
STATE PROPOSAL 1. Caregiving Cooperative

Sometimes there is a group of people who as individuals may not have the will or ability to take on all the care needs of an ill, disabled, or senior person that would be conveyed as a designated beneficiary. A group of people could share in caregiving responsibilities and could be provided certain legal rights for the purpose of increasing the quality of care for that person. In order to avoid disagreements, it would be prudent to establish medical power of attorney with one person prior to creating a caregiving cooperative. This could be done using a contract or through the designated beneficiaries mechanism described below. The rights conveyed to caregiving cooperative members might include the following.

- Visitation rights in a hospital, nursing home, hospice, or similar health care facility.
- Right to discuss health information with a medical service provider for the purpose of increasing the quality of care for the person of focus.
- The right to act as a proxy decision-maker or surrogate decision-maker to make medical care decisions in the absence of or in consultation with the person holding medical power of attorney responsibilities.
- The right to withdraw from a caregiving cooperative.
- The patient of focus would also have the right to withdrawal or change the composition of people in their caregiving cooperative.

Cooperative groups of unrelated people organized for the purpose of caring for a specific individual have been common in the LGBT community to provide care for people with HIV/AIDS and for the care of ailing seniors. It is in the state’s interest to foster caregiving cooperatives in order to increase the quality of care for patients with no legal relatives in their lives, to decrease public and private costs for case management, and to facilitate better health outcomes through better adherence to treatment regimes.

STATE PROPOSAL 2. Designated Beneficiaries

Similar to the Colorado House Bill 09-1260 signed in to law on April 9, 2009. Any two people 18 years of age or older who are not married or a California registered domestic partner would be permitted to elect each other as designated beneficiaries using a standard form signed and notarized and filed with the California Secretary of State. Any two people may elect which rights they wish to convey between them. Designated beneficiaries are different from domestic partnerships because this mechanism doesn’t
require a romantic relationship, and thus can provide protections to many other family relationships. The list of rights as enumerated in the Colorado statute are as follows.

- The right to acquire, hold title to, own jointly, or transfer inter vivos or at death real or personal property as a joint tenant with me with right of survivorship or as a tenant in common with me.

- The right to be designated by me as a beneficiary, payee, or owner as a trustee named in an inter vivos or testamentary trust for the purposes of a nonprobate transfer on death.

- The right to be designated by me as a beneficiary and recognized as a dependent in an insurance policy for life insurance.

- The right to be designated by me as a beneficiary and recognized as a dependent in a health insurance policy if my employer elects to provide health insurance coverage for designated beneficiaries.

- The right to be designated by me as a beneficiary in a retirement or pension plan.

- The right to petition for and have priority for appointment as a conservator, guardian, or personal representative for me.

- The right to visit me in a hospital, nursing home, hospice, or similar health care facility in which a party to a designated beneficiary agreement resides or is receiving care.

- The right to initiate a formal complaint regarding alleged violations of my rights as a nursing home patient as provided in section 25-1-120, Colorado Revised Statutes.

- The right to act as a proxy decision-maker or surrogate decision-maker to make medical care decisions for me pursuant to section 15-18.5-103 or 15-18.5-104, Colorado Revised Statutes.

- The right to notice of the withholding or withdrawal of life-sustaining procedures for me pursuant to section 15-18-107, Colorado Revised Statutes.

- The right to challenge the validity of a declaration as to medical or surgical treatment of me pursuant to section 15-18-107, Colorado Revised Statutes.

- The right to act as my agent to make, revoke, or object to anatomical gifts involving my person pursuant to the "Revised Uniform Anatomical Gift Act", part 1 of article 34 of title 12, Colorado Revised Statutes.
• The right to inherit real or personal property from me through intestate succession.

• The right to have standing to receive benefits pursuant to the “Workers’ Compensation Act of Colorado”, article 40 of title 8, Colorado Revised Statutes, in the event of my death on the job.

• The right to have standing to sue for wrongful death in the event of my death.

• The right to direct the disposition of my last remains pursuant to article 19 of title 15, Colorado Revised Statutes.

• The right to dissolve or amend the designated beneficiary relationship.

This proposal would provide a comprehensive list of rights that could be optionally conveyed between two people. It is different from domestic partnership in that it unbundles key family law rights so that people can choose what rights to convey and it doesn’t provide community property rights. (Community property means that property acquired by spouses is considered by law to be jointly owned and equally shared.) In short, checking all the rights above on a designated beneficiaries form is still something less than domestic partnership. To see the Colorado Designated Beneficiaries Agreement go to:
http://www.designatedbeneficiaries.org/PrintableBeneficiaryAgreement.pdf

STATE PROPOSAL 3. Declaration of Kinship
The complexity of human family relationships go far beyond just romantic life partners, domestic partners, and two people in a non-spousal arrangement wishing to convey selected rights between them. Some people wish to form an expanded family akin to sibling relationships with one or more people. A declaration of kinship could be conveyed through the same registration process as domestic partnership or designated beneficiaries, but would convey a limited bundle of rights between one or more people. These rights could be briefly described as anything that a brother or sister could do through the mechanisms of family law. A sibling of choice’s rights might include the following.

• The right to have equal standing under the law with biological siblings.

• Visitation rights in a hospital, nursing home, hospice, or similar health care facility.
• The right to initiate a formal complaint regarding alleged violations of the sibling of choice’s rights as a nursing home patient.

• The right to act as a proxy decision-maker or surrogate decision-maker to make medical care decisions in the event no medical power of attorney is established and no spouse, adult child, or parent is present.

• The right to notice of the withholding or withdrawal of life-sustaining procedures in the event no medical power of attorney is established and no spouse, adult child, or parent is present.

• The right to act as the sibling of choice’s agent to make, revoke, or object to anatomical gifts involving the sibling of choice.

• The right to inherit real or personal property from the sibling of choice through intestate succession.

• The right to have standing to sue for wrongful death in the event of the sibling of choice’s death.

• The right to direct the disposition of a sibling of choice’s last remains in the event no other agreement is established and no spouse, adult child, or parent exist.

• The right to dissolve the declaration of kinship.

This mechanism would be useful to those whose sibling(s) of choice is deemed to be better suited to make decisions than the State in the event of illness, disability, or death. In cases where biological sibling(s) have divergent views or live far away, a sibling(s) of choice could provide better guidance as to what the patient or deceased would want. Any declaration of kinship may need to include a list of all known biological siblings with whom a sibling of choice may share rights and responsibilities.

STATE PROPOSAL 4. California Domestic Partnership – Eliminate Intimacy Requirement & Include Opposite Sex Couples
Remove the requirement in CA Family Code Section 297(a) that California domestic partners be “intimate” and expand those eligible to register as domestic partners to include people of opposite sex who are older than 18 years of age. The purpose is to allow any two people access to community property laws and all the rights and responsibilities of domestic partnership without the requirement that they be of the same sex and be intimately involved as romantic partners.
This is the closest legal bond short of marriage for any two people. It is not for government to require that two people be intimate in order to access comprehensive family law rights. These people need only to be in a "committed relationship of mutual caring". Because of the wide-ranging scope of rights conveyed by domestic partnership, less comprehensive mechanisms are also needed to fully reflect the range of human family relationships.

LOCAL PROPOSAL 1: Kinship Registry
Similar to early forms of the domestic partner registry, a kinship registry would enable any two people or group of persons to register their commitment of mutual caring for each other. While a local government cannot convey state family law rights between the registrants, it could provide some limited local government rights.

- Hospital visitation rights within the local jurisdiction.
- Local government benefits to the degree politically possible, such as being treated as family for the purposes of local rent control laws or access to benefits conveyed to family members of local government employees.

LOCAL PROPOSAL 2: Local Domestic Partnership Expansion
Section 62.2 of the San Francisco Administrative Code allows locally registered domestic partners to be same or opposite sex couples, but also requires that they "share one another's lives in an intimate and committed relationship of mutual caring." The term "intimate" is commonly understood to mean a romantic or sexual relationship. By striking the term "intimate" from the ordinance, the local rights of domestic partnership would be available to any two people, including two persons in a platonic relationship. However, Section 62.11 of the SF Administrative code requires that an amendment of this nature must be enacted only by a vote of the people.

LOCAL PROPOSAL 3: Family Law Contracting Center
While local government does not have the authority to enact family law changes, it could increase access to standardized contracts that convey family-like rights and responsibilities between two or more people. Interested parties would simply appear before the county clerk, establish identity with proper legal identification, sign the contract, and have it witnessed by two people and notarized by the clerk. All this could
be done for a nominal fee. The clerk would encourage people to speak to an estate planning attorney for more complex estate planning needs.

The simplest path forward would be to provide access to existing standardized contracts already established in California law such as the California Statutory Will found in Section 6240 of the California Probate Code or established by other respected legal sources. These contracts might include the following.

- Medical power of attorney
- Financial power of attorney
- Healthcare directives
- Life-sustaining procedure
- Statutory will
- Disposition of remains
- Tenants-in-common agreements

LOCAL PROPOSAL 4: Designated Advocate for Educational Decisions on Behalf of a Minor

The local school board could enact district rules recognizing a non-parent adult designated by the legal parent or guardian as a designated advocate for educational decisions of a minor. This person would be authorized to pick up small children from school, attend parent teacher conferences, and be the adult advocate for minors in school discipline hearings. This adult person might be thought of as an aunt or uncle of choice trusted by a parent unable to take time off from work or by a parent temporarily absent due to military service or other reasons.

CONCEPTS FOR FUTURE CONSIDERATION

Future LGBT Advisory Committees may wish to explore other state law proposals such as a "right of familial self-determination" whereby any person 18 years of age or older would have the right to determine who is a member of their legal family. This might involve the right to file a dissolution of kinship that could be applied to estranged biological relatives. Parents can give up their children. The state, acting on behalf of a child, may emancipate youth. However, the concept of "disowning" one's biological family is not a legal mechanism in law. Is it prudent to establish a "right of familial self-determination" in California?

Another issue that came up in the forum was co-parenting and multiple parent relationships, which is only partly addressed through Local Proposal 4. In the forum the need for a mechanism to grant full parental rights to more than two people was
discussed, but there was not full consensus on the issue. A question was raised about the complexity of child custody arrangements in the event of a dissolution of a multiple parent family structure. This issue may be complicated by an infant or very young child’s inability to fully comprehend the issues and make their own determinations as to who should be their parents.

In a multiple parenting situation, perhaps a caregiver cooperative could be formed with a child as a person of focus, so long as the primary legal parents agree to the formation of the cooperative and to the members included in it. Is it prudent to designate more than two legal parents for a single child? Should caregiver cooperatives be permitted to have a child as the person of focus?
Part V: Alternative Family Resources & Links

ONLINE FORUMS

Baby Crowd Online Forum
This online chat forum has a section for Alternative Families
http://www.babycrowd.com/forums/alternative_family/

ORGANIZATIONS

Beyond Same-Sex Marriage: A New Strategic Vision For All Our Families and Relationships
http://www.beyonddmarriage.org/

COLAGE
http://www.colage.org

Family Caregiver Alliance, Lesbian/Gay/Bisexual/Transgender Caring Community Support Group
http://www.caregiver.org/caregiver/jsp/content_node.jsp?nodeid=744

Gay & Lesbian Advocates & Defenders (GLAD)
http://www.glad.org/

Lambda Legal
www.lambdalegal.org

Midwest Alternative Family Alliance
Kansas City’s COLAGE http://www.kcmafa.org/

National Center for Lesbian Rights (NCLR)
http://www.nclrights.org

National Gay and Lesbian Task Force

Our Family Coalition
http://www.ourfamily.org/
ENACTED LEGISLATION


Colorado Designated Beneficiaries Law, Colorado House Bill 09-1260  
http://www.designedbeneficiaries.org/

Older Americans Act of 1965  
http://www.eric.ed.gov/ERICWebPortal/search/detailmini.jsp?_nfpb=true&_ERICSearchSearchValue_0=ED273870&_ERICSearchSearchType_0=no&accno=ED273870

RESEARCH/PUBLICATIONS

“Aging in the Lesbian Gay Bisexual Transgender Communities.” The City & County of San Francisco Human Rights Commission AND Aging and Adult Services Commission, Apr 2003  


http://www.peaceworkmagazine.org/anatomy-movement-dissecting-arizonas-victory-against-proposition-107

http://www.psych.uic.edu/hd/NonTradFam_hand.pdf

The Institute for 21st Century Relationships  
The Foundation of the National Coalition for Sexual Freedom  
http://www.lovethatworks.org/families_books.html


Short film: “Our Family.” COLLAGE  
http://www.colage.org/familytime/
Appendix 1: Forum Flyer
Beyond Marriage:
Recognizing Alternative Family Relationships
a ground-breaking public forum and panel discussion

Thursday, October 29, 2009
6:00 – 7:30 pm

LGBT Community Center, Ceremonial Room, 4th Floor
1800 Market Street, San Francisco, CA

The LGBT Advisory Committee of the San Francisco Human Rights Commission invites the public to participate in a forum to discuss how to recognize alternative kinship structures among people who are not related by blood or legal adoption. Emancipated youth, seniors, those estranged from their legally recognized families, and others will discuss how their alternative families have been created from bonds of friendship, mentoring, and caregiving.

Panelists:
- Cathy Sakimura, Staff Attorney for the National Center for Lesbian Rights
- Judy Appel, Executive Director of Our Family Coalition
- Samer Danfoura, Alternative Family Member
- Melanie Rowen, Staff Attorney for the National Center for Lesbian Rights

Comments by:
- Tom Ammiano, California State Assemblymember, 13th District
- David Campos, Member of the San Francisco Board of Supervisors
- Theresa Sparks, Executive Director of the SF Human Rights Commission
- YOU, members of the public with experience in non-spousal alternative families

For Discussion:
- What kinds of non-spousal alternative families exist?
- What obstacles or legal hurdles exist for these relationships?
- What can be done to support alternative families through legal and other means?

Please join us for a one-of-a-kind discussion on the future of alternative families. Snacks and engaging discussion will be provided at this free event. Special thanks to the SF LGBT Center, Center Women Present. To request childcare or for more information about the forum contact Nadia Babella, SF Human Rights Commission, (415) 252-3212.

www.sfHumanRightsCommission.org
Appendix 2: HRC Press Release
NEWS RELEASE

October 20, 2009

GROUND-BREAKING LGBT PUBLIC FORUM GOING BEYOND MARRIAGE
SF Human Rights Commission’s LGBT Advisory Committee Sponsoring Forum on Alternative Family Relationships

San Francisco - The Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) of the San Francisco Human Rights Commission (SFHRC) today announced a ground-breaking panel discussion and public forum, entitled, Beyond Marriage: Recognizing Alternative Family Relationships. The forum will explore alternative kinship structures among people who are not related by blood, marriage, domestic partnership or legal adoption.

"Without legal protections afforded to spouses, children, or even siblings, these profound caregiving relationships often involve huge personal sacrifice in the love and care of people without legal family," said Theresa Sparks, Executive Director of the San Francisco Human Rights Commission. "The LGBT Advisory Committee’s forum will rightly explore what happens to alternative families in crisis and how our legal system fails to support these relationships in times of hardship."

In addition to members of the public, the forum’s participants will include several distinguished guests including State Senator Mark Leno, Assemblymember Tom Ammiano, City Supervisor David Campos, and representatives from the National Center for Lesbian Rights, Equality California, and Our Family Coalition.

As part of its overall mission to address the discrimination faced by LGBT individuals, the LGBT Advisory Committee has organized this panel and forum to highlight alternative kinship structures that will not be legally recognized even after same-sex couples have achieved equal marriage rights. These constructed families may include:

- Unrelated seniors supporting each other in non-spousal relationships;
- Emancipated youth and young adults in sibling-like relationships;
- Close friends or mentors and mentees in long standing relationships; and
- Loving caregivers supporting those with HIV/AIDS, disability, or end of life issues.

Beyond Marriage: Recognizing Alternative Family Relationships will be held on Thursday, October 29, 2009 from 6:00 to 7:30 pm at the LGBT Community Center, 4th Floor, 1800 Market Street at Octavia. The press and public are invited.

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Appendix 3: Colorado Designated Beneficiary Agreement
DESIGNATED BENEFICIARY AGREEMENT

DISCLAIMER
Warning: while this document may indicate your wishes, certain additional documents may be needed to protect these rights.

This designated beneficiary agreement is operative in the absence of other estate planning documents and will be superseded and set aside to the extent it conflicts with valid instruments such as a will, power of attorney, or beneficiary designation on an insurance policy or pension plan. This designated beneficiary agreement is superseded by such other documents and does not cause any changes to be made to those documents or designations.

The parties understand that executing and signing this agreement is not sufficient to designate the other party for purposes of any insurance policy, pension plan, payable upon death designation or manner in which title to property is held and that additional action will be required to make or change such designations.

The parties understand that this designated beneficiary agreement may be one component of estate planning instructions and that they are encouraged to consult an attorney to ensure their estate planning wishes are accomplished.

We, __________________________, who resides at __________________________, referred to as Party A,
and __________________________, who resides at __________________________, referred to as Party B,
hereby designate each other as the other’s Designated Beneficiary with the following rights and protections, granted or withheld as indicated by our initials:

To grant one or more of the rights or protections specified in this form, initial the line to the left of each right or protection you are granting.
To withhold a right or protection, initial the line to the right of each right or protection you are withholding.

<table>
<thead>
<tr>
<th>To grant a right or protection, initial:</th>
<th>To withhold a right or protection, initial:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party A</td>
<td>Party B</td>
</tr>
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</table>

The right to acquire, hold title to, own jointly, or transfer inter vivos or at death real or personal property as a joint tenant with me with right of survivorship or as a tenant in common with me;

The right to be designated by me as a beneficiary, payee, or owner as a trustee named in an inter vivos or testamentary trust for the purposes of a nonprobate transfer on death;

The right to be designated by me as a beneficiary and recognized as a dependent in an insurance policy for life insurance;

The right to be designated by me as a beneficiary and recognized as a dependent in a health insurance policy if my employer elects to provide health insurance coverage for designated beneficiaries;

The right to be designated by me as a beneficiary in a retirement or pension plan;

The right to petition for and have priority for appointment as a conservator, guardian, or personal representative for me;

The right to visit me in a hospital, nursing home, hospice, or similar health care facility in which a party to a designated beneficiary agreement resides or is receiving care;
To grant one or more of the rights or protections specified in this form, initial the line to the left of each right or protection you are granting.
To withhold a right or protection, initial the line to the right of each right or protection you are withholding.

To grant a right or protection, initial:  
Party A  Party B

The right to initiate a formal complaint regarding alleged violations of my rights as a nursing home patient as provided in section 25-1-120, Colorado Revised Statutes;

The right to act as a proxy decision-maker or surrogate decision-maker to make medical care decisions for me pursuant to section 15-18.5-103 or 15-18.5-104, Colorado Revised Statutes;

The right to notice of the withholding or withdrawal of life-sustaining procedures for me pursuant to section 15-18-107, Colorado Revised Statutes;

The right to challenge the validity of a declaration as to medical or surgical treatment of me pursuant to section 15-18-107, Colorado Revised Statutes;

The right to act as my agent to make, revoke, or object to anatomical gifts involving my person pursuant to the "Revised Uniform Anatomical Gift Act", part 1 of article 34 of title 12, Colorado Revised Statutes;

The right to inherit real or personal property from me through intestate succession;

The right to have standing to receive benefits pursuant to the "Workers' Compensation Act of Colorado", article 40 of title 8, Colorado Revised Statutes, in the event of my death on the job;

The right to have standing to sue for wrongful death in the event of my death; and

The right to direct the disposition of my last remains pursuant to article 19 of title 15, Colorado Revised Statutes.

This Designated Beneficiary Agreement is effective when received for recording by the county clerk and recorder of the county in which one of the designated beneficiaries resides. This Designated Beneficiary Agreement will continue in effect until one of the designated beneficiaries revokes this agreement by recording a Revocation of Designated Beneficiary form with the county clerk and recorder of the county in which this agreement was recorded or until this agreement is superseded in part or in whole by a superseding legal document.

Signature of Designated Beneficiary, Party A

Date

Signature of Designated Beneficiary, Party B

Date

State of Colorado
County of ____________________________

This document was subscribed, sworn to, and acknowledged before me on ____________________________.

My commission expires: ____________________________.

Signature of Notary Public

APPLICANT: COMPLETE THIS BOX AT TIME OF ACTUAL SUBMITTAL TO COUNTY CLERK. (Leave box blank if submitting form by mail.)
This Designated Beneficiary form is effective on the date it is received by the County Clerk and Recorder for recording. This form was received by the County Clerk and Recorder on ____________________________, at ____________________ o'clock.
Appendix 4: California Domestic Partnership Registration Form
DECLARATION OF DOMESTIC PARTNERSHIP

Please read instructions on reverse side before completing form.

We, the undersigned, do declare that we meet the requirements of Family Code section 297, which are as follows:

- Both persons have a common residence.
- Neither person is married to someone else or is a member of another domestic partnership with someone else that has not been terminated, dissolved, or adjudged a nullity.
- Both persons are not related by blood in a way that would prevent them from being married to each other in this state.
- Both persons are at least 18 years of age.
- Both persons are members of the same sex, OR one or both of the persons of opposite sex are over the age of 62 and meet the eligibility criteria under Title II of the Social Security Act as defined in 42 U.S.C. Section 402(a) for old-age insurance benefits or Title XVI of the Social Security Act as defined in 42 U.S.C. Section 1381 for aged individuals.
- Both persons are capable of consenting to the domestic partnership.
- Both persons consent to the jurisdiction of the Superior Courts of California for the purpose of a proceeding to obtain a judgment of dissolution or nullity of the domestic partnership or for legal separation of partners in the domestic partnership, or for any other proceeding related to the partner's rights and obligations, even if one or both partners ceases to be a resident of, or to maintain a domicile in, this state.

The representations are true and correct, and contain no material omissions of fact to the best of our knowledge and belief. Filing an intentionally and materially false Declaration of Domestic Partnership shall be punishable as a misdemeanor. (Family Code section 298(c).)

PARTNER 1

Printed Name (Last) (First) (Middle)

Signature of Partner as Stated Above

OPTIONAL Name Changes:

New Last Name

New Middle Name

Date of Birth (required for name change)

PARTNER 2

Printed Name (Last) (First) (Middle)

Signature of Partner as Stated Above

OPTIONAL Name Changes:

New Last Name

New Middle Name

Date of Birth (required for name change)

Mailing Address

City

State

Zip

State of California

County of ____________________________

On ____________________________, before me, ____________________________, Notary Public, personally appeared ____________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public ____________________________ [SEAL]

SEC/STATE NP/SF DP-1 (Rev 1/08)
INSTRUCTIONS FOR COMPLETING THE DECLARATION OF DOMESTIC PARTNERSHIP (FORM NP/SF DP-1)

For easier completion, this form is available on the Secretary of State’s website at www.sos.ca.gov/dpregistry/. It can be viewed, filled in and printed from your computer. If you do not complete this form online, please type or legibly print in black or blue ink. Do not alter this form.

Statutory filing provisions are found in California Family Code sections 297 and 298. All statutory references are to the California Family Code, unless otherwise stated.

Complete the Declaration of Domestic Partnership (Form NP/SF DP-1) as follows:

- Both persons must meet all of the requirements of Section 297, as stated on the front of the Declaration of Domestic Partnership form.
- Both persons must sign and affix their signatures to the same Declaration of Domestic Partnership form.
- Both persons must print their names legibly. The names must be printed in the order requested: Last name, First name, Middle name. If there is a suffix, i.e., Jr., Sr., etc., include this as part of the last name.
- One or both persons to a registered domestic partnership may change the middle or last names by which that person wishes to be known after registration of the domestic partnership by entering the new name and including their date of birth in the spaces provided on the Declaration of Domestic Partnership form. A person may adopt any of the following middle or last names: the current last name of the other domestic partner; the last name of either domestic partner given at birth; a name combining into a single last name all or a segment of the current last name or the last name of either domestic partner given at birth; or a hyphenated combination of last names. (Section 298.6.)
- A complete mailing address is required (address, city, state, zip code.) Print legibly. Do not abbreviate city names.
- The signature of both persons must be notarized with a certificate of acknowledgment. The Declaration of Domestic Partnership must be signed using the name of the individual prior to the name change, if any.

The completed form can be mailed to Secretary of State, Domestic Partners Registry, P.O. Box 942877, Sacramento, CA 94277-0001 or delivered in person to the Sacramento office, 1500 11th Street, 2nd Floor, Sacramento, CA 95814 OR can be hand delivered for over-the-counter processing to the Los Angeles regional office. Please refer to the Secretary of State’s website at www.sos.ca.gov/dpregistry/ for office locations and phone numbers.

FEES:
- The fee for filing Form NP/SF DP-1 is $10.00.
- For same-sex partners, an additional $23.00 fee must be paid at the time of filing the form, for a total of $33.00.
- There is an additional $15.00 special handling fee for processing a document delivered in person to the Sacramento office or to the Los Angeles regional office.

Payments for documents submitted:
- by mail to Sacramento can be made by check or money order.
- over-the-counter in Sacramento can be made by check, money order, cash, or credit card (Visa or MasterCard).
- over-the-counter in the Los Angeles regional office can be made by check, money order, or credit card (Visa or Master Card). The Los Angeles regional office is not able to accept cash.

Checks or money orders should be made payable to the Secretary of State.

The additional $23.00 fee will be used to develop and support a training curriculum specific to lesbian, gay, bisexual, and transgender domestic abuse support service providers who serve that community in regard to domestic violence, and to provide brochures specific to lesbian, gay, bisexual, and transgender domestic abuse. Brochures developed by the State Department of Public Health will be available upon request from the Secretary of State, as funding allows.
Appendix 5: California Statutory Will
California Statutory Will
California Probate Code, Section 6240

INSTRUCTIONS

1. READ THE WILL. Read the whole Will first. If you do not understand something, ask a lawyer to explain it to you.

2. FILL IN THE BLANKS. Fill in the blanks. Follow the instructions in the form carefully. Do not add any words to the Will (except for filling in blanks) or cross out any words.

3. DATE AND SIGN THE WILL AND HAVE TWO WITNESSES SIGN IT. Date and sign the Will and have two witnesses sign it. You and the witnesses should read and follow the Notice to Witnesses found at the end of this Will.

CALIFORNIA STATUTORY WILL OF

Print Your Full Name

1. **Will.** This is my Will. I revoke all prior Wills and codicils.

2. **Specific Gift of Personal Residence.** (Optional—use only if you want to give your personal residence to a different person or persons than you give the balance of your assets to under paragraph 5 below.) I give my interest in my principal personal residence at the time of my death (subject to mortgages and liens) as follows:

   (Select one choice only and sign in the box after your choice.)

   a. **Choice One:** All to my spouse or domestic partner, registered with the California Secretary of State, if my spouse or domestic partner, registered with the California Secretary of State, survives me; otherwise to my descendants (my children and the descendants of my children) who survive me.

   b. **Choice Two:** Nothing to my spouse or domestic partner, registered with the California Secretary of State; all to my descendants (my children and the descendants of my children) who survive me.

   c. **Choice Three:** All to the following person if he or she survives me (Insert the name of the person):
d. **Choice Four**: Equally among the following persons who survive me (Insert the names of two or more persons):

______

______

______

3. **Specific Gift of Automobiles, Household and Personal Effects.** (Optional—use only if you want to give automobiles and household and personal effects to a different person or persons than you give the balance of your assets to under paragraph 5 below.) I give all of my automobiles (subject to loans), furniture, furnishings, household items, clothing, jewelry, and other tangible articles of a personal nature at the time of my death as follows:

(Select one choice only and sign in the box after your choice.)

a. **Choice One**: All to my spouse or domestic partner, registered with the California Secretary of State, if my spouse or domestic partner, registered with the California Secretary of State, survives me; otherwise to my descendants (my children and the descendants of my children) who survive me.

b. **Choice Two**: Nothing to my spouse or domestic partner, registered with the California Secretary of State; all to my descendants (my children and the descendants of my children) who survive me.

c. **Choice Three**: All to the following person if he or she survives me (Insert the name of the person): 

______

d. **Choice Four**: Equally among the following persons who survive me (Insert the names of two or more persons):

______

______

______
4. **Specific Gifts of Cash.** (Optional) I make the following cash gifts to the persons named below who survive me, or to the named charity, and I sign my name in the box after each gift. If I do not sign in the box, I do not make a gift. (Sign in the box after each gift you make.)

<table>
<thead>
<tr>
<th>Name of Person or Charity to receive gift (name one only - please print)</th>
<th>Amount of Cash Gift</th>
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<tbody>
<tr>
<td></td>
<td>Sign your name in this box to make this gift</td>
</tr>
<tr>
<td>Name of Person or Charity to receive gift (name one only - please print)</td>
<td>Amount of Cash Gift</td>
</tr>
<tr>
<td></td>
<td>Sign your name in this box to make this gift</td>
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<td>Name of Person or Charity to receive gift (name one only - please print)</td>
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<td>Name of Person or Charity to receive gift (name one only - please print)</td>
<td>Amount of Cash Gift</td>
</tr>
<tr>
<td></td>
<td>Sign your name in this box to make this gift</td>
</tr>
</tbody>
</table>

5. **Balance of My Assets.** Except for the specific gifts made in paragraphs 2, 3 and 4 above, I give the balance of my assets as follows:

(Select one choice only and sign in the box after your choice. If I sign in more than one box or if I do not sign in any box, the court will distribute my assets as if I did not make a Will.)

- **Choice One:** All to my spouse or domestic partner, registered with the California Secretary of State, if my spouse or domestic partner, registered with the California Secretary of State, survives me; otherwise to my descendants (my children and the descendants of my children) who survive me.

- **Choice Two:** Nothing to my spouse or domestic partner, registered with the California Secretary of State; all to my descendants (my children and the descendants of my children) who survive me.

- **Choice Three:** All to the following person if he or she survives me (Insert the name of the person):
6. **Guardian of the Child's Person.** If I have a child under age 18 and the child does not have a living parent at my death, I nominate the individual named below as First Choice as guardian of the person of that child (to raise the child). If the First Choice does not serve, then I nominate the Second Choice, and then the Third Choice, to serve. Only an individual (not a bank or trust company) may serve.

<table>
<thead>
<tr>
<th>Name of First Choice for Guardian of the Person</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>Name of Second Choice for Guardian of the Person</td>
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<td>-----------------------------------------------</td>
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<tr>
<td></td>
</tr>
<tr>
<td>Name of Third Choice for Guardian of the Person</td>
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<td>-----------------------------------------------</td>
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</tbody>
</table>

7. **Special Provision for Property of Persons Under Age 25.** (Optional—unless you use this paragraph, assets that go to a child or other person who is under age 18 may be given to the parent of the person, or to the Guardian named in paragraph 6 above as guardian of the person until age 18, and the court will require a bond, and assets that go to a child or other person who is age 18 or older will be given outright to the person. By using this paragraph you may provide that a custodian will hold the assets for the person until the person reaches any age from 18 to 25 which you choose.) If a beneficiary of this Will is under the age chosen below, I nominate the individual or bank or trust company named below as First Choice as custodian of the property. If the First Choice does not serve, then I nominate the Second Choice, and then the Third Choice, to serve.

<table>
<thead>
<tr>
<th>Name of First Choice for Custodian of Assets</th>
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<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Name of Second Choice for Custodian of Assets</td>
</tr>
<tr>
<td>---------------------------------------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Name of Third Choice for Custodian of Assets</td>
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<td>---------------------------------------------</td>
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Insert any age from 18 to 25 as the age for the person to receive the property: (If you do not choose an age, age 18 will apply.)

8. **Executor.** I nominate the individual or bank or trust company named below as First Choice as executor. If the First Choice does not serve, then I nominate the Second Choice, and then the Third Choice, to serve.

   - Name of First Choice for Executor
   - Name of Second Choice for Executor
   - Name of Third Choice for Executor

9. **Bond.** My signature in this box means a bond is *not* required for any person named as executor. A bond may be required if I do not sign in this box:

   No bond shall be required.

(Notice: You must sign this Will in the presence of two (2) adult witnesses. The witnesses must sign their names in your presence and in each other’s presence. You must first read to them the following sentence.)

This is my Will: I ask the persons who sign below to be my witnesses.

Signed on ___________ at ___________, California.
   (date) (city)

Signature of Maker of Will

(Notice to Witnesses: Two (2) adults must sign as witnesses. Each witness must read the following clause before signing. The witnesses should not receive assets under this Will.)

Each of us declares under penalty of perjury under the laws of the State of California that the following is true and correct:

a. On the date written below the maker of this Will declared to us that this instrument was the maker’s Will and requested us to act as witnesses to it;
b. We understand this is the maker’s Will;

c. The maker signed this Will in our presence, all of us being present at the same time;

d. We now, at the maker’s request, and in the maker’s and each other’s presence, sign below as witnesses;

e. We believe the maker is of sound mind and memory;

f. We believe that this Will was not procured by duress, menace, fraud or undue influence;

g. The maker is age 18 or older; and

h. Each of us is now age 18 or older, is a competent witness, and resides at the address set forth after his or her name.

Dated: ____________________ ____________________

<table>
<thead>
<tr>
<th>Signature of witness</th>
<th>Signature of witness</th>
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<tr>
<th>Print name here:</th>
<th>Print name here:</th>
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<table>
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<tr>
<th>Residence address:</th>
<th>Residence address</th>
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</tbody>
</table>

AT LEAST TWO WITNESSES MUST SIGN
NOTARIZATION ALONE IS NOT SUFFICIENT
Appendix 6: Alberta Adult Interdependent Relationships Act Brochure
Alberta’s Adult Interdependent Relationships Act and you

What is the Adult Interdependent Relationships Act?

The Adult Interdependent Relationships Act was passed during the fall 2002 sitting of the provincial Legislature and becomes law on June 1, 2003.

This act amends several Alberta laws for people in unmarried relationships involving economic and emotional interdependency. The act covers a range of personal relationships that fall outside of marriage, including committed platonic relationships where two people agree to share emotional and economic responsibilities, and provides a legal definition for an adult interdependent partner relationship.

How do I know if I’m in an adult interdependent relationship?

There are two key elements that define an adult interdependent relationship.

First, an adult interdependent partner is a person who is involved with another person in an unmarried relationship of interdependence where they:

- share one another’s lives
- are emotionally committed to one another, and
- function as an economic and domestic unit.

Second, to be considered adult interdependent partners, one of the following must apply to the relationship. The adult interdependent partners must be:

- living in an interdependent relationship for a minimum of three years
- living in an interdependent relationship of some permanence where there is a child by birth or adoption, or
- living in or intend to live in an interdependent relationship and have entered into a written adult interdependent partner agreement.

Note: Parties related by blood or adoption must enter into a partner agreement to become adult interdependent partners.

How do I enter into an adult interdependent partner agreement?

Two people who live or intend to live in an interdependent relationship may enter into an adult interdependent partner agreement at any time. See page 2 for a description of how a proper agreement should be prepared.

Parties who are related to each other by blood or adoption must enter into a partner agreement in order to become adult interdependent partners.

NOTE: By law, Alberta Justice cannot provide legal advice on personal legal matters. This document is intended to provide basic information about this legislation and how it may affect you.

You may wish to consult a lawyer for more information about how this law may apply to your relationship.
What should an adult interdependent partner agreement look like?

A proper agreement must follow the schedule created in the regulations for this act, as outlined below.

Schedule, Adult Interdependent Partner Agreement

Between:  
(Name and address of adult interdependent partner)  
and  
(Name and address of adult interdependent partner)

We understand that by entering into this agreement we will become each other's adult interdependent partner and will have all the benefits and obligations of adult interdependent partners under Alberta law.

1. We agree that
   (a) each of us is 16 years of age or older
   (b) neither of us is a party to an ongoing marriage or adult interdependent partner agreement, and
   (c) we are living or intend to live together in a relationship of interdependence.

2. We understand that
   (a) pursuant to the *Wills Act*, each of our existing wills may be revoked by the entering into of this agreement, and
   (b) this agreement will expire if we become former adult interdependent partners pursuant to the *Adult Interdependent Relationship Act*.

In witness whereof we have executed this agreement in the (city, town, county) of (province, country) this ______ day of (month), (year).

(witness signature)  
Witness  
(print name and address)

(partner's signature)  
Adult Interdependent Partner

(witness signature)  
Witness  
(print name and address)

(witness signature)  
Witness  
(print name and address)

(partner’s signature)  
Adult Interdependent Partner

Guardian’s signatures (if applicable):

Date: ___________  Date: ___________

(Guardian signature)  
Guardian  
(Print name)  

(Guardian signature)  
Guardian  
(Print name)  

NOTES:

1. Each adult interdependent partner’s signature must be witnessed by two witnesses.

2. If either adult interdependent partner is under the age of 18 years, the guardians of that person must sign above indicating their consent to the person entering into the Adult Interdependent Partner Agreement.

3. A person who is under the age of 18 years may not enter into an Adult Interdependent Partner Agreement if the person is related to the other party by blood or adoption.

4. An adult interdependent partner agreement may be part of or attached to another agreement between the parties.

5. If an adult interdependent partner agreement is part of or attached to another agreement between the parties that contains one or more provisions relating to the property of one or both of the parties, the parties are advised to seek legal advice as to their rights and obligations in respect to that property.
Will there be a provincial, centralized registry of adult interdependent partner agreements?

No. These agreements are personal contracts between people who agree to take on the responsibilities and benefits of an adult interdependent partnership either prior to the three-year period or at any time after that time frame if they wish to formalize the relationship.

What are some examples of responsibilities and benefits now extended to adult interdependent partners under this law?

To provide equal access to Alberta law, the term “adult interdependent partner” has been added to several acts that outline the financial responsibilities and benefits of Albertans in both married and unmarried relationships.

An adult interdependent relationship may be considered when determining eligibility for benefits or obligations under a variety of Government of Alberta programs and laws.

For example:

- Adult interdependent partners are obligated to financially support one another.

- Adult interdependent partners and their dependants will be able to register together for coverage under the Alberta Health Care Insurance Plan. Both partners’ incomes will be considered when determining eligibility for premium assistance under the plan.

- Adult interdependent partners will be eligible for insurance coverage (e.g. life, auto, property) currently available to spouses.

- A deceased adult interdependent partner’s estate will be obligated to adequately provide for the surviving partner.

- An adult interdependent partner may access all or a portion of a deceased partner’s estate should the partner die without a will.

- An adult interdependent partner’s existing will may be revoked upon entering into an adult interdependent partner agreement.

- Adult interdependent partners will have the ability to recover damages for the wrongful death of a partner.

- An adult interdependent partner may apply for a protection order if an adult interdependent partner has subjected them to violence or threat of violence.

- A public body may disclose personal information to the adult interdependent partner of an injured, ill or deceased individual, or so that the person’s adult interdependent partner may be contacted.

- Various conflict of interest provisions extended to married couples will also apply to adult interdependent partners.

Note: For details on how these changes apply to assistance you are currently receiving from the Government of Alberta, call 310-0000 for toll-free connection to the program or service that may affect you.

Does this legislation apply to relationships that began prior to June 1, 2003?

Yes. Time spent living together before June 1, 2003, will be taken into account when determining whether or not two people will be considered adult interdependent partners.

For instance, if two people lived together for two years before June 1, 2003, and then continue to live together in a relationship of interdependence for over one year, as long as the total continuous time living together was more than three years, they will be considered adult interdependent partners under this act.
Does this law affect my taxes or pension plan?

Some Alberta laws must comply with federal legislation and therefore cannot include all partnerships outlined in the Adult Interdependent Partnerships Act.

For example, the Alberta Personal Income Tax Act has been amended to adopt the federal definition of common-law partner* as required by our tax collection agreement with the federal government.

The Employment Pension Plans Act has been amended to include the term “pension partner.” Although this act applies to many committed, unmarried relationships, it does not apply to all adult interdependent partners because pension plans recognizing platonic relationships are not registerable under the Canadian Income Tax Act.

* According to the Federal Income Tax Act, a taxpayer’s common-law partner is defined as a person who cohabits in a conjugal relationship with the taxpayer and either: has cohabited with the taxpayer for a continuous period of at least one year; or is the natural or adoptive parent of a child of the taxpayer.

How can adult interdependent partners terminate their relationship?

- The partners may sign a written agreement stating their intention to live separate and apart, without the possibility of reconciliation.

- The partners live separate and apart for more than one year or both partners intend that the adult interdependent relationship not continue.

- The partners marry each other or one of them marries or enters into an adult interdependent relationship with a third party.

Does this law change the definition of marriage?

No. The Alberta government recognizes that for many Albertans, marriage has a traditional, religious and cultural meaning as a relationship between a man and a woman. Alberta law will continue to recognize this distinction.

This act defines “spouse” in all Alberta legislation as a married partner—a husband or a wife.

Why were current Alberta laws changed?

Over the years, courts and lawmakers have recognized the need for laws to address the financial and property issues of people in committed relationships outside of marriage.

Because committed unmarried relationships create financial dependencies and responsibilities, the government must:

- ensure our laws clearly outline the responsibilities people willingly take on when they enter into a financially and emotionally interdependent relationship; and,

- provide access to the courts or other legal mechanisms to settle disputes when these relationships come to an end.

Where can I find out more about this legislation?

To view the law in its entirety or purchase it on the Internet, visit the Queen’s Printer online at www.gov.ab.ca/qp (select Adult Interdependent Relationships Act from the online catalogue).

To purchase a copy of the act, call the Queen’s Printer (780) 427-4952 (dial 310-0000 first for toll-free connection anywhere in Alberta).