

# Judge: CalPERS can offer long-term care insurance to gay couples

By Dale Kasler, Sacramento Bee

In a major case involving gay rights at CalPERS, the nation's largest public pension fund has been ordered to offer its long-term care insurance program to same-sex partners of California workers.

A federal judge in Oakland struck down portions of the federal Defense of Marriage Act that have prevented the California Public Employees' Retirement System from extending the insurance to gay spouses and domestic partners.

In a ruling released Thursday, U.S. District Judge Claudia Wilken said the ban served no "legitimate governmental interest" and was apparently "motivated by anti-gay animus."

CalPERS hailed the ruling, saying it had wanted to make the insurance plan available to gay couples but its hands were tied by federal law and regulations. About 160,000 state workers have bought long-term care coverage from the agency.

"We have been strongly advocating for the ability to administer our program for same-sex spouses and domestic partners," said CalPERS Chief Executive Officer Anne Stausboll in a prepared statement.

It's not clear how soon CalPERS could start offering the insurance to same-sex couples. The Alliance Defense Fund, an Arizona group that opposes gay marriage, said Friday that the ruling will surely be appealed. That would keep the existing policy in place for months if not years.

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