

Safe Seniors

Newsletter for the Prevention of Elder Abuse in San Diego County

Violence and Older Spouses

An 81-year-old San Diego man was recently sentenced to 12 years in prison for slaying his wife of 60 years. Elmo Sabine pled guilty to voluntary manslaughter after stabbing her several times. Their son reported that the man suffers from a mental illness that can make him “demented and violent,” according to court documents.

Last October, a frail 65-year-old Modesto man died after his wife held him down and bit him repeatedly. He died six days after the attack. The medical examiner reported that his death from an enlarged heart was related to the assault, which included more than 20 bites, two of which were severe. That county’s Adult Protective Services had a file on the man, indicating a possible history of abuse.

When people think of domestic violence, the common image is a younger battered woman with children, not white-haired women (and men). But abuse is also very real for middle-age and older adults, many of whom don’t recognize their situation as domestic violence.

In some cases, the domestic violence has been going on throughout a relationship. The victims may not label their situation domestic violence

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**The Elder Abuse Reporting Line:
1-800-510-2020**



A counselor at the Family Justice Center offers some suggestions for a mother about her situation at home, while a volunteer keeps the woman’s daughter occupied with some of the many toys donated to the center.



Family Justice Center Protecting All Ages from the Pain of Domestic Violence

In 1985, there were just over 2,000 domestic violence arrests in all of California. The next year, there were 17,619. What happened in 1986 was not a sudden surge in battering relationships, but a change in the law.

Beginning that year, law enforcement agencies were required to treat domestic violence as criminal conduct. Previously, police would often break up a family fight, the battered spouse would beg the police not to take the batterer into custody and the police would leave. Since 1986, law officers must continue their investigation, even against the wishes of the victim. In 2001, domestic violence arrests in the state rose to 52,392, originating from 200,000 reports of domestic violence incidents.

Communities could hardly ignore this explosion of domestic violence arrests and resulting cases over the past 18 years. More has been learned about the needs of domestic violence victims, and more assistance is being provided than ever before.

San Diego County now has law enforcement units specifically devoted to domestic violence cases, plus domestic violence courts. The County’s Office of Violence Prevention oversees a Domestic Violence Fatality Review Team, with more than 25 members representing pertinent agencies and disciplines. The team is studying cases to learn how to prevent future fatalities.

Last October, the City Attorney’s

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office launched the Family Justice Center, a one-stop center for domestic violence victims. There were 87 clients the first month; this past July, some 653 victims received assistance.

City Attorney Casey Gwinn spearheaded the idea of the center, which makes it easier for domestic violence victims to get restraining orders, have counseling, get legal and financial advice and locate a shelter. Before, services were scattered throughout the city; “(The victims) has been beaten up and we would wear them down further by having them tell their story over and over again at different places,” says Gael Strack, assistant city attorney who manages the Family Justice Center.

The center brought services together, and invited various community partners to share space in the downtown San Diego building. Community partners, such as Children’s Hospital, the military, Travelers Aid and the Union of Pan Asian Communities (UPAC), have opened up satellite offices in the Family Justice Center. This neighborhood of agencies has fostered greater communication among the partners and exposed more groups to what the center offers.

Because of the UPAC participation, for example, “we’ve had more

Asian victims here in the last nine months than over the previous nine years at the City Attorney’s office, says Strack. “They’ve learned that this is a safe place to go.”



Gael Strack, left, with nurse practitioner Amy Carney in the center’s forensic sexual assault examination room.

Soon the County’s Adult Protective Services will be locating an APS worker at the Family Justice Center four hours each week. This elder abuse specialist will work with the domestic violence personnel at the center on identifying elder domestic violence cases and locating resources to help victims. The worker will help explore what services still need to be put in place for older victims, such as emergency shelters. Currently, there are domestic violence shelters that would take in an older victim, but not if medical assistance is also needed.

Strack says she hopes older domestic violence victims will learn that the Family Justice Center is a safe place for them to go, too. Many elder domestic violence victims may have been in long-term battering relationships, and there are those who might have previously tried to get out of their abusive situation, but the justice system was not much help 20 years ago. Now will they take advantage of the help?

“We have found all over the country that when (domestic violence) services are advertised in places where seniors might see them, they do get out and get help,” says Julie Rozwadowski, coordinator of the National Clearinghouse on Abuse in Later Life.

“It’s a lifeline for a lot of people in cases where they really want to have help.”

She reports that there are elder domestic violence support groups popping up in various parts of the country. One shelter in Milwaukee has three active support groups for older victims, each with 15 participants. “Outreach is hard. Many victims are isolated and only see their doctor or their beautician. Maybe you get information to them that way.”

To contact the Family Justice Center, call (866) 933-HOPE (4673).

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despite years of put-downs, financial intimidation and episodes of physical violence.

In other situations, the victim entered into a later-life relationship that became abusive. And there are examples of the abuse starting as a couple gets older, usually related to a personality change of one partner, or added stress.

“It often happens in a relationship where things were not good to begin with, and there’s the added stress of retirement, or dependency issues,” says Lisa Nerenberg, a private consultant on elder abuse and protective issues.

Most victims, young and old, undergo emotional abuse as well as physical harm. They often have or develop low self-esteem. Many blame themselves for the abusive situation. And they feel trapped.

Statistics on older battered victims have been difficult

to compile because the numbers get juggled between the agencies that collect data on domestic violence and those that track elder abuse information. And some jurisdictions count violence by adult children as domestic violence, where others count only spousal abuse.

A 1985 Family Violence survey of 5,168 couples found that 5.8 percent of those couples ages 60 and older had experienced physical violence in their significant relationship within the previous year. In 1994, the Older Women’s League released a nationwide Mother’s Day Report indicating that more than 700,000 mid-life women (age 45 to 64) were physically abused by their spouses. Most domestic violence victims are women.

Part of the problem in trying to quantify this social issue

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Update of Elder Abuse Legislation

By Noelle Dorman
Sen. Dede Alpert's Office

Here are key active elder abuse bills and their status. To get the full language or analysis of a bill, or to check the status of a bill, go online to www.sen.ca.gov, or click "Legislate" on the Network of Care website:

www.networkofcare.org. Also, you may also always call your state legislators' offices.

AB 1131 (Jackson) The purposes of this bill are to (1) expand the existing provisions in Penal Code Section 368(d) and (e) which now are applicable to theft and embezzlement against an elder or dependent adult to specifically also include "forgery, fraud, or identity theft;" and (2) to add "goods" and "services" to the current list of "money, labor, or real or personal property." **Status: Senate Second Reading**

SB 211 (Dunn) This bill specifies requirements for the form and content of admission agreements for residential care facilities for the elderly and requires a facility to conspicuously post a copy of its agreement within the facility. The admission agreement is required to include, among other things, a comprehensive fee schedule, an



explanation of third-party services, information relating to residents' rights, and information relating to billing and payment, term of contract, refunds, and termination of the agreement.

Assembly Amendments delete the provision that would have restricted the agreement from including any requirement for binding arbitration. **Status: Senate Unfinished Business**

SB 620 (Scott) Existing law imposes a special duty of honesty, good faith, and fair dealing on an

insurer, broker, agent, and all others engaged in the transaction of insurance with a prospective insured who is 65 years of age or older, except for specified types of insurance transactions. This bill would enact additional restrictions on advertising practices that target senior citizens and would expand the scope of existing restrictions, currently applicable to disability insurance, life insurance, and annuity products. This bill also establishes new standards related to sales practices and training of insurance agents, and other specified activities

carried out in the sale of annuities to senior citizens and in the sale of life insurance for seniors. Furthermore, the bill would impose restrictions on the sale of life insurance policies and annuities in the home of a senior citizen. **Status: Assembly Third Reading.**

AB 634 (Steinberg) The Elder Abuse and Dependent Adult Civil Protection Act, among other things, authorizes civil actions arising from abuse of elderly or dependent adults.

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involves the reluctance of older victims to come forward.

"A lot of older women don't want to report the (spousal) abuse," says Julie Rozwadowski, coordinator of the National Clearinghouse on Abuse in Later Life. "They're scared. The police may have come out before and the abuser really gave it to them after that. And it's a generational thing, too. They married for better or worse and this is the worst, but they stick with their spouse."

There's also often financial issues, with a number of the older generation feeling unable to leave the battering relationship for economic reasons. They may not have worked much of their life and they're lacking computer or other employment skills. They may also be the caregiver to abusive partners and stay with the abusers out of loyalty or family expectation. Some are physically dependent on their abusive

spouses for care and fear needing to go to a nursing home if they leave their relationship.

By and large, older battered adults don't feel they have many options except to cope with the abuse. The longer the abuse has gone on, the more likely the victims will stay. But there is increasing attention being paid to the issue of elder domestic violence, and both elder abuse and domestic violence agencies are considering the unique needs of these victims who have been in the shadows, and how to reach out them. More services have developed for domestic violence victims in general and can help older adults who still have hope for better lives.

Beginning Oct. 9, there will be a 24-hour countywide domestic violence hotline number for resources and questions: (888) 385-4657. If there's an domestic violence emergency, always call 911.



THE CITY OF SAN DIEGO



AGING & INDEPENDENCE SERVICES
COUNTY OF SAN DIEGO • HEALTH AND HUMAN SERVICES AGENCY

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The Civil Discovery Act of 1986 establishes provisions relating to discovery in civil actions and special proceedings of a civil nature. The Civil Discovery Act of 1986 establishes a list of acts that constitute misuses of the discovery process. This bill would expand that list to include destruction of relevant evidence in any civil action alleging a violation of the Elder Abuse and Dependent Adult Civil Protection Act. This bill would also provide that it is the policy of the state that in any case alleging a violation of the Elder Abuse and Dependent Adult Civil Protection Act, confidentiality agreements are disfavored and should be approved by the court only when there is a genuine trade secret or privilege to protect, and would require a showing, as specified, before a confidentiality agreement in this type of proceeding may be recognized or approved by the court. **Status: Enrolled to the Governor as of Aug. 21.**

Elder Abuse Center for Orange County

Amid signs that elder abuse crime was rising in Orange County, that area established an Elder Abuse Forensic Center earlier this year, with funding from the Archstone Foundation. The center is located in the county's Social Services Agency.

Orange County Adult Protective Services currently receives 500 reports of abuse each month, about half of the number reported in San Diego County.

The Elder Abuse Forensic Center houses experts from a variety of agencies to facilitate collaboration in conducting case reviews; in-home medical, mental status, and evidentiary investigation; taped victim interviews, education; consultation; and research.

"Creation of the Elder Abuse Forensic Center is an important first step," said Dr. Laura Mosqueda, director of the center. Dr. Mosqueda, a board-certified family physician and geriatrician, is the director of Geriatrics at the University of California, Irvine

College of Medicine. "We have a unique opportunity to establish a critical benchmark for the prevention and prosecution of elder abuse. By bringing these experts together to better understand, identify and treat elder abuse, we can make a difference in the lives of our senior population."

"As the first county to have an incorporated medical response team for elder abuse, Orange County is in a distinctive position to take a significant leap forward in the fight against elder abuse," said Dr. Kerry Burnight, co-director of the center, and an assistant clinical professor of Family Medicine at the University of California, Irvine College of Medicine.

"This (center) will be a model for the rest of the country," says San Diego Deputy DA Paul Greenwood.

The Elder Abuse Forensic Center is located in Santa Ana. For more information, call (714) 825-3087 or see www.elderabuseforensiccenter.com.