



NATIONAL CENTER FOR LESBIAN RIGHTS

THE EVOLUTION OF CALIFORNIA'S MARRIAGE AND DOMESTIC PARTNERSHIP LAW A TIMELINE

1999

AB 26 (Migden) (effective Jan. 1, 2000)

- Established registry
- Included registered domestic partners as persons entitled to visit each other in the hospital
- Provided domestic partner benefits for certain state employees

2000

AB 2011 (Escutia) (effective Jan. 1, 2001)

- Included registered domestic partners as persons who are qualified to secure housing in specially designed accessible housing for seniors

March 7, 2000: California voters passed Proposition 22, which created a California statute defining marriage as only a union between a man and a woman.

2001

AB 25 (Migden) (effective Jan. 1, 2002)

Provided that registered domestic partners are entitled to:

- Right to use the stepparent adoption procedures
- Right to sue for wrongful death or infliction of emotional distress if a partner is killed or injured
- Right to make medical decisions for a partner
- Right to file for state disability benefits on behalf of a disabled partner
- Right to be appointed conservator and to make legal and financial decisions for an incapacitated partner
- Right to use sick leave to attend to an illness of a partner or a partner's child
- Right to use statutory form wills and right to automatic appointment as administrator of a partner's estate
- Right to be appointed as administrator of a partner's estate
- Right to unemployment insurance benefits if you have to move for partner's job
- Requires that insurance companies offer equal coverage for domestic partners
- Right to continued health insurance for domestic partners of deceased state employees and retirees
- Right to death benefits and survivor allowances in certain counties
- Provided that the value of domestic partner benefits will not be taxed as income by the state

SB 1049 (Speier) (effective Jan. 1, 2002)

- Provided that in San Mateo County, subject to the approval of the board of supervisors, death benefits and survivor's allowances may be payable to a member's surviving domestic partner.

2002

AB 2216 (Keeley) (effective July 1, 2003)

- Provided that registered domestic partners have the right to inherit a specified share of a partner's separate property if the partner dies without a will.

AB 2777 (Nation) (effective Jan. 1, 2003)

- Provided that in Los Angeles, Santa Barbara, and Marin Counties, subject to the approval of the board of supervisors, death benefits and survivor's allowances may be payable to a member's surviving domestic partner.

SB 247 (Speier) (effective Jan. 1, 2003)

- Included domestic partners in the list of authorized persons entitled to receive a certified copy of birth or death record of a registrant

SB 1265 (Alpert) (effective Jan. 1, 2003)

- Included domestic partners in the list of people entitled to receive domestic violence incident reports or face sheets for a deceased victim

SB 1575 (Sher) (effective Jan. 1, 2003)

- Enabled domestic partners to draft wills for each other

SB 1661 (Kuehl) (effective Jan. 1, 2004)

- Established a family temporary disability insurance program to provide up to 6 weeks of paid leave to workers who take time off to care for a seriously ill child, parent, domestic partner, or to bond with a new child.

2003

AB 205 (Goldberg) (effective Jan. 1, 2005)

- Provided registered domestic partners with nearly all the rights, benefits, and responsibilities granted to spouses under state law

2004

AB 2580 (Goldberg) (effective Jan. 1, 2005)

- Made technical amendments to AB 205.

SB 565 (Migden) (effective Jan. 1, 2005)

- Gave domestic partners protection against unfair property tax reassessment

AB 2208 (Kehoe) (effective Jan. 2, 2005 [group insurance plans] and Jan. 1, 2005 [other insurance])

- Required insurance plans to offer equal benefits to spouses and domestic partners.

February 12, 2004: San Francisco allows same-sex couples to obtain marriage licenses.

August 12, 2004: The California Supreme Court held in *Lockyer v. City and County of San Francisco* that San Francisco was not authorized to issue marriage licenses to same-sex couples and the marriages were invalid.

2005

SB 973 (Kuehl) (effective Jan. 1, 2007)

- Allowed registered domestic partners who were public employees who retired prior to January 1, 2005 to designate their domestic partner to receive the public employee's pension death benefits.

AB 849 (Leno) (vetoed by Governor, Sept. 29, 2005)

- The state Senate and Assembly pass a bill that would allow same-sex couples to marry. Governor Arnold Schwarzenegger vetoed the bill.

2006

SB 1827 (Migden) (effective Jan. 1, 2007)

- Provided for equal tax treatment of domestic partners under state law.

2007

AB 43 (Leno) (vetoed by Governor, Oct. 12, 2007)

- The state Senate and Assembly pass a bill that would allow same-sex couples to marry. Governor Arnold Schwarzenegger vetoed the bill.

AB 102 (Ma) (effective January 1, 2008 [registered domestic partnerships] and January 1, 2009 [marriages])

- Provided that domestic partners and spouses may legally change their middle or last names at the time of registration or marriage without a court order.

SB 105 (Migden) (effective Oct. 10, 2007)

- Provided that domestic partners would not be penalized if they had underpaid taxes in 2007 because of the change in the law allowing them to file joint California income tax returns for the first time.
- Provided other clean-up to tax provisions affecting domestic partners.

2008

May 15, 2008: The California Supreme Court ruled *In re Marriage Cases* that denying same-sex couples the ability to marry violates the California Constitution.

June 16, 2008: Same-sex couples began marrying in California.

November 4, 2008: A slim majority of California voters passed Proposition 8, amending the California Constitution to define marriage as a union between a man and a woman.

2009

May 26, 2009: The California Supreme Court in *Strauss v. Horton* upheld Proposition 8 as a valid amendment to the California Constitution but held that all marriages performed before Proposition 8 passed are valid and must be fully recognized.

SB 906 (Leno) (passed Senate on May 27, 2010)

- SB 906 would reaffirm that no clergy member can be required to solemnize a civil marriage contrary to his or her beliefs and that churches will not lose tax-exempt status for refusing to solemnize any marriages.
- Currently being considered by the Assembly.

August 4, 2010: The District Court of the Northern District of California ruled in *Perry v. Schwarzenegger* that Proposition 8 violated the U.S. Constitution.