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# PROVIDING IMPORTANT INFORMATION TO THE WOMEN OF CALIFORNIA: THE CALIFORNIA WOMEN'S RIGHTS HANDBOOK

Elizabeth A. Hone\*

The 1970s witnessed fundamental changes in state and federal laws affecting the legal status and rights of women in California. For example, in 1970 the California law governing divorce was changed from a fault-based system to a no-fault system. In 1979 California was one of the first states to enact a law criminalizing spousal rape.<sup>1</sup> Such changes in the law inspired the publication of the California Attorney General's *Women's Rights Handbook* ("*Handbook*").<sup>2</sup> The Attorney General's office created the *Handbook* to provide a "concise reference work" in the "rapidly changing" field of women's rights.<sup>3</sup> Over the years, the Attorney General's office has continuously revised and expanded the *Handbook*. In 1990, the fourth full edition of the *Handbook* was issued.<sup>4</sup> In its current form, the *Handbook* offers lay readers and profession-

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1. CAL. PENAL CODE § 262 (West 1988). In 1980 California was one of only six states with a law criminalizing marital rape. See Barry, *Spousal Rape: The Uncommon Law*, 66 A.B.A. J. 1088 (1980).

2. CALIFORNIA ATTORNEY GENERAL'S OFFICE, WOMEN'S RIGHTS HANDBOOK (1st ed. 1976-77). The current edition of the *Women's Rights Handbook* is available by contacting the Attorney General's Public Inquiry Unit, 1515 K Street, Suite 511, Sacramento, CA 95814, telephone (916) 322-3360 or (800) 952-5548.

3. CALIFORNIA ATTORNEY GENERAL'S OFFICE, WOMEN'S RIGHTS HANDBOOK at foreword (4th ed. 1990) [hereinafter HANDBOOK] (message from Attorney General John K. Van de Kamp).

4. The first edition of the WOMEN'S RIGHTS HANDBOOK was issued in 1976-77 and revised by supplement in 1980, the second edition was issued in 1983, the third in 1987 and the fourth in 1990.

als an up-to-date, useful overview of the areas of state and federal law that most affect women.

The *Handbook* is no longer concise. The fourth edition contains well over one hundred densely-packed pages of legal rules and commentary, and a lengthy directory of services and information. The *Handbook* is divided into nine chapters: Employment; Economic Independence; Education; Housing; Health Care; Domestic Relations; Child Care; Rape and Other Violent Crimes; and a Directory of Services and Other Information. Chapters contain statutory or case law in the area under discussion and commentary on the practical effects of the law. Citations to the most relevant cases or statutes are provided whenever applicable.

The organization and layout of the fourth edition of the *Handbook* represents a dramatic improvement over previous editions. Earlier editions provided most of the information in a question-and-answer format which required the reader to scan an entire chapter in order to piece together information about a particular area of the law. The current edition uses headings and subheadings to organize the material in a more coherent fashion. Answers to commonly asked questions that do not easily fit under any of the subheadings are offered at the end of a topic.

The *Handbook* is neither a textbook nor a manual for practicing attorneys. Rather, it was prepared primarily for the lay reader and offers only a cursory analysis of women's legal issues. Because the *Handbook* provides basic citations, however, it may be a useful starting place for research into various legal problems faced by women.

Because the attorneys supervising the production of the *Handbook* intended to provide nonlawyers with basic information about fundamental legal rights, they made a conscious effort to avoid legal jargon and convoluted sentence structure. Unfortunately, many of the statutes and court decisions the *Handbook* seeks to paraphrase do not collapse easily into understandable language or familiar grammatical construction. As a result, many lay readers may have difficulty understanding some of the more technical or jargon-laden aspects of the law described in the *Handbook*.

The *Handbook* does not limit itself to the needs of educated, wealthy, white women. Most of the topics covered in the *Handbook* affect women of all socio-economic classes.<sup>5</sup> In many in-

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5. That is not to say the law equitably addresses the needs and concerns of all classes and races of women.

stances the needs of poor women are specifically addressed. For example, the chapter on economic independence includes descriptions of programs such as Aid to Families with Dependent Children (AFDC), and the Women, Infant, and Children Program (WIC), which are targeted specifically at assisting poor women and their children.<sup>6</sup> Likewise, the chapter dealing with child care primarily focuses on forms of publicly subsidized daycare.<sup>7</sup> The Head Start Program, migrant child care centers, and many of the other programs discussed are available only to poor families. As the *Handbook* points out, there are other subsidies which are available primarily to upper-income families. The *Handbook* discusses the existence of federal child care tax credits, but notes that such tax credits can only advantage families with enough income to have a tax liability.<sup>8</sup>

In keeping with its effort to offer useful information to the women of California, the *Handbook* also provides information that is tangentially related to the legal rights of women. For example, in the chapter on health care, the *Handbook* presents a basic description of the most commonly-used forms of birth control as a backdrop to a discussion of the legal right of access to birth control.<sup>9</sup> Throughout the text and more extensively in the directory of services and information, the *Handbook* provides useful phone numbers and addresses in an attempt to facilitate access to legal, governmental, and social services.

The *Handbook's* provision of important legal and nonlegal information is exemplified by a new section devoted to Acquired Immune Deficiency Syndrome (AIDS).<sup>10</sup> Much of the AIDS-related information is nonlegal in nature. The *Handbook* describes the symptoms,<sup>11</sup> and transmission of AIDS. It also offers referrals to AIDS support groups, and to groups dealing specifically with women and AIDS. As the *Handbook* points out, the legal ramifications of and responses to AIDS are still developing. The *Handbook* does provide basic information about current California law relat-

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6. HANDBOOK, *supra* note 3, at 40-42.

7. *Id.* at 103-07.

8. *Id.* at 106.

9. *Id.* at 59-64.

10. *Id.* at 66-69.

11. The HANDBOOK was published before the current furor developed over the lack of recognition given to the different symptoms manifested by men and women who are HIV positive. For a discussion of women and AIDS, see *The Changing Face of the AIDS Epidemic*, 1989 HEALTH/PAC. BULL. 3.

ing to AIDS testing and the illegality of discriminating against people infected with the HIV virus.

Substantively, the only glaring oversight seems to be the failure of the *Handbook* to address the legal rights and concerns of lesbians. Most noticeably, Chapter Six deals with domestic relations, but omits any discussion of domestic relations issues faced by same sex couples.<sup>12</sup> Discussions of marriage presume heterosexual marriage and make no mention of same sex unions. This oversight might be explained by the general lack of legal recognition given to same sex marriage;<sup>13</sup> no such excuse can be made with respect to the *Handbook's* failure to acknowledge the rights of homosexuals who cohabit. As the *Handbook* points out, the California Supreme Court held in 1976 that when a man and woman cohabit and have an agreement that one will be compensated for providing nonsexual services, the court has the power to divide the couple's property, when the couple separates, according to the couple's reasonable expectations at the time they lived together.<sup>14</sup> Yet, the *Handbook* fails to mention that in 1988 in *Whorton v. Dillingham*,<sup>15</sup> the California Supreme Court declined to review a lower court case holding *Marvin* applicable to homosexual as well as heterosexual couples.

The *Handbook's* failure to address concerns of lesbians cannot be explained as mere political or partisan bias. Political and ideological biases seem to have played little part in the substance of the rest of the *Handbook*. Despite the political nature of the Attorney General's office, the *Handbook* has remained impressively unchanged by the political viewpoints of the various California Attorneys General. Since publication of the first *Handbook* in 1976–1977, California has had three state Attorneys General, one Democrat and two Republicans.<sup>16</sup> Yet, the content and much of the text of the *Handbook* have remained the same. Also, an effort

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12. For a discussion of the failure of the law to address adoption related issues as they pertain to same sex parents, see Sella, *When a Mother Is a Legal Stranger to Her Child: The Law's Challenge to the Lesbian Nonbiological Mother*, 1 UCLA WOMEN'S L.J. 135 (1991).

13. Although the state of California does not officially sanction same sex unions, there are domestic partnership laws in a number of California cities including Berkeley, West Hollywood and San Francisco. See *id.* at 136 n.4.

14. HANDBOOK, *supra* note 3, at 94 (citing *Marvin v. Marvin*, 18 Cal. 3d 660, 557 P.2d 106, 134 Cal. Rptr. 815 (1976)).

15. 202 Cal. App. 3d 447, 248 Cal. Rptr. 405 (1988).

16. Recent Attorneys General include: John K. Van De Kamp (D) (1982–1990); George Deukmejian (R) (1978–1982); Evelle J. Younger (R) (1972–1978).

California recently elected a new Attorney General, Dan Lungren, who is considered to be more conservative than any of his recent predecessors.

has been made to provide a balanced picture of available resources. For example, in the controversial area of abortion rights, the *Handbook* refers pregnant women to both pro-choice and anti-abortion groups.

While the rights of California women have not expanded greatly in recent years, they have not been restricted as they have in other parts of the country. The very existence of the fourth edition of the *Handbook* demonstrates the commitment of California lawmakers to women's rights. The *Handbook* describes the existence of and demands appreciation for women's rights in almost all facets of our lives, with the notable exception of sexual orientation. The *Women's Rights Handbook* is a valuable resource. To the extent that it provides a means of disseminating information about the legal rights of women in California the *Handbook* plays a role in expanding the opportunities of California women to exercise their rights.

