

## INSURANCE

Insurance is a subject of major concern to Los Angeles families. During a medical emergency, for example, health insurance may be all that stands between survival and ruination for one's family. Under the law, the family car must have liability coverage. If the car is financed, lenders insist that there is also replacement coverage. Mortgage companies demand that the family home be insured against hazards. Although life insurance is not "essential," many heads of household buy it in order to protect their dependents. Disability insurance can guarantee income that might otherwise be threatened by the extended illness of a family's primary wage earner. Most families in the city are renters; renter's insurance guards against the ever-increasing risk of burglary. Obtaining and maintaining insurance — health, life, automobile, homeowner's, renter's, and more — has become a very serious and important matter; it is essential to protect family assets, to protect family members, and in some instances, is required by law.

According to Steve Miller, Executive Director of Insurance Consumers Action Network (ICAN), about 13% of the disposable income of a family is spent on insurance.<sup>1</sup> That makes insurance the third leading family expenditure — after shelter and food, but before taxes.<sup>2</sup>

Although insurance is a necessity for everyone, its cost is often prohibitive for middle and lower-income families; it is not a luxury, but it is often priced as if it were.

The impact of the so-called insurance crisis is being experienced by parents who cannot afford automobile insurance for their teenagers, seniors who are dropping their homeowner policies, lower-income workers who drive to and from work uninsured, and middle-income workers denied health and life insurance, not because they cannot afford it, but because of lifestyle discrimination.

As a reaction to this crisis, more than 25,000 Los Angeles area consumers recently expressed their frustration in letters sent to Tom Vacar, Consumer Reporter to KCBS-TV in Los Angeles.<sup>3</sup> Of the first 16,000 letters analyzed, 90% complained about automobile insurance. Many others criticized homeowner and health insurance, and the high premiums that are causing day care centers to close. People complained most about "insurance company greed," than the lack of affordability. Most of the consumers suggested a need for more active state regulation of the insurance industry. A considerable number wanted the state to actually take over the industry.

The California Department of Insurance also receives a large number of complaints from consumers, nearly 14,000 in 1984-85, for example.<sup>4</sup> However, according to the state Auditor General, these complaints reflect only a portion of disgruntled insurance consumers.<sup>5</sup> Many find it difficult to reach the department; during a one-week period in March 1986, consumers received busy signals more than 7,000 times when attempting to telephone the Department of Insurance.<sup>6</sup> Citing such problems as the department's overwhelming backlog in processing complaints, the Auditor General concluded that "the public lacks protection against improper conduct" by insurance companies.<sup>7</sup>

The Task Force on Family Diversity examined the insurance issue with the assistance of law student researchers,<sup>8</sup> with input from the Association of California Life Insurance Companies,<sup>9</sup> with information from the legal counsel to the state Department of Insurance, with advice

from consumer advocates,<sup>10</sup> with testimony from insurance professionals,<sup>11</sup> and with recommendations supplied from Task Force members.<sup>12</sup>

The major areas of complaint that surfaced during the Task Force study focused on the price of automobile coverage and on lifestyle discrimination in automobile, health, and life insurance.

### Automobile Insurance

Under present California law, automobile insurance rates are minimally regulated. In other states, rates are regulated by various methods. Some states establish rates insurers may charge; others require prior approval of rates by the Insurance Commissioner. Most states provide some form of review either as rates are introduced or changed.<sup>13</sup>

The current law in California — virtually unchanged since enacted in 1947 — provides for an "open rating" or competitive ratemaking system; although the law requires that insurance rates not be excessive, inadequate, or unfairly discriminatory, the law includes no concrete standards and is generally not enforced by the state Insurance Commissioner. Under existing law, companies are not even required to report to the insurance department the rates they charge consumers.

Two years ago, the Little Hoover Commission reported that: "The Insurance Commissioner has held only one public hearing on excessive rates and has never fined an insurance company for excessive rates since 1948."<sup>14</sup> The Commission identified as one of the major underlying causes of the insurance crisis:<sup>15</sup>

The Insurance Commissioner's lack of authority and leadership in the rate-setting process — the Insurance Commissioner does not have authority to control rate increases in California [prior to the increase] and has not exercised his [sic] discretionary powers to control rate increases [after an increase] and make insurance available.

The Little Hoover Commission recommended that consideration be given to requiring the Insurance Commissioner's prior approval of rate increases in excess of 15%.<sup>16</sup>

Two recent studies have demonstrated the relationship between state regulation and the cost of insurance. The General Accounting Office — the investigative arm of Congress — found that the cost of automobile insurance was always higher in "competitive" rating states like California where there is no rate regulation. Rates in so-called "competitive" states were about 14% higher than in regulated states.<sup>17</sup> A study commissioned by the California State Assembly found that the profits of automobile insurance companies in California were about 30% higher than in states with a stronger regulatory environment.<sup>18</sup>

It is a misnomer to call California an "open rating" or "competitive" state for automobile coverage. Price fixing by insurance companies is not illegal under federal law,<sup>19</sup> nor is it illegal under state law.<sup>20</sup> Current law authorizes insurers to act "in concert" in setting rates, thus conferring upon insurance companies a unique exemption from antitrust laws. Last year, Attorney General John Van de Kamp addressed this problem:<sup>21</sup>

Nothing prohibits insurance companies from fixing rates, from agreeing not to compete, from allocating territories

to one another, from obtaining and exploiting a monopoly in any line of insurance. And no other industry enjoys this kind of sweeping exemption from the antitrust laws. . . .

This immunity is unhealthy for consumers and it is unhealthy for the industry itself. It breeds a culture of collusion. Hearings before the Department of Insurance last year revealed that the two largest auto insurers in the state had a practice of routinely exchanging their rating books — in effect their price lists. Such exchanges suggest a fundamentally unhealthy pattern of collusive conduct.

The Task Force on Family Diversity agrees that the current exemption of insurance companies from the state's antitrust laws is inappropriate and harmful to the people of the state. The exemption should be repealed so that price fixing by insurers would be unlawful and so the exchanging of price information among insurers with the purpose of suppressing competition would also be illegal.<sup>22</sup>

Many insurers claim that price fixing does not exist and that consumers can find the lowest rate and best coverage by shopping around. However, one recent consumer study found that price shopping for insurance coverage is virtually impossible.<sup>23</sup>

“Redlining,” a practice in which insurers set prices through a complex formula of residential location, occupation, age and sex classifications, is also a subject of extensive criticism. State Senator Art Torres has called for legislation prohibiting the setting of rates on any factor other than an individual's driving record.<sup>24</sup>

More and more people in this state cannot afford auto insurance even though they have good driving records. Insurance rates should be based on a person's driving record, not on his or her zip code, marital status, occupation, or sex. That is unfair.

Redlining of certain areas and groups makes minimum auto liability insurance so expensive that an estimated 50% to 60% of drivers in some sections of Los Angeles, and 15% to 20% statewide, are uninsured.<sup>25</sup>

**Insurance Reform.** In addition, noting that California is one of only five states that allow automobile insurance companies to raise prices without justifying the size of rate increases, Attorney General John Van de Kamp has joined consumer advocates and many legislators in calling for rate regulation.<sup>26</sup> Last year, the Attorney General supported proposed legislation which would have: (1) enacted a system of flex-rating for property/casualty insurance; (2) created an insurance consumer advocate's office within the Department of Justice; (3) required prior approval by the Insurance Commissioner of any rate increases exceeding 10% in personal lines or 25% in commercial lines and (4) established an Office of Consumer Advocate to present a public point of view of proposed rate changes.<sup>27</sup> Although the bill, and several proposed compromises, passed the Assembly Finance and Insurance Committee, it failed to pass the Assembly Ways and Means Committee, thus ending consumers' hopes for legislative relief.<sup>28</sup>

According to the Attorney General, “It's a stalemate. The powers have basically produced gridlock.”<sup>29</sup> As a result, he suggested that the only path to reform might be a statewide ballot initiative.

The Task Force on Family Diversity believes that the following reforms should be enacted into law either by the Legislature or through the initiative process: (1) *rate regulation* — rate increases or decreases that exceed specified ranges should require prior approval by the state Insurance Commissioner; (2) *antitrust exemption* — the insurance industry should be stripped of its exemption from the state's antitrust laws; (3) *insurance consumer advocate* — an Office of Insurance Consumer Advocate should be established, with authority to intervene on behalf of consumers in any rate-related matter; (4) *good driver discounts* — insurers should be required to offer “good driver” policies to customers who have had no accidents or moving violations within the past three years; (5) *plain language policies* — insurance policies should be required to be written so that they are concise and easy to read; (6) *mid-term cancelations* — policies should not be cancelable in midterm, except for nonpayment of premiums, fraud, gross negligence or criminal convictions; (7) *conflict of interest* — the Insurance Commissioner and the Consumer Advocate should be barred from employment with any insurance company or trade association for three years after leaving office.

Seven initiative proposals for insurance reform have emerged.<sup>30</sup> Three have been offered by consumer advocacy organizations; two are sponsored by individuals; one is backed by insurance companies; and one has been drafted by trial lawyers.<sup>31</sup> The Task Force believes that either of the proposals offered by two of the consumer advocacy groups — Access to Justice or Insurance Consumer Action Network — most closely promote these seven areas of reform.<sup>32</sup>

The need for insurance reform in California became even more critical when the California Supreme Court upheld the constitutionality of the state's mandatory auto liability insurance laws.<sup>33</sup> Under state law, a motorist stopped for a moving violation must produce proof of insurance. Failure to do so may result in a fine and a suspension of the motorist's driver's license. In the wake of the Supreme Court ruling, Mayor Tom Bradley endorsed a proposed ballot initiative prohibiting automobile insurance redlining and requiring Insurance Commissioner approval for all rate increases.<sup>34</sup>

The Task Force on Family Diversity finds that insurance reform in California is long overdue. The Task Force commends Mayor Bradley and Attorney General Van de Kamp for supporting meaningful insurance reform, even if it must come in the form of a voters' initiative. The Task Force recommends that the City Council support either the initiative proposal sponsored by access to justice or that proposed by the Insurance Consumer Action Network (ICAN).

### Lifestyle Discrimination

During the course of this study, the Task Force has become aware of widespread lifestyle discrimination by insurance companies in California and throughout the nation. By “lifestyle discrimination,” the Task Force is referring to situations in which insurers deny coverage, set higher rates, or cancel policies because of the sexual orientation or cohabitation status of the applicant or the insured. Complaints of lifestyle discrimination have been raised by both unmarried heterosexual couples and same-sex couples.

Widespread complaints regarding discriminatory underwriting practices by California insurance companies were confirmed by consumers, consumer advocates, civil rights advocates, the Insurance Commissioner's office, as well as insurance brokers and agents.

According to a representative of Common Cause, insurance coverage is often denied in Southern California because of the consumer's choice of neighborhood, choice of automobile, or choice of life partner. For example, a local insurance company refused to grant automobile insurance to a woman merely because she was a "military wife," i.e., her spouse was enlisted in the Navy.<sup>35</sup>

In his public hearing testimony, Tony Melia, President of National Business Insurance Agency (NBIA), described lifestyle discrimination by insurance companies in property and casualty insurance.<sup>36</sup> He related that some companies refuse to issue a joint homeowner's policy in the names of two same-sex householders, as their interests may appear on a deed, although joint policies are issued routinely to married couples. Most companies will not offer a family discount on automobile insurance to an unmarried couple who live together and share cars, even though such discounts are offered to blood relatives and married couples. One company actually wrote to NBIA and complained that the agency was writing too many policies for unmarried persons.

Brendt Nance, President of Concerned Insurance Professionals for Human Rights, documented lifestyle discrimination in health, life, and disability insurance.<sup>37</sup> He reported that some companies refuse to issue a life insurance policy if the consumer names a beneficiary who is not related by blood, marriage, or adoption. One major carrier charges two unmarried 35-year-olds a total of \$213.60 per month for basic health coverage, while a married couple could purchase the same coverage for \$197 per month.

Leonard Graff, Legal Director for National Gay Rights Advocates (NGRA), testified concerning lifestyle discrimination against gays and lesbians.<sup>38</sup> Complaints received by NGRA about automobile insurance, homeowner and renter policies, umbrella or excess liability policies, and health insurance relate to outright denial of coverage, the naming of beneficiaries, and, most often, rate discrimination against unmarried couples.

One company, the Automobile Club of Southern California, recently extended family discounts for automobile insurance coverage to unmarried couples. Previously, the discount was available only to married couples.<sup>39</sup> Some companies have followed AAA's example, but others continue to extend family discounts only to married couples. The AAA reform, however, only applies to insurance but not to membership in the Auto Club. The Automobile Club of Southern California continues to maintain membership discount practices which discriminate against unmarried couples. For example, a married couple may purchase one master membership and a discounted associate membership, while an unmarried couple must pay for two master memberships. In view of changing demographics and family structures in Southern California in 1987, the Auto Club created an internal AAA Task Force to review membership rating practices and to recommend possible revisions to the Board of Directors. The AAA Task Force will recommend ways in which the club's membership rules can be amended to accommodate the needs of contemporary families.

Unmarried couples also experience lifestyle discrimination when attempting to purchase renter's insurance. Renter's insurance protects occupants of an apartment or house against property damage or liability. Most insurance companies will not issue a policy jointly to an unmarried couple renting an apartment; two policies, with two pre-

miums, are required. A married couple, however, can save money by obtaining a joint policy.

According to Leonard Graff, lifestyle discrimination in home and automobile insurance is primarily rate discrimination on the basis of marital status or sexual orientation.

California Administrative Code Section 2560.3 prohibits insurers from discriminating against consumers on the basis of marital status or sexual orientation. However, the Insurance Commissioner has interpreted the law narrowly so as not to apply to the type of lifestyle discrimination just described. According to Graff:<sup>40</sup>

Well, they [Insurance Commissioner's Office] don't feel that those regulations cover the situation involving couples. In other words, in the examples that I have been describing — like automobile insurance — people, regardless of their sexual orientation, are not having too much trouble getting a policy because they are gay or lesbian. The problem is getting a discount because they are a couple. And in my conversations with Peter Groom [Legal Counsel to the Insurance Commissioner], he's taking the position that this is "rate discrimination" and is beyond the jurisdiction of the Commissioner.

Unmarried couples, who write to the Insurance Commissioner's Office complaining of such lifestyle discrimination,<sup>41</sup> are simply informed that there is nothing that the Insurance Commissioner can do.<sup>42</sup>

The Task Force on Family Diversity recommends several actions that the Insurance Commissioner and other agencies can take to protect unmarried couples from the continuing and widespread lifestyle discrimination.

First, the Insurance Commissioner can declare various practices against unmarried couples to be "unfair practices," such as refusal to issue a joint renter's or homeowner's policies to an unmarried couple living together in their jointly owned or rented residence. Granting discounts to cohabiting couples who are married while denying such discounts to similarly situated unmarried couples should also be declared an "unfair practice," as should the refusal of an insurance company to allow a life insurance applicant to name a lifemate as beneficiary.

The California Insurance Code provides for remedies through the Insurance Commissioner against unfair practices engaged in by those in the business of insurance.<sup>43</sup> The Commissioner should use the power provided in the code to conduct investigations of such unfair practices, and, where appropriate, commence administrative actions against violators.<sup>44</sup> If a company continues such practices after an administrative hearing, adverse determination, and warning,<sup>45</sup> the Commissioner should, through the state Attorney General, seek a restraining order against the company.<sup>46</sup> Any company who defies a court order, in addition to a contempt proceeding, faces fines and possible suspension of license or certificate to engage in the insurance business.<sup>47</sup>

Although it appears that the Insurance Commissioner has the authority to address instances of lifestyle discrimination through the complaint procedure authorized by the Insurance Code,<sup>48</sup> such action has not been taken to date.

The Task Force on Family Diversity calls on the Insurance Commissioner to officially rule that lifestyle discrimination by insurance companies, including rate discrimination against unmarried couples, is an unfair business practice. The Mayor and the City Council should communicate with the Commissioner, expressing their concern for the protection of unmarried couples living in the city, urging the Commissioner to use the authority to regulate and restrain such practices.

Furthermore, the Unruh Civil Rights Act may provide an additional mechanism for protection.<sup>49</sup> The Unruh Act bars all forms of arbitrary discrimination by business establishments of every kind. Sexual orientation discrimination is prohibited by the Unruh Act.<sup>50</sup> It would seem that marital status discrimination is arbitrary in many contexts. California statutes forbidding such discrimination have been interpreted to prohibit discrimination against unmarried couples.<sup>51</sup> By analogy, it would appear that discrimination by insurance companies against unmarried couples would violate the Unruh Civil Rights Act.

The Attorney General, the state Department of Fair Employment and Housing (DFEH), district attorneys and city attorneys all have jurisdiction to enforce the Unruh Civil Rights Act.<sup>52</sup> Individual complaints may be investigated and processed by DFEH. The Attorney General or local district or city attorneys may bring court actions to enjoin a "pattern or practice" violating the Unruh Act; they may also bring civil actions under "unfair competition" statutes to enjoin unfair or unlawful business practices.<sup>53</sup> Thus, remedies exist beyond those found in the Insurance Code.<sup>54</sup> However, since consumers file their complaints primarily with the Insurance Commissioner's Office, these agencies seldom, if ever, learn of, or process, cases involving unfair practices by insurance companies. And in the case of lifestyle discrimination, the Insurance Commissioner closes case files without referring the consumer to other agencies which may have jurisdiction under the Unruh Act or Business and Professions Code.

The Task Force on Family Diversity has several recommendations about improving the way cases involving lifestyle discrimination by insurance companies are handled by government agencies.

First, as mentioned above, the Insurance Commissioner should deem such discrimination to be an unfair practice and take action under the Insurance Code.

Second, the Insurance Commissioner should routinely refer cases to other agencies with possible jurisdiction.<sup>55</sup> If the Commissioner receives a complaint about lifestyle discrimination and declines to take action, the letter of complaint should be forwarded to the Attorney General for possible relief under the Unruh Act. Such referrals will enable the Attorney General to determine if a discriminatory pattern or practice exists. The Attorney General can then either take direct action, or refer the matter to the appropriate district attorney or city attorney.

Third, the Los Angeles City Attorney should specifically request that the Insurance Commissioner forward to the City Attorney copies of lifestyle discrimination complaints involving transactions occurring in the City of Los Angeles. This will enable the City Attorney to determine if unfair business practices are occurring in the city so that such patterns and practices can be enjoined.

Fourth, the City Attorney should convene an Insurance Task Force on Lifestyle Discrimination. Representatives of the Attorney General's

Office, the Insurance Commissioner's Office, the state Department of Fair Employment and Housing, civil rights groups, consumer protection groups, and the insurance industry should be invited to participate on the Task Force. The purpose of the Insurance Task Force would be to make recommendations for improving the ways in which lifestyle discrimination is handled by state and local agencies with apparent jurisdiction in this area.

## INSURANCE: RECOMMENDATIONS

27. The Task Force recommends that the City of Los Angeles adopt a legislative policy statement on insurance to guide its legislative program in Sacramento and Washington, D.C. The policy should: support the repeal of current state and federal exemptions of the insurance industry from antitrust laws; oppose "redlining" practices; support the adoption of a "flex-rating" system of prior approval for property and casualty insurance; and support the creation of an insurance consumer advocate's office within the California Department of Justice.

28. The Task Force recommends that the Mayor and the City Council support a 1988 insurance reform ballot initiative containing strong provisions on rate regulation, antitrust protections, consumer advocacy, and conflict of interest. The measures which most closely would meet these goals are those proposed either by the Insurance Consumer Action Network (ICAN) or access to justice (voter's revolt).

29. The Task Force recommends that the state Insurance Commissioner declare various practices against unmarried couples to be "unfair practices," including the refusal to issue a joint renter's or homeowner's policy to an unmarried couple living together in a jointly owned or jointly rented residence, the denial of discounts to unmarried couples while granting such discounts to married couples, and the refusal to allow a life insurance applicant to name a non-spousal lifemate as a beneficiary.

30. The Task Force recommends that the Mayor and the City Council communicate to the state Insurance Commissioner their concern about lifestyle discrimination by insurance companies, asking the Commissioner to outlaw lifestyle discrimination as an unfair business practice.

31. The Task Force recommends that the Insurance Commissioner routinely refer complaints of lifestyle discrimination to other agencies with possible jurisdiction. If the Commissioner receives a complaint of lifestyle discrimination from an insurance consumer and declines to take action, the letter of complaint should be forwarded to the Attorney General for possible relief under the Unruh Act. Such referrals will enable the Attorney General to determine if a discriminatory pattern or practice exists. The Attorney General can then either take direct action or refer the matter to the appropriate district attorney or city attorney.

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#### Insurance: Notes

<sup>1</sup> Interview with Steve Miller, June 5, 1987, at the offices of ICAN in Los Angeles.

<sup>2</sup> *Ibid.*

<sup>3</sup> Interview with Tom Vacar, June 2, 1987, at the offices of KCBS-TV in Los Angeles.

<sup>4</sup> Reich, Kenneth, "State Insurance Department Found Far Behind on Complaints," *Los Angeles Times*, May 13, 1986.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> Kan, Ada, "Insurance Discrimination," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-871.

<sup>9</sup> Letter from Lewis Keller, President of the Association of California Life Insurance Companies, dated March 26, 1987.

<sup>10</sup> Miller, *supra*, at note; Vacar, *supra* at note 3.

<sup>11</sup> Testimony of Tony Melia, President of the National Business Insurance Agency, and Brendt Nance, Concerned Insurance Professionals for Human Rights, *Public Hearing Transcript*, pp. 189-202.

<sup>12</sup> Vopal & Verdugo, "Report of Research Team on Insurance Discrimination," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-563.

<sup>13</sup> Miller, Steve, "Insurance Regulation Needs Accountability," published by Insurance Consumer Action Network, 1987.

<sup>14</sup> Commission on California State Government Organization and Economy, "A Report on the Liability Insurance Crisis of California," July, 1986, p. 1.

<sup>15</sup> *Id.*, p. 2.

<sup>16</sup> *Id.*, p. v.

<sup>17</sup> United States General Accounting Office, "Auto Insurance, State Regulation Affects Cost and Availability," GAO/OCE-86-2, August 1986, p. 3.

<sup>18</sup> National Insurance Consumer Organization, "Insurance in California: A 1986 Status Report for the Assembly," October, 1986, p. II-1.

<sup>19</sup> Congress exempted insurance companies from federal antitrust regulation when it passed the McCarran-Ferguson Act in the 1940s (15 U.S.C. Sec. 1101).

<sup>20</sup> The McBride-Gorunsky Act was passed by the California Legislature, also in the 1940s (Insurance Code Section 1850).

<sup>21</sup> Testimony of Attorney General John Van de Kamp before the Assembly Judiciary Committee in support of A.B. 1190, May 20, 1987.

<sup>22</sup> Assembly Bill 1190 by Assemblywoman Maxine Waters would have accomplished this result. After heated debate, it failed to pass the Assembly Ways and Means Committee during the 1987 Legislative session.

<sup>23</sup> Reich, Kenneth, "Shopping Around for Car Insurance: It's 'Potluck'," *Los Angeles Times*, June 24, 1987.

<sup>24</sup> "Anti-redlining Bill Dies in Senate Committee," *Mt. Washington Star Review*, May 14, 1986.

<sup>25</sup> Salisbury, Lois, "Who Will Pay for Brown's Auto Insurance Tinkering?" *Los Angeles Times*, May 4, 1986.

<sup>26</sup> "Van de Kamp Urges State Insurance Rate Regulation," *Los Angeles Herald Examiner*, May 19, 1987.

<sup>27</sup> Reich, Kenneth, "Insurance Bill Clears Hurdle in Assembly," *Los*

*Angeles Times*, May 20, 1987.

<sup>28</sup> Dresslar, Tom, "Alternative Insurance-Rate Measure Would Rely on Consumers," *Los Angeles Daily Journal*, June 29, 1987; "Insurance: Open the Books," *Los Angeles Times*, July 1, 1987; Dresslar, Tom, "Prospects Darken for Reform of State Insurance Laws in '87," *Los Angeles Daily Journal*, August 27, 1987.

<sup>29</sup> Braun, Gerry, "State's Insurance Storm Passes," *San Diego Union*, February 9, 1987.

<sup>30</sup> "Summary of Seven Measures on Insurance Reform," *California Political Week*, January 25, 1988.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.* The measure sponsored by Access to Justice calls for a 20% automobile insurance rate rollback, elimination of antitrust exemption, rate regulation by the Insurance Commissioner, and rates based on driving records and not zip codes. The initiative offered by Insurance Consumer Action Network calls for similar reforms, but extends to all kinds of insurance coverage, with special senior citizen protections.

<sup>33</sup> *King v. Meese* (1987) 43 Cal.3d 1217; Carrizosa, Philip, "State High Court: Car Insurance is Now Mandatory," *Los Angeles Daily Journal*, October 27, 1987.

<sup>34</sup> Reich, Kenneth, "Three Officials Back Proposed Initiative on Car Insurance," *Los Angeles Times*, November 3, 1987.

<sup>35</sup> Interview with Wally Zelman, Common Cause, June 3, 1987.

<sup>36</sup> Testimony of Tony Melia, "Lifestyle Discrimination in Property/Casualty Insurance," *Public Hearing Transcript*, p. 189.

<sup>37</sup> Testimony of Brendt Nance, "Lifestyle Discrimination in Health/Life/Disability Insurance," *Public Hearing Transcript*, p. 196.

<sup>38</sup> Testimony of Leonard Graff, "Lifestyle Discrimination by Insurance Companies," *Public Hearing Transcript*, p. 114. See also, Freiberg, Peter, "Antigay Insurance Company Sued," *The Advocate*, June 10, 1987.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

<sup>41</sup> Interview with Peter Groom, Legal Counsel to the state Department of Insurance, March, 1987.

<sup>42</sup> *Ibid.*

<sup>43</sup> Insurance Code Section 790 *et seq.*

<sup>44</sup> Insurance Code Section 790.06.

<sup>45</sup> Insurance Code Section 790.06(a).

<sup>46</sup> Insurance Code Section 790.06(b).

<sup>47</sup> Insurance Code Section 790.07.

<sup>48</sup> Insurance Code Sections 12921.3-12921.4; Section 790 *et seq.*

<sup>49</sup> Civil Code Section 51.

<sup>50</sup> *Rolon Kukwitzky* (1984) 153 Cal.App.3d 289; *Curran v. Mount Diablo Council of Boy Scouts* 1985 147 Cal.App.3d 712.

<sup>51</sup> *Hess v. Fair Employment and Housing Commission* (1982) 138 Cal.App.3d 232; *Department of Fair Employment and Housing v. Boy Scouts of America*, Before the Fair Employment and Housing Commission, Precedent Decision No. FEP 78-709, filed August 6, 1981.

<sup>52</sup> Government Code Sections 12948, 12960-12976; Civil Code Section 52(c).

<sup>53</sup> Business and Profession Code Section 17200 *et seq.*; *Perdue v. Crocker National Bank* (1985) 38 Cal.3d 913, 930.

<sup>54</sup> Insurance Code Section 12994.

<sup>55</sup> When the Insurance Commissioner receives information that an insurance company may be violating a statute from a code other than the Insurance Code, such as the Unruh Civil Rights Act or provisions of the Business and Professions Code, public policy contemplates that the Commissioner will refer the matter to the appropriate agency with authority to investigate and take action. (Cf. Insurance Code Section 12928).

## CHILD CARE

Child care has become one of the greatest family concerns in the 1980s. The focus on child care has intensified as the "nuclear" family has been replaced by the single-parent family and the dual-career family as the dominant family forms. While parents are working, or looking for work, or going to school, someone must care for the children. Child care has become a major economic and social issue that has grabbed the attention of elected officials, public and private employers, unions and employee associations, and social service agencies.

Family situations giving rise to child care needs are varied.

**Newborns.** Parents with a newborn baby must give special care and attention to their child during the baby's first few months of life, thus, perhaps, requiring one of the parents to seek parental leave from school or work. California law partially responds to this need by giving new mothers the right to a four-month leave, with a guarantee of getting their jobs back. That law was recently upheld by the United States Supreme Court against a challenge by some employers.

The law has been criticized, however, because it does not provide for paternity leave.<sup>1</sup> In an attempt to eliminate the law's gender bias, the state Legislature passed a bill last year, sponsored by Assemblywoman Gwen Moore, that would have extended this benefit to parents of either sex. The bill was vetoed by Governor George Deukmejian.

This inequity still might be eliminated by a bill pending in Congress. The Family and Medical Leave Act would require firms with 15 or more employees to allow up to 18-weeks of unpaid, job-protected leave, for fathers as well as mothers, to care for newborns, newly adopted children, or seriously ill children.<sup>2</sup> However, the bill's failure to provide for paid leaves makes family leave an unrealistic option for low-income parents.<sup>3</sup>

**Preschoolers.** Combined 1985 statistics from the Census Bureau and the Department of Labor point to a record number of mothers of preschoolers — more than 50% — working outside of the home.<sup>4</sup> In 1979, in the City of Los Angeles, there were about 80,000 women in the labor force with preschool children. These parents need safe and dependable child care services to look after their toddlers while they are at work. There is also a growing number of teenage mothers who depend on child care so they can complete high school.

**Latchkey Kids.** As of 1979, there were about 116,000 women in the labor force in Los Angeles with school-age children. Although these children are normally cared for during regular school hours, thousands of them lack supervision before school or after school while their parents are working. With the passage of Senator David Roberti's 1985 Latchkey Bill (SB 303), many before and after-school day care programs are available for children between the ages of 5 and 13.

**Mildly-Ill Children.** According to the general manager of a local city-employee union:<sup>5</sup> "Most child care facilities will not take children who are ill, and for good reason. They do not want to risk spreading childhood illnesses, colds, etc. But what is a parent to do when their child care arrangements break down because of a sick child?" One private employer has provided an answer. Opening the first corporate pilot program of its kind in the country, the day care facility of Trans-america Life Companies was established to combat no-shows among

workers who would otherwise have to stay home with ill children.<sup>6</sup>

**Seriously-Ill Children.** When a child becomes seriously ill, the only option for a parent or relative may be to quit work to care for the child. The Family and Medical Leave Act pending in Congress would help alleviate this problem by mandating that employers give an unpaid leave of up to 18 weeks to parents in this predicament.

Although the need is great, there is a critical shortage of affordable and quality child care in the City of Los Angeles. According to a report submitted to the City Council last year, there are 1.5 million children in the city, of whom about 400,000 need child care.<sup>7</sup> The study estimated a shortage of over 200,000 spaces. The need is so great that parents have demonstrated in the streets of Los Angeles demanding that public officials taken action to solve the problem.<sup>8</sup>

In response, Mayor Tom Bradley created an Advisory Committee on Child Care. Two years ago, the Mayor transmitted the Committee's report and recommendations to the City Council for its consideration. In doing so, the Mayor observed:<sup>9</sup> "Affordable quality child care, which will nurture our children and ease the burdens of two-income and single-parent families, is a critical investment for our City's future. Economic planners in the City must take into account the need for child care."

Councilwoman Joy Picus also developed a comprehensive Child Care Policy for the city which was adopted by the City Council.<sup>10</sup>

Cognizant of the gap between the need and the availability of quality and affordable child care in the city, the Task Force on Family Diversity explored child care issues through its student research,<sup>11</sup> public hearing testimony,<sup>12</sup> and the independent research of its members.<sup>13</sup>

### Policy Issues

Los Angeles is one of several cities that has developed an official position on child care. On February 24, 1987, the City Council adopted a policy statement for the city.<sup>14</sup> Councilwoman Joy Picus spearheaded the movement behind the policy. According to Steve Lipman, Council Aide to Picus:<sup>15</sup>

The policy recognizes that there is a major problem in Los Angeles City, in Los Angeles County, and throughout the nation with respect to affordable, accessible, and quality child care. It calls upon the city to: act as a model for other jurisdictions and private concerns; act as an employer to provide child care for its employees; act as an educator, not only to provide data to other interested individuals but by the force of its status act as an educator to other individuals throughout the country; and, last, but not least, the city will act as a facilitator to actually provide assistance, either technical or gentle suasion to increase child care slots within the city.

Related to the adoption of the policy, the City Council agreed to create a new position of Child Care Coordinator to be placed in the city's Personnel Department. An 11-member Child Care Advisory Board will be created to assist the coordinator in his or her efforts. Six advisory board members will be appointed by the City Council and five by the Mayor.

The city's new policy statement focuses on 12 areas.<sup>16</sup>

**Need.** The city now recognizes and acknowledges the importance of affordable and accessible quality child care, and the detrimental impacts on the individual, the family, the workplace, and the community in the absence of such care.

**Partnerships.** The city will promote partnerships among itself, parents, developers, employers, businesses, community leaders to work toward the common goal of expanding accessible and affordable quality child care to working families in the City of Los Angeles.

**Model.** The city will work to become a model in the delivery of child care services to its employees.

**Planning.** The city will integrate, wherever possible, the child care needs of working families into the city's planning process.

**Facilitator.** The city will develop or improve procedures which seek to expedite the necessary approvals and permits for construction of child care facilities.

**Review.** The city will periodically review programs it has implemented to promote expansion of child care services and to determine their effectiveness.

**Expertise.** The city will create expanded child care expertise and underutilized capabilities within the Department of Community Development.

**Resource.** The city will utilize its information and referral capabilities to further child care services throughout the city.

**Property.** The city will, where appropriate, make available vacant or underutilized city-owned land or facilities to qualified non-profit child care providers.

**Legislation.** The city's State and Federal Legislation Program will include support of legislation that would provide assistance to the city in pursuing its child care policy.

**Policies.** The city will work toward a requirement that businesses have a stated child care policy.

**Vendors.** The city will consider encouraging child care among vendors contracting with the city by including child care policies as a consideration in awarding contracts.

Dr. Sandra Burud expressed concern with portions of the city's new child care policy.<sup>17</sup> Under the policy adopted by the City Council, employers are merely *encouraged* to adopt a stated policy of child care; Dr. Burud proposed that employers be *required* to have a stated policy on this subject. She testified:<sup>18</sup>

This change would not mean that employers would have to provide child care assistance; it does mean that they would have to think about it enough to say, "No, we do not offer any child care assistance." Once they take a look at child care, however, many will decide to do it on their own.

The Task Force agrees with Dr. Burud's suggestion that employers be required to have a stated policy on child care, even if the policy ultimately adopted by an employer is not to provide child care. Benefit is derived from employers merely considering the issue.

Dr. Burud also suggested a change in the policy requiring vendors bidding on contracts with the city. Instead of giving preference to those vendors with stated child care policies, even though the stated policy might be not to provide child care services, preference should be reserved for contractors who actually provide child care assistance. The Task Force agrees. City regulations should be amended accordingly.

In her testimony to the Task Force, Dr. Burud called for the passage of an ordinance requiring developers of new commercial buildings to set aside space for child care. Under a proposal submitted to the City Council by former Councilman David Cunningham, developers in the city would be required to contribute space for child care facilities or contribute an amount based upon the size of their projects. The Cunningham proposal represents a synthesis of two similar ordinances in Concord and San Francisco.<sup>19</sup> The proposal was sent to the Council's Planning and Environment Committee for further study. According to Council Aide Steve Lipman, the Cunningham proposal is still pending, in that once a Council file is opened, it remains alive until the City Council votes to kill it.

The Mayor's Advisory Committee also developed a comprehensive set of policies on child care, many of which were incorporated into the new policy adopted by the Council. In addition, the Mayor's Committee supported the Cunningham developer proposal, an item not included in the City Council policy statement.

Mayor Bradley also proposed a compromise to the Cunningham developer plan. The Mayor's proposed ordinance, introduced into City Council by Councilwoman Joy Picus, would give developers bonuses for setting aside areas for child-care centers.<sup>20</sup> Under the plan, developers who set aside 5,000 square feet for a child care center would be given permission to build a larger building. Additionally, such developers would get reductions in fees for building permits and other city services. Like Councilwoman Picus and Mayor Bradley, the Task Force on Family Diversity "prefers the carrot to the stick." The Task Force recommends that the City Council give speedy passage to the Bradley-Picus developer proposal.

## Quality Issues

It must be remembered that child care is not a substitute for family care. It is a service that supplements the care that children receive from their families.<sup>21</sup> Quality child care gives children a second resource from which to be nurtured. If the service is not nurturing, it is not quality care.

According to the National Association for the Education of Young Children, there are several essential ingredients to quality child care.<sup>22</sup> Children must be safe and well nourished. Ample materials and equipment for learning must be provided. Children must have adequate space. Staff must be trained in child development and teaching methods so that there is good planning and organization of programs. Finally, parents and caregivers must create a communicating partnership. In other words, high quality care depends on a safe setting which stimulates emotional, social, physical, and intellectual growth.

Unfortunately, finding available and affordable child care is difficult enough. According to Vivian Weinstein, Chairwoman of the Mayor's Advisory Committee on Child Care, finding available, affordable, and quality child care in Los Angeles is "worse than getting into Harvard."<sup>23</sup>

Noting how the issue of quality child care affects families of all income levels, the research of the Task Force team on Child Care revealed:<sup>24</sup>

Many parents are so desperate to find an opening, they don't have the luxury of checking out the basic information about the place where they will be leaving their children. Higher income families, even with more options, find it just as difficult to find quality care that is affordable. While low income families and high income families have the best access to child care programs, for "middle income parents the problem is critical because they face both the economic and qualitative dilemma of finding child care."<sup>25</sup>

### Affordability

The correlation between cost and quality is notable. An evaluation of 100 child care centers in Los Angeles found that as quality increased so did the cost per child.<sup>26</sup> Increased costs are generally a reflection of greater personnel expenses — either higher salaries or greater benefits to employees.<sup>27</sup>

Even now, with the present level of quality, child care costs are staggering. In her testimony to the Task Force, Dr. Sandra Burud explained:<sup>28</sup>

The problems with the child care system are all related to the fact that the child care consumer — families — can't afford it at the very time in their lives when they need it. Child care costs \$6,500 per year for two children under 5 years-old in Los Angeles County. If you are a single mother earning an average salary of, say, \$11,000 or \$12,000, that amount will consume nearly your entire take-home pay. That's why kids are left home alone. Even for the average American family of four, earning about \$25,000 per year, it's too expensive. Families can afford to pay about 10% of their income for child care; that means that families with incomes over \$60,000 per year can afford the going rate.

**Relationship Between Quality and Cost.** Quality care can be achieved only by increasing salaries of child care personnel, reducing the caregiver/child ratio, and increasing the level of competence of workers.

More reasonable salaries will attract and keep competent staff working in the field. Child care workers — most of whom are women — are presently underpaid.<sup>29</sup> The average income of child care center employees is \$9,200 per year.<sup>30</sup>

Another major factor in maintaining quality care is the caregiver/child ratio. The smaller the ratio, the more time workers have to spend with children. This, in turn, allows for a better quality of interaction.

Competence of the caregiver and the quality of interaction between adult and child is often related to the extent of formal training that workers have received. Greater training results in creation of a more considerate and sensitive environment. Studies have shown that untrained staff are more likely to create a more punitive environment, which can produce feelings of inadequacy and aggression in children.<sup>31</sup>

Last year, Governor Deukmejian sought to reduce salary benefits for child care workers and proposed that their educational requirements be relaxed, on the theory that these measures would create more child care spaces.<sup>32</sup> Child care involves both qualitative and quantitative issues; the sacrifice of either will be detrimental to the children.

The Task Force on Family Diversity asserts that the care, protection, and socialization of children must become a local, state, and national priority. The development of affordable and quality child support systems will ease the plight of working parents and will help ensure the development of healthy children who will become thoughtful and responsible adults.

Last year, the city hired its first child-care coordinator. The new position coordinates activities relating to child care, working to increase quality, affordability, and accessibility. The Task Force recommends that the child care coordinator keep the City Council and the Mayor informed of pending state and federal legislation that will help make child care more affordable for lower and middle-income families.

## CHILD CARE: RECOMMENDATIONS

### Child Care Policies

34. The Task Force recommends that the city's new Child Care Policy be amended as follows: first, all employers located in the city should be required to adopt a stated policy on child care; second, vendors bidding for city contracts should be given preference only if they actually offer child care assistance. As amended, the new policy should be vigorously implemented.

35. The Task Force recommends that the city's legislative policy statements be amended to include support for: the Family and Medical Leave Act pending in Congress, the passage of legislation in Sacramento that would extend parental leave for newborns to working fathers as well as working mothers, and state legislation providing cost of living allowances to child care workers. The city also should oppose legislation to relax educational requirements for state Department of Education Children's Center employees.

### Availability of Child Care

36. The Task Force recommends that the City of Los Angeles become a model employer by providing substantive child care assistance for the bulk of its workforce.

37. To allow more parents to provide care for their own children and lessen their dependency on child care services, the Task Force recommends that the city allow workers more flexibility in their work schedules.

38. As a means of creating more child care spaces in the city, the Task Force recommends that the City Council *adopt the Bradley-Picus*



proposal to give bonuses to developers who set aside space for child care centers in proposed new buildings.

### Quality of Child Care

39. The Task Force recommends that the City Council direct the new Child Care Coordinator and the Child Care Advisory Board to evaluate CDD funded child care programs to assess the effectiveness of their delivery systems.

40. The Task Force recommends that the City of Los Angeles increase funding for CDD supported programs for the purpose of increasing wages and/or improving benefit packages for child care workers.

### Affordability of Child Care

41. The Task Force recommends that child care benefits be included in any cafeteria style benefit program adopted by the city.

42. The Task Force recommends that the city's new Child Care Coordinator keep the City Council and the Mayor informed of pending state and federal legislation that will help make child care more affordable for lower and middle-income families.

### Child Care: Notes

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<sup>3</sup> Taub, Nadine, "U.S. Should Mandate Leaves for Child Care," *Los Angeles Times*, May 25, 1986.

<sup>4</sup> Beyette, Beverly, "Working Mothers and Career-Parent Conflicts," *Los Angeles Times*, December 12, 1986.

<sup>5</sup> Letter from Walter Backstrom, General Manager of Service Employees International Union, Local 347, to Councilwoman Joy Picus, dated May 27, 1986.

<sup>6</sup> "Day Care for Ailing Child," *Los Angeles Times*, April 20, 1986.

<sup>7</sup> McMillan, Penelope, "Soldier in 'Child Care Wars,' to Battle Problem in New City Post," *Los Angeles Times*, October 3, 1987.

<sup>8</sup> Goldstein, Alan, "1,000 March in Westwood for Child Care," *Los Angeles Times*, April 21, 1986.

<sup>9</sup> Transmittal letter from Mayor Bradley to City Council, dated April 4, 1986.

<sup>10</sup> McMillan, Penelope, "L.A. Council Adopts 'Child-Care Policy'," *Los Angeles Times*, March 1, 1987.

<sup>11</sup> Morton, Julia, "Report on Childcare Needs in the City of Los Angeles," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-746.

<sup>12</sup> Testimony of Dr. Sandra Burud, "Child Care: Public/Private Partnerships and Initiatives," *Public Hearing Transcript*, p. 204; Testimony of Steve Lipman, "The City's New Child Care Policy," *Public Hearing Transcript*, p. 146.

<sup>13</sup> Kelly and Morton, "Report of Child Care Research Team," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-47.

<sup>14</sup> Testimony of Steve Lipman, *supra*, note 12.

<sup>15</sup> *Ibid.*

<sup>16</sup> Morton, *supra*, at note 11, p. S-748.

<sup>17</sup> Burud, *supra*, at note 12.

<sup>18</sup> *Ibid.*

<sup>19</sup> Morton, *supra*, at note 11, p. S-750.

<sup>20</sup> Boyarsky, Bill, "Bonus Urged for Buildings that Include Child Care Centers," *Los Angeles Times*, December 17, 1987.

<sup>21</sup> League of Women Voters of Los Angeles County, "Child Care in Los Angeles County," 1986, p. 49.

<sup>22</sup> Kelly and Morton, *supra*, note 13, at p. S-60.

<sup>23</sup> *Id.*, at p. S-62.

<sup>24</sup> *Ibid.*

<sup>25</sup> League of Women Voters, *supra*, note 19, at p. 33.

<sup>26</sup> Olenick, Michael, "The Relationship Between Quality and Cost in Child Care Programs," (1986), *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-98.

<sup>27</sup> "Good News For Mothers Who Work," *Parents Magazine*, October 1986, p. 105.

<sup>28</sup> Testimony of Dr. Sandra Burud, *supra*, note 12, at p. 204.

<sup>29</sup> Mayor's Advisory Committee on Child Care, Personnel Committee, "Salary Benefit Survey," July 1986.

<sup>30</sup> League of Women Voters, *supra*, note 19, at p. p. 14.

<sup>31</sup> Kelly and Morton, *supra*, note 13, at p. S-65.

<sup>32</sup> *Id.*, at p. S-66.

## FAMILY VIOLENCE AND ABUSE

Violence within families is a major social problem. It manifests itself in many forms, ranging from battery to abuse to physical and emotional neglect to financial exploitation — all often secreted within the confines of the family home. Victims of family violence include spouses, domestic partners, children, and family elders.

Over the past two years, the Task Force on Family Diversity has explored issues involved in family violence and abuse. Information was provided to the Task Force in the form of student research,<sup>1</sup> public hearing testimony,<sup>2</sup> and an independent analysis by Task Force members.<sup>3</sup>

Family violence statistics are alarming. Research reveals that violence occurs in about one out of every four families in America.<sup>4</sup> Such violence transcends all socioeconomic, age, ethnic, and religious groups. Statistics from the California Department of Justice indicate that in almost one-third of all willful homicides, the victim was killed by a spouse, parent, or child.<sup>5</sup>

Violent episodes among and between family members are not usually single incidents. Most frequently, family violence is an intense, recurrent problem that often escalates unless some external force intervenes to deter its progression.<sup>6</sup>

A large proportion of abusers are themselves survivors of abuse and abusive homes.<sup>7</sup> Hence, the suggestion that violence is learned implies that tolerating family violence lays a foundation for its recurrence in later generations.

The California Commission on Peace Officer Standards and Training describes family violence dynamics in the following way:<sup>8</sup>

Family violence is often much more complex in causes and solutions than crimes committed by unknown attackers. To be abused by a spouse, a parent, a trusted adult, or by one's own child or to witness such abuse carries with it a particular agony. Victims wrestle with feelings of fear, loyalty, love, guilt and shame. In this they often face conflicts not experienced by those attacked by strangers. Adults will be torn between their desire to shield and help a loved one and their responsibility toward their own safety or others in the household. Children often face alone the terrible truth that those who should protect them are in fact a source of harm. Anyone who lives in a violent home experiences an essential loss. The one place on earth where they should feel safe and secure has become instead a place of danger. A victim of domestic violence is no less a victim than one set upon by strangers.

Due to the very broad nature of the subject of family violence, this chapter focuses on four main areas of concern. The first section involves child abuse. The second deals with violence between spouses or partners. The third section looks at family violence within immigrant families. The fourth examines the growing problem of elder abuse. Each section includes specific recommendations aimed at ending the ongoing cycle of family violence and abuse.

### Child Abuse

Although the actual incidence of child abuse is difficult to determine

because so many cases go unreported, estimates suggest that 14% of all children in America are subjected to abuse each year.<sup>9</sup> For purposes of this report, child abuse includes:<sup>10</sup> physical injury inflicted by other than accidental means, sexual abuse, willful cruelty, corporal punishment resulting in injury, neglect, and abuse in out-of-home care.

Reports of child abuse have risen dramatically in Los Angeles in recent years. In 1985, the Los Angeles County Department of Children's Services (DCS), the agency responsible for the investigation of all reports of suspected child abuse in the county, received reports and conducted personal interviews with 39,783 families involving 79,655 abused children. Calls to its Child Abuse Hotline increased from 19,000 calls in 1981 to 50,000 in 1985. The number of dependency petitions filed on behalf of children believed to be in need of protection increased from 9,000 in 1981 to 18,000 in 1985.<sup>11</sup>

In 1985 alone, the Los Angeles Police Department handled 10,000 radio calls on possible child abuse incidents in the city.<sup>12</sup> The number of actual investigations conducted by the police department's Abused Child Unit has risen steadily since the unit was first formed in 1974.<sup>13</sup> Police investigated 927 cases in 1974, 3,346 cases in 1984, 3,855 cases in 1985, and 4,788 cases in 1986.

In 1985, the Los Angeles Unified School District had an enrollment of 562,793 students. According to one school district report, "based on conservative estimates . . . 20% of students are victims of abuse or neglect, while 10% are victims of *serious* abuse or neglect."<sup>14</sup> Based on that estimate, 112,000 local students have been abused by family members — half of them seriously.

California's present system for child abuse reporting went into effect in 1981. The increase in reported cases has been attributed to improvements in the reporting system as well as increased public attention to the problem. However, much child abuse is still underreported because a substantial number of professionals are not reporting suspected cases.<sup>15</sup>

**The Cycle of Violence and Its Costs.** There is evidence that child abuse does not end when the child grows up:<sup>16</sup>

Children who have been abused and neglected provide the pool from which the next generation of neglecting, abusive parents are derived. We have repeatedly noted that nearly all those caretakers who maltreat their children have a history of similar treatment in their own earliest years.

Tremendous costs are associated with this cycle of child abuse. Early abuse has been linked with later delinquent behavior, including homicidal conduct. At least 80% of all people in prison, and virtually all those incarcerated for violent crimes, were abused as children.<sup>17</sup>

Not only does violence breed violence, but child abuse has other lingering effects, as well. In a national study of 1,000 adult survivors of child sexual abuse, 33% of respondents suffered from alcoholism, 33% had eating disorders, 75% experienced marked depression, 41% had attempted suicide at some time, and 31% were battered women.<sup>18</sup> Seventy percent of runaway youth are fleeing from abusive families.<sup>19</sup>

The ultimate cost to society of social services, criminal justice, medical, mental health, and other intervention services for the untreated or undertreated victims of child abuse is enormous.<sup>20</sup>

All local response and intervention systems dealing with child abuse — investigative, prosecutorial, and social services — are seriously overburdened at this point. As a result, most official responses are limited to after-the-fact damage control. Little effort has been invested in preventive services.

**The Need for Prevention.** From a public policy perspective, child abuse prevention is cost effective. Prevention is a sensible long-term approach to reducing demands on intervention and response systems.

Project CARE, "Child Abuse: Recognize and Eliminate," is a prevention program that has been operating for the past six years in the Los Angeles Unified School District for grades K through six. It was created to prevent abuse before it occurs and to intervene on behalf of children who already have been subject to abuse.<sup>21</sup> Project CARE works toward these goals by: (1) improving the ability of classroom teachers to detect abuse among their students, (2) training a team of experts at each school to implement an effective system of reporting and follow-up on suspected cases of child abuse, and (3) providing all students with instructions in self-protection.

Schools participating in Project CARE have initiated significantly more child abuse reports (2% of students) than schools not participating (0.3% of students). Only two percent of all suspect cases reported by Project CARE schools were deemed unfounded by subsequent law enforcement investigation.<sup>22</sup>

Despite evidence of its usefulness over the past six years of its operation, only 1,000 out of 23,000 local teachers have received training from Project CARE, and only 8% of the city's schools have participated thus far.

While expansion of Project CARE to other schools would be helpful, other agencies with jurisdiction over child abuse must also develop prevention programs. The school system can not carry the prevention burden alone.

Realizing that prevention is a legitimate law enforcement objective, the Los Angeles Police Department has proposed a Child Abuse Prevention and Education Program (CAPE).<sup>23</sup> The CAPE proposal emerged in 1985 from a report of the police department's Juvenile Division Task Force. The original proposal called for the establishment of a field referral unit and an education unit within the Juvenile Division.

The *field referral unit* contemplated: a 24-hour Advisement Desk to provide the department and the public with information; specially trained personnel to respond immediately to all child abuse calls on day and evening watches; coordination of referrals of families to child abuse prevention agencies when no crime had been committed but an "at risk" situation was assessed; assistance to patrol officers who came into contact with suspected child abuse cases; provision of a six-week follow-up with each family coming into contact with CAPE; and development of additional referral agencies to handle cases.

As originally envisioned, the *education unit* would serve as a catalyst for public and private child abuse prevention programs; would provide officers to give instruction on child abuse in high schools, colleges, hospitals, mass media, etc.; and would promote legislation for programs targeted at helping people avoid becoming abusive parents themselves.

The initial CAPE proposal — with a city-wide cost of \$1,839,674 — was approved unanimously by the Board of Police Commissioners in 1986 and was forwarded to the City Council for its consideration. In a report to the Finance and Revenue Committee of the City Council, the City Administrative Officer (CAO) recommended that the CAPE proposal be put on hold pending further analysis of whether the functions of the project more appropriately should be assumed by county agencies; the CAO's analysis suggested that the city might save money if it could find a way to shift prevention responsibility to county agencies. To date, the matter is still "on hold" and the council has not taken action on the CAPE proposal.

Since CAPE's funding was deferred because of questions regarding the appropriateness of city law enforcement personnel becoming involved in social problems that also might fall under the jurisdiction of county programs, it is important to examine the overlapping roles of city law enforcement and county child protective services. The Family Violence team report accurately noted the legitimate role of the police in preventing crime:<sup>24</sup>

The involvement of a police officer in the referral of an "at risk" family for assessment and treatment or services, and the knowledge that the officer will return in six weeks to follow-up is very likely to be a powerful motivator to many families reluctant to acknowledge their need for change. Police participation in prevention programs aimed at children and young people enables children who are abused or at risk to realize and to trust that they can ask for and receive protection by the law, if needed. Police involvement in community education and prevention further serves as a constant reminder that child abuse is a *crime*, and that many still-commonly-practiced methods of physical discipline are not legally acceptable.

It has always been the responsibility of police — not DCS — to investigate LAPD injury reports. The CAPE program and proposed pilot project offer mechanisms to provide immediate investigations of such reports by highly skilled and experienced police personnel who can then make referrals to other agencies with overlapping jurisdiction.

Additional support for police involvement in the prevention of child abuse comes directly from the police department's own manual:<sup>25</sup>

Peace in a free society depends on voluntary compliance with the law. The primary responsibility for upholding the law therefore lies not with the police but with the people. Since crime is a social phenomenon, crime prevention is the concern of every person living in society. Society employs full-time professional police to prevent crime, to deter it, and when that fails, to apprehend those who violate the law.

Child abuse is a crime whose victims often grow up to commit more crimes. Clearly, the prevention of child abuse must be an active concern of the Los Angeles Police Department, as well as other agencies, including schools, and each and every resident of the city.

At the request of the Task Force on Family Diversity, the Los Angeles Police Department has researched the possibility of a less costly version of the CAPE proposal. The department responded by submitting a

revised *CAPE Pilot Program* (CPP), to be implemented within the Investigative Control Unit (ICU), Child Protection Section of the Juvenile Division.<sup>26</sup> The Task Force on Family Diversity supports the CAPE Pilot Program and recommends its approval by the City Council and the Mayor.

### Domestic Violence: Partner Abuse

Historically, the legal system explicitly authorized spousal abuse by its recognition of a husband's common law right to chastise his wife. Over 150 years ago, the Mississippi Supreme Court observed:<sup>27</sup>

A husband should be permitted to chastise his wife moderately in cases of great emergency "without subjecting himself to vexatious prosecution for assault and battery, resulting in the discredit and shame of all parties concerned."

This "right" was acknowledged in many states and eventually became known as the "Rule of Thumb," allowing a husband to batter his wife as long as he did not use a rod thicker than his thumb.<sup>28</sup>

During the twentieth century, the "Rule of Thumb" evolved into a policy of nonintervention by the criminal justice system. Battery in the home was considered a personal or family problem, best addressed, if at all, by the civil courts. When called to the scene, the police usually refused to arrest the batterer, even when the victim was seriously injured.<sup>29</sup>

In recent years, due to education, community efforts, and political pressure, new domestic violence legislation has been enacted, giving police an explicit mandate to intervene and to make arrests.

**Defining the Crime.** The term domestic violence has traditionally been used to refer to violence between spouses. This definition has been expanded by the California Legislature to include violence between adults, presently or formerly cohabiting, whether married to each other or not, or who are parents of a child, or who have been in a dating or engagement relationship.<sup>30</sup>

It is important to distinguish domestic violence from family disputes. "Disputes," which often include mental and emotional abuse, while extremely destructive to the family and particularly harmful to children, do not involve conduct that is identified as criminal.<sup>31</sup> Conversely, "domestic violence" refers to conduct deemed criminal by the Penal Code — specifically, assault and battery against a family or household member.<sup>32</sup>

**Incidence of Partner Abuse.** Domestic violence is among the most underreported of crimes.<sup>33</sup> As a result, documentation that would reveal the full extent of the problem is difficult to obtain. However, despite the paucity of accurate data, criminal justice experts consider domestic violence to be one of the most frequent crimes.<sup>34</sup>

Some of the characteristics and estimated statistics of domestic violence are startling:<sup>35</sup> Over 98% of the victims are women; more than 50% of all women will experience domestic violence during their lifetimes; about 70% of assaults against women are committed by a present or former spouse or boyfriend; most domestic batteries take place in front of children; domestic violence escalates over time, both in

frequency and seriousness; and much domestic violence appears to be learned behavior, transmitted one generation to another.

Battery in gay or lesbian relationships is a form of domestic violence that has not received sufficient attention either in the gay and lesbian community or in the community at large. While there are no specific statistics to document the actual incidence of partner abuse in this community, same-sex domestic violence is very real.<sup>36</sup>

The Los Angeles Police Department does not keep statistics on domestic violence within same-sex relationships.<sup>37</sup> Solid data is not available from local gay and lesbian community organizations either. Some documentation exists in Boston and New York, however. In Boston, a therapist with the Gay and Lesbian Community Services Center reported that "violence was an issue for as many as one fourth of the couples who called the center."<sup>38</sup> New York's Gay and Lesbian Anti-Violence Project estimated that 12% of the calls received during the first seven months of 1986, without any special outreach, related to same-sex domestic violence.<sup>39</sup>

Evidence of the characteristics of violence in same-sex relationships reveals the same patterns as heterosexual battery. Alcohol abuse is a factor in a high percentage of cases.<sup>40</sup>

The need for programs and services for gays and lesbians who are victims of domestic violence has not been filled, in part, because of the ignorance and fear and subsequent hatred often characteristic of society's reaction to this minority, so-called "homophobia." In addition, most social service agencies, such as the police, hospitals, and victim-assistance programs are prepared to deal only with heterosexual partners. There are no shelters in the city for abused gay men, and lesbians seeking help from battered women's shelters in Los Angeles often find that sexual orientation discrimination and anti-gay attitudes are common.

**Legislative Reforms.** Passage of the Domestic Violence Prevention Act (DVPA) was a major step forward in California's campaign to reduce domestic violence.<sup>41</sup> The DVPA was designed to "prevent recurrence of domestic violence by the spouse of a household member and to provide a period of separation" through civil restraining orders. The act also adopts a broad definition of family — protecting spouses, blood relations, and other household members.

More recently, California law was amended to provide extra protection for opposite-sex cohabiting couples. Now, if a person inflicts even minor physical injury through the use of physical force on his or her spouse or opposite-sex cohabiting partner, the crime is a *felony* and the police must arrest the abuser.<sup>42</sup> This law does not provide such protection for same-sex cohabiting couples. The Task Force on Family Diversity finds this inequity unjustifiable and strongly recommends that the protections afforded by Penal Code Section 273.5 be extended to all cohabitants, whether same-sex or opposite-sex.

Legislative reforms dealing with opposite-sex partner abuse have had dramatic results. In testimony to the Task Force, Sgt. Robert Canfield, head of Los Angeles Police Department's Domestic Violence Unit explained:<sup>43</sup>

This has had a big impact on the city. For example, in 1985, in the entire City of Los Angeles, our Los Angeles Police

Department made approximately 550 such arrests. In 1986, we made just under 5,000 such arrests. It's about a 900% increase.

. . . just putting somebody in jail has an impact on their behavior, and all you have to do is look at how the law works historically — whether its the civil rights movement or any kind of other movement — and the way you get people to change behavior is by enforcing the law. If you don't enforce it, then you might as well not have it. So clearly today we are enforcing the law.

Sgt. Canfield estimated that in 1987, about 30,000 domestic violence incidents would be reported to the Los Angeles Police Department.

An arrest affords the victim some instant protection and it makes a clear statement to the perpetrator that his or her behavior is a crime and will not be tolerated. Also, an arrest may be the most effective deterrent. One scientifically-controlled study revealed that only 10% of those who had been arrested exhibited further domestic violence in the following six months, while 19% of those who merely received advice and mediation, and 24% of those who had been ordered from the house for eight hours, repeated their violent behavior within six months.<sup>44</sup>

### Recent Immigrants and Family Violence

Recent immigrants — foreign born persons who have moved to Los Angeles within the past five years — constitute a large and growing segment of the city's population. Between 1975 and 1980, an estimated 500,000 immigrants settled in the Southern California area, 80% of them in Los Angeles county.<sup>45</sup> As of 1980, an estimated 27.1% of Los Angeles city residents were foreign born.<sup>46</sup>

Hundreds of thousands of undocumented Latino immigrants reside in the Los Angeles area, including an estimated 200,000 immigrants from El Salvador living within Los Angeles city limits.<sup>47</sup>

Some estimates project that as many as 75,000 undocumented and 65,000 documented immigrants *per year* will move into Southern California between now and the year 2,000, mostly Latinos and Asians settling in Los Angeles County.<sup>48</sup>

These immigrants face considerable problems as they attempt to adjust to life in Los Angeles. Many face language barriers. Estimates suggest that over 75% of Latino immigrants and nearly 40% of Asian immigrants are not fluent in English.<sup>49</sup> Most face economic barriers. Immigrants of all nationalities have significantly lower incomes than other residents. In 1980, for example, most immigrant households had annual incomes of less than \$15,000.<sup>50</sup> Housing problems abound in immigrant communities. About 44% of all recent immigrants live in overcrowded housing.<sup>51</sup> In addition, Latino immigrants have a significantly lower educational level than either current residents or immigrants from other ethnic backgrounds, and thus are heavily concentrated in unskilled or low-skill jobs.<sup>52</sup> Undocumented residents frequently live in fear of detection and possible deportation and so they may avoid the use of public or social services which they need.<sup>53</sup> Finally, immigrants bring with them their own deeply ingrained tradition of family life, including cultural notions that may differ significantly from prevailing norms in Los Angeles pertaining to appropriate behavior between spouses or between parents and children.<sup>54</sup> Some of these

cultural traditions may conflict with California's laws on child abuse or domestic violence.

Statistics are not available on the incidence of child abuse or domestic violence within recent immigrant families. However, local police recognize that undocumented persons experience more domestic violence — and crime generally — than does the community at large.<sup>55</sup>

In theory, recent immigrants are afforded the full protection of existing domestic violence and child abuse laws. Also, in practice, it is the policy of the Los Angeles Police Department not to inquire about immigration status when responding to calls involving family violence. Unaware that the police do not report to the INS, however, many undocumented persons are haunted by fears of possible deportation. According to one local expert:<sup>56</sup>

Undocumented people, who usually live in the shadows of this society, tend to seek help outside their established support systems only in very desperate situations. Thus, it is doubly difficult for an undocumented woman to make the decision to leave a violent home. About 37% of undocumented women have reported to us that the reason they stayed with their abuser was the abuser's unrealistic threats to call "imigre" and have her deported, never [again] to see her children.

Additionally, because of conditions in their countries of origin, many immigrant families may perceive law enforcement officials as enemies representing a threat of severe punishment or even death. Recent immigrants need education to realize that police can be supportive, that the laws are to be equitably administered, and that punishments are reasonable. The police officer's actions at the scene of domestic violence can help demonstrate to the victim that the criminal justice system can be supportive of her welfare and to the abuser that certain behavior is illegal and will not be tolerated.

Other cultural factors may also contribute to the victim's failure to report or press charges for domestic violence. Various cultures have different traditions of acceptable behavior between husbands and wives.<sup>57</sup> Clearly, law enforcement personnel intervening in such cases face a massive and sensitive educational task.

In the midst of a stressful domestic violence situation, language barriers can complicate the efforts of police to acquaint victims with legal procedures and available services. It is unusual to find culturally sensitive, multilingual information on domestic violence for foreign born residents.

**Programs and Services.** There is a shortage of programs and services providing assistance to recent immigrants or ethnic residents who are victims of family violence. For example, only two shelters in the greater Los Angeles area specifically target ethnic minorities and provide culturally sensitive and multilingual services to battered women and their children from these communities.<sup>58</sup>

Su Casa, which specifically assists the Latino population, served 1,829 women through its crisis hotline, and 110 women and 172 children in its shelter program during 1986. It is the only program providing round-the-clock bilingual telephone crisis counseling and an all bilingual staff.<sup>59</sup> Another shelter served an equivalent number of clients who are

predominantly of Asian/Pacific origin.<sup>60</sup> These shelters are not adequate to meet the needs of increasing numbers of immigrant families. Although other shelters exist, they lack cross-cultural staff and language abilities, and they too are over-filled.

In order for any such program to be useful, it must be sensitive to the cultural mores, values, perspectives and experiences of its clientele, and it must be available immediately when needed.<sup>61</sup>

One tragic result of the failure to educate, protect and foster the welfare of immigrant women who are victims of domestic violence is the harm suffered by children; at least 50% of the children in those homes are themselves direct recipients of physical abuse, providing a reservoir of scarred and angry young people, potential participants in gang activity, and, later, adult crime.<sup>62</sup>

**Child Abuse.** Although the problem of child abuse is pervasive in our society, affecting all classes, races, and religious groups, higher frequencies of child abuse and neglect have been reported among ethnically diverse populations.<sup>63</sup>

The recent immigrant family is at higher risk for incidents of child abuse for several reasons. They tend to have lower incomes, overcrowded housing, lower educational levels, and problems caused by language and cultural differences. These factors all create a high level of stress and frustration. Additionally, various cultures have different standards for determining acceptable child-rearing practices, including physical interaction.

To accomplish changes, cultural differences in child-rearing standards must first be acknowledged. Then those affected must be taught how to change old harmful — and often illegal — patterns in a way that is understandable in the context of the particular culture. Again, culturally sensitive education is the key to transforming behavior.

## Elder Abuse

Ours is a “graying” society. The over-85 age group is the most rapidly growing segment of the United States population. Yet, publicly-funded or subsidized services for the elderly do not include custodial care, and cut-backs in funds for hospital and nursing home care mean shorter stays for many elderly persons who are ill. As a result, seniors, usually older women, are bearing an increasing responsibility for caring for an even older generation in the home environments. As one gerontologist explained:<sup>64</sup>

For every elderly person in a nursing home, at least four others with physical or mental problems that impair their ability to care for themselves survive in their local communities because of family members who pitch in as surrogate nurses, aides, housekeepers, gardeners, and even accountants.

As families have changed — geographically dispersed and with fewer children — there are fewer members in younger generations to take care of those in older generations. With more women employed outside the home, there are fewer women available to provide day-to-day care for aging relatives in need of custodial attention.

Many working adults with aging parents or relatives find themselves with two jobs. For example, in a recent survey of its 10,000 employees,

Travelers Insurance Company found that 28% of its employees cared for aging relatives for an average of 10 hours per week over a five-year time span.<sup>65</sup> The stress of the day-in and day-out responsibility of caring for an elderly person can take a serious toll on the caregiver: increased depression or chemical dependency (30% higher in adults caring for seniors), deterioration of job performance for those employed outside the home, trouble in relationships with spouses or other family members, and personal physical problems.<sup>66</sup> A recent study at Duke University found that adults providing care to the elderly with memory problems experienced eight times more stress-related symptoms than adults without such responsibilities.<sup>67</sup> When the stress becomes too great for the caregiver, the potential for neglect or abuse of the elderly increases.<sup>68</sup>

For many seniors and their caregivers, there is virtually no relief from the continuous dependency and responsibility. There are only 25 day-care centers for the elderly in Los Angeles county, and they are not widely publicized.<sup>69</sup> There are no settings where frail seniors can be left overnight so that caregivers can temporarily be relieved of the responsibility for care.<sup>70</sup> In fact, even for seniors living in abusive situations, there are only three beds available in the entire county to provide temporary board-and-care services.<sup>71</sup>

While the dynamics of elder abuse are complex and variable, there is no question that the risk of abuse increases when caretakers become overwhelmed. Thus, abusers of the elderly are not typically heartless and cruel people. Rather, they are people who themselves feel abused by circumstances, drained of the resources they need to cope with the stress.<sup>72</sup> It is imperative that the city immediately and rigorously address this problem.

**Definition and Incidence.** Elder abuse is the “intentional infliction upon an elder (65 and older) of one or more of the following types of mistreatment by any person who has the care or custody of, or stands in a position of trust with the elder: physical abuse, psychological abuse, neglect, financial abuse, or the violation of basic rights.”<sup>73</sup>

It has been estimated that 4% of local seniors are victims of elder abuse.<sup>74</sup> However, experts believe that only one-sixth of the cases of actual abuse are likely to be reported.<sup>75</sup> Underreporting is attributed to the frail condition of many victims, their unawareness of sources of assistance, and, most significantly, the fear of retaliation or removal from the home to an institution should they seek outside help. Also, health professionals dealing with the elderly may be uninformed about their reporting duties, or simply neglectful in reporting their suspicions.<sup>76</sup>

Most abused elders are at least close to being octogenarians (36% are over 80, 54% are over 75), with significant mental and/or physical impairment (75%), female (80%), living with the abuser (75%), who is usually a family member (84%), who abuses the victim on a recurring basis (78%).<sup>77</sup>

While elder abuse does occur in institutional care settings, this report focuses on abuse of elders living in their own homes or living with relatives, since this is where most seniors reside. Also, since the Task Force is concerned with the City of Los Angeles, this section addresses city programs and mechanisms for dealing with elder abuse and will include recommendations for action that could be taken at the city level of government.

**Los Angeles City Services.** The systematic study of the problem of elder abuse is something new, following on the coattails of increased societal attention to other forms of family violence such as child abuse or partner abuse. As a result, there are no city government “experts” — specifically designated and trained personnel — or special programs or units designed especially to deal with elder abuse. No separate statistics are kept on elder abuse by city police or city prosecutors.

The City Attorney’s Office recently revived its Domestic Violence Unit, consisting of eight attorneys who handle all family violence misdemeanors, elder abuse included. However, staff attorneys receive no special training on elder abuse and there are no special procedures for handling such cases. No separate statistics are kept and no system for tracking such misdemeanors is in place. Some reported cases are prosecuted immediately while others are referred to the City Attorney’s Hearings Section, where, again, no special training, statistics, or tracking exists. The Hearings Office lacks a follow-up procedure to check on the well-being of the victim in cases where the victim does not press charges.

The Los Angeles Police Department also has a designated Domestic Violence Unit which is responsible for handling cases of elder abuse. According to the unit manager, cases of elder abuse are uncommon.

The discrepancy between the incidence of elder abuse estimated by experts (4%) and the extremely low number reported to the police, suggests that major problems exist with identification and reporting of such cases — not unlike the situation that existed in previous decades with partner abuse or child abuse. This discrepancy emphasizes the need for education of the public, of law enforcement personnel, and of professionals serving the elderly. Also, if appropriate authorities do not establish incentives to promote reporting, the problem may never be addressed properly because society will assume the problem is minimal.

The Task Force believes that the city’s Department on Aging might take the lead in pressing the Police Department and City Attorney’s Office to establish specialized training, statistics, and tracking mechanisms on elder abuse.

Although elder abuse shares some aspects of both child abuse and violence between partners, differences need to be explicitly acknowledged and addressed. For instance, like victims of child abuse, frail or disabled elders may be dependent and vulnerable to exploitation, without ability to withdraw or protect themselves. However, unlike abused children, abused but mentally competent adults cannot be removed from their abusive home situations. Shelters for battered women are generally not appropriate to serve the physical or psychological needs of abused elders. Also, there are no shelters in the area for abused men. Further, age, ill health, and financial considerations may make independent living impossible for many abused elders. Given these problems, continued dependence on the abuser may seem for some abused elders the only or best recourse. Therefore, intervention that focuses on the family as a unit may be preferable to standard law enforcement or legal proceedings which may result in further alienation of family members from one another.

Some experts believe that placing blame — an inherent characteristic of the criminal justice system — is generally counterproductive because it may antagonize the abuser and cause withdrawal of needed support from the elder.<sup>78</sup> At the same time, existing laws must be

equitably enforced. This problem might be solved, in part, by a *deferred prosecution program*. Under such a program all elder-abuse reports would be forwarded by the Los Angeles Police Department to the county’s Adult Protective Services (APS). APS would intervene and conduct an initial investigation. APS would then submit a report to the county District Attorney and to the Hearing Office of the City Attorney. If the matter were sufficiently serious, the matter would be prosecuted by the District Attorney as a felony. Otherwise, the City Attorney would consider misdemeanor prosecution, but defer the filing of a criminal complaint pending a hearing by the Hearings Office. If the hearing determined that the complaint was unfounded, prosecution would be rejected. If there was some basis for the complaint, the Hearing Office could refer the abuser to a rehabilitative program. The Hearing Office could review the abuser’s progress in six months. If progress was satisfactory, the case would be closed. If not, the Hearing Office could refer the case to the Criminal Division for prosecution. The Task Force suggests that the City Attorney develop a 2-year pilot program along these lines.

Finally, the Task Force commends the County Department of Public Social Services (DPSS) for creating an Elder Abuse Hotline. DPSS has developed eye-catching and informative brochures and a poster, printed in Spanish and in English, that define elder abuse, give guidelines for its detection, and include phone numbers for further information and assistance. The brochure, poster, and hotline represent important steps toward public and governmental recognition of the problem of elder abuse.

## **FAMILY VIOLENCE AND ABUSE: RECOMMENDATIONS**

### **Child Abuse**

43. The Task Force recommends that the City Council and the Mayor immediately review and approve the establishment of a three-year Child Abuse Prevention and Education Pilot Project (CAPE) in the Valley Bureau of the Los Angeles Police Department. During the third year of operation the effectiveness of the Pilot Project should be evaluated with a view toward expanding the CAPE Pilot Project city-wide.

### **Partner Abuse**

44. The Task Force recommends that the City Attorney convene a one-year Task Force on Gay and Lesbian Family Violence, comprised of police personnel, city prosecutors, community agencies, shelter staff, and representatives from the lesbian and gay community, to examine the problem of gay and lesbian partner battery, to assess the needs that exist, and to make specific recommendations to improve the way in which domestic violence programs and services in the city handle same-sex partner abuse.

45. The Task Force recommends that the City Council and the Mayor urge the California Legislature to extend the protections afforded to victims of opposite-sex battery under Penal Code Section 273.5 to include victims of same-sex domestic violence as well.

### **Recent Immigrant Families**

46. The Task Force recommends that the Los Angeles Police Commission adopt a policy requiring the police department to provide victims of domestic violence with materials in multiple languages; that

representatives of immigrant communities be solicited for input on content and format of such materials; and that such materials explicitly state that the police will not report to the Immigration and Naturalization Service the names of either the victims or batterers.

47. The Task Force recommends that the City Attorney establish a one-year Task Force on Immigrant Family Violence, consisting of local police officers, city prosecutors, service providers and organizations representing Latino and Asian/Pacific immigrant communities, to study the needs of immigrants for education and services relating to child abuse and partner abuse, and to make specific recommendations to the city regarding culturally-relevant, multilingual education and intervention programs.

### Elder Abuse

48. The Task Force recommends that the Department on Aging convene an ongoing interagency Task Force on Elder Abuse, to include representatives from the Department on Aging, the City Attorney's Office, the Los Angeles Police Department, the County Adult Protective Services, the County District Attorney's Office, the County Department of Mental Health, as well as three seniors' rights advocates, to build upon the 1986 County Task Force Report on Elder Abuse, and to develop further recommendations: to develop the role of the Department of Aging in coordinating intergovernmental services dealing with elder abuse; to examine the feasibility of training specialists on elder abuse within the Domestic Violence Units of the police department and the City Attorney's Office; to evaluate current record-keeping, tracking, and referral systems of city and county agencies with jurisdiction over elder abuse; and to make other recommendations to improve municipal programs and services for victims of elder abuse.

49. The Task Force recommends that, as a two-year pilot project, the City Attorney implement an Elder Abuse Deferred Prosecution Program.

### Family Violence and Abuse: Notes

<sup>1</sup> Castello, George, "Domestic Violence in Los Angeles," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-775.

<sup>2</sup> Brown, Detective James, "Child Abuse: The Need to Fund Project C.A.P.E.," *Public Hearing Transcript*, p. 107; Canfield, Sgt. Robert, "Police Response to Domestic Violence," *Public Hearing Transcript*, p. 97; Kerr, Susan, "Programs Dealing with Elder Abuse," *Public Hearing Transcript*, p. 41; Sexton, Dan, "Child Abuse and Alcoholism," *Public Hearing Transcript*, p. 230; Shelby, Colleen Gomez, "Family Violence and Undocumented Persons," *Public Hearing Transcript*, p. 4; Warshafsky, Lynn, "Violence within Gay and Lesbian Relationships," *Public Hearing Transcript*, p. 277; Weinroth, Lora, "Domestic Violence: Improving City Services," *Public Hearing Transcript*, p. 63.

<sup>3</sup> Lisa Porche-Burke, Ph.D. and Elaine M. Wood, Ph.D., "Team Report on Family Violence," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-230. Major sections of this Chapter of the Task Force Report are taken verbatim from the team report.

<sup>4</sup> *Id.*, p. S-236.

<sup>5</sup> *Id.*, p. S-236.

<sup>6</sup> *Id.*, p. S-237.

<sup>7</sup> *Id.*, p. S-237.

<sup>8</sup> Commission on Peace Officer Standards and Training, *Guidelines and Curriculum for Law Enforcement Response to Domestic Violence*, p. 1.

(Sacramento, 1985).

<sup>9</sup> Mayhill, P. and Norgard, K., *Child Abuse and Neglect: Sharing Responsibility* (1983).

<sup>10</sup> Penal Code Section 1165(g); Commission on the Enforcement of Child Abuse Laws, *Final Report*, Office of the California Attorney General (April, 1985).

<sup>11</sup> Inter-Agency Council on Child Abuse and Neglect (ICAN), *ICAN Data/Information Sharing System: Report to Policy Committee* (1986).

<sup>12</sup> Porche-Burke and Wood, *supra*, note 3, at p. S-241.

<sup>13</sup> Testimony of Detective James Brown, *supra*, note 2, at p. 107.

<sup>14</sup> *ICAN Report, supra*, note 11.

<sup>15</sup> Besharov, D., "Deliverance: The Duty to Report Child Abuse," *Los Angeles Daily Journal*, September 4, 1986.

<sup>16</sup> Steele, B., "Violence within the Family," in Heffner, R., and Kempe, C., *Child Abuse and Neglect: The Family and the Community* (1976).

<sup>17</sup> *ICAN Report, supra*, note 11.

<sup>18</sup> Porche-Burke and Wood, *supra*, note 3, at p. S-243; Testimony of Dan Sexton, *supra*, note 2, at p. 233.

<sup>19</sup> *Ibid.*

<sup>20</sup> Commission on the Enforcement of Child Abuse Laws, *supra*, note 10, at p. 5-1.

<sup>21</sup> Porche-Burke and Wood, *supra*, note 3, at p. S-244.

<sup>22</sup> *Id.*, at p. S-245.

<sup>23</sup> Information about the CAPE Program and the CAPE Pilot Program were obtained from the following sources: LAPD Juvenile Division's "Child Abuse Prevention and Education (CAPE) Summary," 1986; LAPD Juvenile Division's "Revised CAPE Pilot Program," 1987; testimony of Detective James Brown; research by the Family Violence Team of the Task Force on Family Diversity. See Porche-Burke and Wood, *supra*, note 3, at pp. 246-252.

<sup>24</sup> Porche-Burke and Wood, *supra*, note 3, at p. S-250.

<sup>25</sup> *Manual of the Los Angeles Police Department*, Section 1/130.10.

<sup>26</sup> Revised CAPE Pilot Program, Juvenile Division, April, 1987, *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-302.

<sup>27</sup> *Bradley v. State* (1824) 2 Miss. (Walker) 156, 158.

<sup>28</sup> Prosser, W., *Handbook of the Law of Torts*, Fourth Edition (1971).

<sup>29</sup> Porche-Burke and Wood, *supra*, note 3, at p. S-253.

<sup>30</sup> Testimony of Lora Weinroth, *supra*, note 2; Penal Code Section 13700.

<sup>31</sup> Testimony of Lora Weinroth, *supra*, note 2.

<sup>32</sup> Code of Civil Procedure Section 542.

<sup>33</sup> Testimony of Lora Weinroth, *supra*, note 2.

<sup>34</sup> Goolkasian, G., *Confronting Domestic Violence: A Guide for Criminal Justice Agencies*, U.S. Department of Justice (1985).

<sup>35</sup> Testimony of Lora Weinroth, *supra*, note 2.

<sup>36</sup> Testimony of Lynn Warshafsky, Director of Counseling, Gay and Lesbian Community Services Center, *supra*, note 2.

<sup>37</sup> Porche-Burke and Wood, *supra*, note 3, at p. S-263.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

<sup>41</sup> Code of Civil Procedure Sections 540 et seq.

<sup>42</sup> Penal Code Section 273.5.

<sup>43</sup> Testimony of Sgt. Robert Canfield, *supra*, note 2.

<sup>44</sup> Porche-Burke and Wood, *supra*, note 3, at p. S-260.

<sup>45</sup> Southern California Association of Governments (SCAG), *Southern California: A Region in Transition*, Draft Report (October 1984).

<sup>46</sup> *California Statistical Abstracts*, Table 56 — Summary of Social Characteristics: 1980 (1984).

<sup>47</sup> Testimony of Colleen Gomez-Shelby, *supra*, note 2; SCAG Draft Report, *supra*, note 45.



- <sup>48</sup> Ibid.
- <sup>49</sup> SCAG Draft Report, *supra*, note 45.
- <sup>50</sup> Ibid.
- <sup>51</sup> Ibid.
- <sup>52</sup> Ibid.
- <sup>53</sup> Testimony of Colleen Gomez-Shelby, Director of Su Casa, *supra*, note 2.
- <sup>54</sup> Korbim, J., "What is Acceptable and Unacceptable Child-Rearing — A Cross-Cultural Consideration." In Oates, K., (Ed.), *Child Abuse: A Community Concern* (1982).
- <sup>55</sup> Castello, G., *supra*, at note 1.
- <sup>56</sup> Statement of Colleen Gomez-Shelby to Family Violence Team, see Porche-Burke and Wood, *supra*, note 3.
- <sup>57</sup> Porche-Burke and Wood, *supra*, at note 3, p. S-274.
- <sup>58</sup> Testimony of Colleen Gomez-Shelby, *supra*, note 2.
- <sup>59</sup> Ibid.
- <sup>60</sup> Ibid.
- <sup>61</sup> Acosta, Yamamoto, and Evans, *Effective Psychotherapy for Low-Income and Minority Patients* (1982).
- <sup>62</sup> Testimony of Colleen Gomez-Shelby, *supra*, note 2.
- <sup>63</sup> Korbim, *supra*, at note 54.
- <sup>64</sup> Testimony of Jay Westbrook, *Public Hearing Transcript*, at p. 269.
- <sup>65</sup> Peterson, J. and Rosenblatt, R., "Care of Aged Takes Toll on Families," *Los Angeles Times*, April, 1986.
- <sup>66</sup> Testimony of Jay Westbrook, *supra*, note 64.
- <sup>67</sup> Peterson and Rosenblatt, *supra*, note 65.
- <sup>68</sup> Ibid.
- <sup>69</sup> Peterson and Rosenblatt, *supra*, note 65.
- <sup>70</sup> Testimony of Jay Westbrook, *supra*, note 64.
- <sup>71</sup> Testimony of Susan Kerr, Adult Protective Services, County of Los Angeles, *supra*, note 2.
- <sup>72</sup> Peterson and Rosenblatt, *supra*, note 65.
- <sup>73</sup> *Los Angeles County Elder Abuse Task Force Report*, June 2, 1986.
- <sup>74</sup> Rawitz, B., "Seniors Issues," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-720.
- <sup>75</sup> Gee, P., and Bailliet, S., *Domestic Violence Practice Manual*, State Bar of California, Voluntary Legal Services Program (1982).
- <sup>76</sup> Rawitz, *supra*, note 74.
- <sup>77</sup> Gee and Bailliet, *supra*, note 75.
- <sup>78</sup> Ibid.

## EDUCATION AND CITY SCHOOLS

Few would dispute the proposition that a well-educated public is the most critical requisite for the functioning of a representative democracy. Education, at a more basic level, is also necessary for the proper socialization of the individual into the structure of the family and community. The responsibility for early education falls first on parents and other family members. Then the enormous task is shared by schools, by religious institutions, and sometimes by the media.

This section of the Task Force report focuses on the public schools, particularly curricula and other school programs within both state and local jurisdictions. It is based upon student research,<sup>1</sup> public hearing testimony,<sup>2</sup> and the research of Task Force members.<sup>3</sup>

### School Curricula

Sexuality — both homosexuality and heterosexuality, sexually transmitted diseases, pregnancy, bigotry and prejudice, suicide, alcohol and other substance abuse, and gang violence — all are matters of major concern to students today. In fact, these issues are so important and so sensitive that school officials do not give total discretion to individual teachers to decide what information, if any, will be explored in the classroom. Accordingly, various curriculum guidelines have been developed with express authorization from state or local school boards or administrators. The Task Force has examined some of these guidelines in several subject matter areas.

### Family Life Education

Over the past few years, school officials have recognized the need to address critically important and yet sensitive issues in the area of family life education.

For example, last year, the State Board of Education adopted California's first specific guidelines for providing education about AIDS, contraception, homosexuality, and other sex-related issues.<sup>4</sup> The guidelines — a result of compromise that left many advocacy groups unhappy — suggest an approach on each of the following topics:<sup>5</sup>

- \* **marriage** — monogamous, heterosexual relationships should be affirmed throughout the program.
- \* **contraception** — abstinence should be taught as the best method of avoiding pregnancy and sexually transmitted diseases.
- \* **homosexuality** — should be discussed beginning in the seventh grade in a manner which neither encourages nor condemns the behavior.
- \* **masturbation** — should be discussed in a way to dispel myths about it.
- \* **abortion** — should be discussed as a medical act that terminates pregnancy, but should not be presented as a method of birth control, and should include both pro-choice and anti-abortion arguments.

While the debate over the state guidelines was taking place in Sacramento, the Los Angeles Unified School District implemented

revisions in its own family life education curriculum. The revised curriculum was adopted by the Los Angeles School Board in 1986. The revisions were suggested by a consultant and a panel of 22 individuals representing community groups with various ethnic, cultural and educational backgrounds. Beginning with the early grades, the new curriculum describes different kinds of families — traditional, extended, step-parent, interracial, same-sex parents, teenage parents, unmarried parents, and single parents. Students are taught to recognize and appreciate cultural and racial differences. Enhancement of self-esteem is a primary objective. Social, economic, cultural, and ethnic influences on family life are identified. Classes discuss the life cycle, birth control, parenting, homosexuality, sexually transmitted diseases, child abuse, friendship, dating, and marriage.

The Task Force commends the Los Angeles Unified School District for its efforts to make the local curriculum more relevant to the real problems experienced by students and their families. The Task Force also suggests that the district review several areas of the curriculum for possible revision.

The first area concerns the curriculum's treatment of homosexuality. One educator informed the Task Force that "the feeling among many gay and lesbian people is that there is too little mention of homosexuality in this guide, and that it comes too late in the curriculum."<sup>6</sup> The subject of homosexuality should be introduced into the curriculum long before the junior high school level since children's prejudices are well formed by the age of ten.<sup>7</sup> The Task Force on Family Diversity recommends that the Board of Education of the Los Angeles Unified School District examine the manner in which homosexuality is presently treated by the curriculum, with a view toward establishing clearer and more explicit goals and learning objectives about this topic.<sup>8</sup> For example, more emphasis might be placed on the inappropriateness of prejudice and discrimination against people with a minority sexual orientation.

The second concern relates to teacher training in the area of family life education. There has been no significant program to train teachers in this regard for more than 10 years.<sup>9</sup> The school district began a new teacher training program in 1986, but after one year, only 66 teachers had been trained.<sup>10</sup> With more than 20,000 teachers in the school district, it could take decades to train all family-life educators in the new curriculum. The Task Force on Family Diversity recommends that additional resources be committed to the training program so that its completion can be accelerated. In addition, the expertise of gay and lesbian educators and other professionals should be used in appropriate parts of the training, which has not been the case so far.

A third concern to the Task Force is the effective and factual presentation of the consequences of teenage sexual activity. Studies show unequivocally that today's teens are sexually active. According to one expert in family planning, by the age of 19, 80% of all males and 70% of all females have had sexual intercourse.<sup>11</sup>

One important consequence of teen sexual activity is pregnancy. The teen pregnancy rate in Los Angeles is alarming. In 1984, for example, 12% of all births and 26.2% of all abortions in Los Angeles County involved teens,<sup>12</sup> a reflection, at least in part, of the lack of effective family life education in the past. More than 75% of pregnant teens in Los Angeles schools drop out of school and never graduate.<sup>13</sup>

Since teens are often influenced more by their peers than by authority figures, family life education in the schools may be significantly improved by involving pregnant teens and teen parents more actively as part-time peer counselors in the family life program. The Task Force on Family Diversity recommends that each junior high school and each high school in the district develop a peer education and counseling program as a component of their family life education classes. This idea has been endorsed by the County of Los Angeles Task Force on Teenage Pregnancy.<sup>14</sup> The county task force noted that panel presentations by teen mothers and peer counseling are "an effective means of communicating the realities of teen motherhood and supporting teens to delay sexual activity."<sup>15</sup>

Another, perhaps even more critical, consequence of teen sexual activity is the risk of AIDS and other sexually transmitted diseases. Since AIDS appears to be a deadly disease without a cure, and since many students are sexually active in their teens, immediate sex education is a life-saving necessity. The Task Force on Family Diversity recommends that throughout the 1988-89 and 1989-90 school years, the school district sponsor seminars and other educational forums on the subject of AIDS, utilizing films, print media, and public speakers, so that within the next two years, all administrators, teachers, counselors, students and parents in the district have heard the essential facts about AIDS, including the modes of its transmission and the means of its prevention.

### *Suicide Prevention Curriculum*

A recent survey of school-age youth in California noted that "the number of experiences the subjects have had with suicidal behavior, whether among friends, their family, or their own, was disturbingly high."<sup>16</sup> Most of the youngsters who had had such experiences reported living in two-income households.<sup>17</sup> Fourteen percent had absent fathers and four percent had absent mothers.<sup>18</sup>

Contemplation of suicide is not uncommon for today's youth. The survey divided the youth into two age groups — the younger group (between ages 12 and 15) and the older group (between ages 16 and 19). Among the younger adolescents, 41% reported knowing friends who had been suicidal. The figure jumped to 60% in the older group.<sup>19</sup>

*Youngsters are deeply affected by suicidal occurrences in the family. Three percent of the younger adolescents reported that someone in their family had attempted suicide. Twelve percent of the older teens reported a suicide attempt in the family.<sup>20</sup>*

A significant number of those responding to the survey had a personal suicide history. Twenty-two percent of the younger, and 41% of the older stated that they had thought of taking their own lives at one time or another.<sup>21</sup> Fifty-two percent of the younger adolescents and 63% of the older teens who had experienced suicidal thoughts identified problems at home or with the family as the cause of their feelings. Over one-third in each group had gone so far as to develop a plan of action to carry out the suicide. Three percent of the younger adolescents and 5% of the older group actually had made a suicide attempt.<sup>22</sup>

A separate sampling was done of 3,000 high school students throughout the state. More than one-third had known a young person who had committed suicide. Almost one-half indicated that they had contemplated suicide themselves. Thirteen percent stated that they had attempted suicide one or more times.<sup>23</sup>

A diverse group of several hundred parents was also surveyed on the subject of suicide. Sixty-three percent of the parent-group were Anglo, 12% were Black, 11% were Latino, 13% were Asian and 1% were American Indian.<sup>24</sup> Seventy-seven percent of the parents were married, 11% were divorced, 4% were separated, 6% were single, 2% were widowed, and 2% lived with domestic partners.<sup>25</sup> About 22% of the parents had contemplated suicide. The parents also reported that 15% of their children had thoughts of suicide. More than 65% of the parents believed that young people think about or attempt suicide because they are abused or neglected by their families.<sup>26</sup>

Service providers who were surveyed suggested several methods of dealing with the youth suicide problem, including early intervention programs, school-based educational programs for students, educational programs on youth suicide geared toward other family members, and implementation of programs designed to increase self-esteem and self-worth in young people.<sup>27</sup>

The Task Force on Family Diversity found that some positive steps have been taken in California to address the school-age suicide problem. A Youth School Suicide Prevention Program was created by the Legislature in 1983. Pilot programs were set up in Los Angeles and San Mateo, and, after three years of experimentation and development, these pilot programs gave rise to a model curriculum proposal.<sup>28</sup> The proposal was revised, and a model curriculum on youth suicide prevention was published in 1987 by the California State Department of Education.<sup>29</sup>

The new curriculum lists several categories of students at risk for suicide, including: students with little self-esteem; severely depressed students; teens in trouble with the law; abusers of alcohol or drugs; abused, molested or neglected children; perfectionists; gay and lesbian youth; and unnecessary risk takers.<sup>30</sup> The curriculum lists community resources, includes a high school lesson guide, presents a guide for staff awareness and in-service training, and suggests an approach for parent awareness meetings.

Unlike the curriculum draft proposed by Los Angeles and San Mateo which made no mention of gay and lesbian youth suicide, the final version approved by State Superintendent of Instruction Bill Honig did address this topic.<sup>31</sup> For example, the manual informs teachers:<sup>32</sup>

*Young people excluded from groups, teased or otherwise singled out because they are gay or lesbian, disabled or afflicted with a catastrophic illness such as AIDS, are under additional stress that can lead to a suicidal crisis. Because they face rejection and are socially isolated, they don't have the safety valve of friendships as do more "socially acceptable" students.*

The Task Force on Family Diversity recognizes that youth suicide is an important problem affecting thousands of young people in Los Angeles and their families. Families need help in dealing with this problem. The Task Force commends the State Board of Education and the State Superintendent of Public Instruction for developing an excellent curriculum guide on youth suicide prevention. The Task Force recommends that the Los Angeles Unified School District immediately implement all components of the model curriculum on youth suicide prevention — including teacher training, instruction and counseling of students, and parent awareness meetings — on a district-wide basis.

## Prejudice, Violence, and Human Rights Education

As the demographics of this report have shown, the City of Los Angeles is a multi-cultural and diverse society with large numbers of racial, ethnic and religious minorities. Approximately ten percent of the city's population is gay or lesbian. About 14% of city residents are disabled. The demographics translate into a city with a majority of the population comprised of minorities.

Prejudice is generally something that is learned quite early in life. Studies have shown that attitudes toward minorities, such as racial, ethnic, and religious groups, can be formed at an early age — perhaps before the age of six.<sup>33</sup> Accordingly, the family is the social institution that is most fundamental in determining whether young people will become prejudiced or tolerant, violent or peaceful.<sup>34</sup>

The role of the media in the development of prejudice and violent behavior should not be underestimated. Children spend more time watching television than pursuing any other single activity.<sup>35</sup> The content of television, including cartoons, is replete with depictions of violence. By the age of 18, the average youth has witnessed over 18,000 murders on television.<sup>36</sup> According to one study, children who watch violence on television are much less likely to stop other children from hurting one another than those who do not. Called the “desensitization effect,” this phenomenon may have considerable long-range anti-social consequences.<sup>37</sup>

Youth violence, in the forms of name calling, bullying, and physical confrontation, has escalated far beyond what used to be considered tolerable, posing difficult problems for teachers, administrators, and counselors on school campuses. All too often these behaviors occur off-campus, with young students, particularly teenage boys, harassing members of racial, ethnic, religious and sexual minorities. Recent government studies have underscored the significant role of youth in violent attacks on religious and ethnic minorities, gays and lesbians, and disabled persons.<sup>38</sup> Bigotry, prejudice, ignorance, and fear, are often at the root of this dangerous and irrational behavior.<sup>39</sup>

Referring to racially motivated crimes, women hating, and gay bashing, one anthropologist has noted that teenagers “have been in the forefront of bigoted and brutal attacks being reported in towns and cities across America.”<sup>40</sup> He warns:<sup>41</sup>

*The implications should be clear. Our society cannot simply wait for bigoted attitudes to pass with the older generation, because these attitudes are being picked up by and perpetuated by their children. Young people must be educated about the historical struggle of blacks and other groups to gain their rightful place in American society. And ways must be devised to encourage more rather than less contact among racial groups beginning at an early age.*

Right now, too many teen groups are instruments of terror, purveying the darker sides of American culture. Maybe it is too late to start an opening up process in the heated atmosphere of Howard Beach. But we must try to begin at an early age, so that when children become teens, the adolescent peer group might again become a center for more enlightened values.

In recent years, school officials have taken some action to deal with student prejudice, bigotry, and violence. For example, the State Board of Education recently approved a “Model Curriculum for Human Rights and Genocide.” Beginning this year, school districts are required to add “human rights, with particular attention to the inhumanity of genocide,” to the regular social studies curriculum of students in grades 7 through 12.<sup>42</sup> The human rights curriculum has three objectives: (1) the study of the history of oppression of individuals and groups, (2) the study of ways that the government can prohibit abuses of human rights, and (3) the encouragement of our historical democratic values — including toleration and appreciation of pluralism — in order to foster respect for the differences among people and the rights of every individual.<sup>43</sup>

The model curriculum addresses violence and prejudice focused at racial, ethnic, and religious minorities, as well as people with disabilities and gays and lesbians.<sup>44</sup> As adopted, the curriculum corrects problems with the original proposal, which made only token mention of people with disabilities and no mention at all of gays and lesbians.<sup>45</sup> This correction is especially important and significant, since these groups are among those most misunderstood and feared. Hate violence in these categories reaches even beyond its intended, albeit irrational focus; such actions are often based upon a perception of extremely superficial characteristics that may or may not accurately indicate the true physical or mental condition or sexual orientation of the victim. The very fact that inclusion of these categories prompted virulent opposition from some groups attests to the need for such education.

The Task Force on Family Diversity commends Superintendent Honig and members of the State Board of Education for developing and approving the Model Curriculum for Human Rights and Genocide. The Task Force recommends that the Superintendent of the Los Angeles Unified School District and the members of the Los Angeles Board of Education take steps to incorporate the new curriculum effectively into the district's history and social studies classes.

Some improvements in teacher training on human relations issues can be achieved at the state level. The Intergroup Relations Office of the State Department of Education provides training for school district personnel in areas related to understanding and accepting individual and cultural differences. That office has been effective in dealing with teacher and student prejudices against racial, ethnic, and religious groups, but has not developed methods for addressing “homophobia,” that is, prejudice based on the fact, or perception, that the target of the prejudice is gay or lesbian.<sup>46</sup> The Task Force on Family Diversity recommends that the State Superintendent of Public Instruction direct both the Intergroup Relations Office and the School Climate Unit of the State Department of Education, in consultation with experts on this subject, to incorporate the issue of homophobia into their programs.<sup>47</sup>

On the local level, programs such as “Hands Across the Campus” are attempting to reduce racial, ethnic, and religious prejudice among students. “Hands Across” is a part of the district's “Humanities Approach to Culture” curriculum and is offered at 17 high school campuses in the Los Angeles Unified School District. The history, development, and operation of the program was described by the Governor's Task Force on Civil Rights:<sup>48</sup>

Hands Across the Campus was developed by the American Jewish Committee with the cooperation of officials of

Administrative Area Seven of the Los Angeles Unified School District. The program merges a variety of approaches to combatting racial and ethnic hatred in the multicultural setting of the Los Angeles schools. It includes school forums, "theme days," and ethnic field trips, as well as a regular class on intergroup relations. It draws not only on school personnel but on resource persons from the AJC. The overall aim is to teach students a deeper appreciation of their own ethnic backgrounds as well as those of other groups. The program is implemented differently in each participating school. At one, Verdugo Hills High, Hands Across the Campus operates as a club, the school's largest, which has held a symposium on prejudice and discrimination with nine schools participating, *began a class dealing with different race and ethnic cultures*, and developed information booklets explaining American holidays to students from newly-arrived immigrant groups, among many other activities. Importantly, Hands Across the Campus places most decision-making authority in the youth themselves.

The Task Force on Family Diversity commends the American Jewish Committee and the Los Angeles Unified School District for initiating and implementing the Hands Across the Campus program. Educational efforts such as this are critical in a multi-cultural society such as the City of Los Angeles. Students must learn to appreciate diversity and understand the common roots that underlie most forms of oppression. The Task Force recommends that the American Jewish Committee and the Los Angeles Unified School District find ways to expand Hands Across the Campus beyond the racial-ethnic-religious model so that students also learn about oppression based on disability prejudice, "homophobia," and sexism.<sup>49</sup>

Name calling among students is a problem in schools throughout the country:<sup>50</sup>

Each day, dozens of names reverberate down our schools' corridors and explode in our classrooms. We have heard others being called names and have ourselves been called names. At these times we have felt pain, humiliation, fear, inferiority, and anger. You know the words . . . and they sting.

Insults take many forms; they all hurt. Racial, ethnic, and sexual slurs are particularly abusive because the history of oppression gives them more power to inflict damage. It reminds the ridiculed that s/he is a member of a sometimes hated class of people.

Unfortunately, some slurs don't always get recognized as being hurtful and may even be deemed socially acceptable. Many young people use terms such as *nigger*, *spic*, *faggot*, *lezzie*, *queer* . . . because they have learned the effectiveness of their hurtful nature.

In order to create a productive and nurturing learning environment in our pluralistic society, educators must teach young people that diversity is something to be celebrated rather than ridiculed. Name calling in school settings is counter productive to this educational objective.

Some school districts, such as San Francisco and Oakland, have taken action to put a stop to verbal harassment of minorities. Last year, San Francisco developed a new handbook on student behavior which informs students that racial, ethnic, and sexual orientation slurs are unacceptable.<sup>51</sup>

"Bullying" is another school-related problem which needs to be addressed. Results of a 22-year study show that bullying is far more pervasive than popularly believed — and has a profound effect on children.<sup>52</sup> According to researchers, at least 10% of children are victims of bullies. In very extreme cases, a bullied child may kill the bully or attempt suicide.<sup>53</sup> Bullies also become victims of their own behavior, since aggressive children who unduly harass classmates often grow up to be inflexible adults, unable to fit in, ending up unemployed or in prison.<sup>54</sup>

Two years ago, the Oakland School District was ordered to make schools safe from violence after a student was repeatedly harassed at a junior high school. A Superior Court judge ruled that the "Victim's Bill of Rights" protects students at school and that schools must be held responsible for students who are bullied.<sup>55</sup> In a different case, a fifth-grader sued the San Francisco district, claiming that a teacher and a principal failed to enforce his right to a safe, secure school. The ten-year-old boy alleged that five bullies ganged up to punch and intimidate him every day during the fall term of 1985.<sup>56</sup>

In a "Schoolyard Bully Practicum" sponsored by the National School Safety Center, suggestions were made to help school officials control bullying:<sup>57</sup>

First, assess the scope of the problem through a questionnaire answered by teachers and students; communicate clear and consistently enforced behavior standards; closely monitor playground activity and be visible on campus; and watch for symptoms of bully victims such as withdrawal, decline in study habits or grades, anxiety, cuts, bruises or torn clothing. The key, though, is for everyone — educators, parents, students and law enforcers — to better understand schoolyard bully-victim problems and work together to prevent this emotional and physical suffering among our youth.

The Task Force on Family Diversity recommends that the following actions be taken to deal with the problems of name calling and bullying:

1. The State Superintendent of Public Instruction should adopt a statewide anti-slur policy and disseminate that policy to every school district throughout the state.
2. The State Department of Education should sponsor a statewide practicum for educators, counselors, and teachers on schoolyard bullying to develop specific suggestions on dealing with this problem in California schools.
3. The Superintendent of the Los Angeles Unified School District should establish a "Code of Student Behavior" which, consistent with First Amendment principles, contains policies against harassment which often takes the form of bullying, as well as racial, ethnic, religious, or sexual slurs. The code should mention specific remedial and/or punitive consequences for such harassment.

4. Each teacher in the Los Angeles Unified School District should conduct a classroom exercise for establishing rules of acceptable classroom behavior. Students themselves could help determine the roots of intolerance and prejudice in name calling, and should be advised of the specific remedial and/or punitive consequences of verbal harassment.

### School Programs

In addition to classroom instruction, the Los Angeles Unified School District provides students with counseling, medical and social services, and recreational activities. In many instances, these programs have a profound impact on students and their families.

The Task Force on Family Diversity focuses here on programs dealing with issues of particular concern and difficulty: teenage pregnancy and parenting, gay and lesbian students, and youth gangs.

#### *Teenage Pregnancy and Parenting*

Los Angeles has one of the highest teen pregnancy rates among major metropolitan areas throughout the nation. Health Department figures show that one-in-eight births recorded in Los Angeles county is to a teenage mother. Estimates indicate that over 7,000 teenage girls give birth each year in the City of Los Angeles.<sup>58</sup> Over 95% of these teens choose to keep their babies rather than give them up.<sup>59</sup> Thus, a direct numeric correlation may be made between teen births and teen parents. Most teen mothers, and about one-third of teen fathers, fail to complete high school.<sup>60</sup>

The ideal solution to teenage pregnancy and parenting problems would be to prevent the teenager's first pregnancy at the outset. Comprehensive family life education, beginning in elementary school, is necessary to attain this goal. In addition to human reproduction, such a course should cover topics such as parenting skills, self-esteem, values, assertiveness, life planning and potential medical/health consequences of sexual intimacy. The use of peer educators and counselors in these classes is imperative. In addition to classroom instruction, the Task Force on Family Diversity supports the school board's decision to make contraceptives available to teenagers through the school-based clinics. This is a practical and realistic approach to deal with the skyrocketing teen pregnancy rate, an approach approved by 65% of the public and especially appropriate when contraception methods include use of disease-preventing devices.<sup>61</sup> In some areas of the country, such school-based clinics have been successful in cutting the teen pregnancy rate by 40% and virtually eliminating repeat pregnancies.<sup>62</sup>

Even with classes to teach responsibility in decision-making about sexual intimacy and with clinics offering contraception counseling, many teens still become pregnant. When that happens, the teenagers need encouragement and assistance to finish school.

Pregnancy is by far the main cause for teen girls dropping out of high school and society pays the price; a 10% increase in the number of mothers who graduate would save taxpayers nationally about \$53 million in welfare costs annually.<sup>63</sup> The lack of affordable child care is one of the main reasons that teen mothers drop out of school. In the Los Angeles Unified School District, only four high schools have state-funded on-site child care facilities.<sup>64</sup> Since on-site child care facilities are useful in parenting education and sometimes essential for infant health care, the Task Force on Family Diversity recommends that the

Board of Education for the Los Angeles Unified School District urge the Legislature and the State Superintendent of Schools to provide more funds for on-site school child care facilities. Also, the Task Force recommends that the Los Angeles City Council direct the city's Community Development Department to give high priority in awarding grants to off-site student child care facilities such as that operated by the Salvation Army's Hope Infant Center at Booth Memorial Hospital.

Health care, especially prenatal care, is also critical for adolescent mothers. The vast majority of pregnant teens receive no prenatal care during the first trimester. The incidence of low-birth-weight infants could be reduced with adequate prenatal care, nutritional counseling, and avoidance of medically unsound habits such as smoking. Two-thirds of low-birth-weight infants require neonatal care, which can cost up to \$5,000 per day. Also, low-birth-weight infants are at a much greater risk for developing disabilities. Adequate prenatal care is, thus, a cost-effective measure.<sup>65</sup> The Task Force recommends that the district's Board of Education adopt goals and timetables to establish school-based clinics on each high school campus.

Teen fathers also need attention. One major problem, of course, involves identifying who they are; out of fear, teen fathers often try to avoid detection. A program operated by the Lawndale Youth and Family Center goes into the high schools, enlisting the aid of athletic coaches and searching out soon-to-be fathers. Once they are identified, they can begin to learn how to establish a positive psychological relationship with the child soon to be born. In the meantime, they can learn to reinforce good health practices in their pregnant girlfriends, receive counseling and encouragement to complete high school, and obtain vocational training and job placement assistance. The Los Angeles Unified School District has not yet established a program for teen fathers. The Task Force on Family Diversity recommends that the district's Board of Education initiate a teen father program, using the Lawndale Youth and Family Center as a model.

#### *Gay and Lesbian Youth*

There are more than 350,000 students in the district's junior high and high schools. Although most of these children have not yet discovered their sexual orientation, experts believe that sexual orientation is developed long before a child reaches junior high school. Sociologists estimate that about 10% of the population is gay or lesbian. Accordingly, the school district probably has about 35,000 students who are, or will be, gay or lesbian.

Until recently, the school district offered no programs or services to assist gay and lesbian students cope with the stresses associated with perceiving themselves different from others. In fact, only within the past two years has any curriculum even mentioned the subject of homosexuality. Often rejected or shunned by their parents, siblings, peers, and even, sometimes, teachers, these youth have been left alone to grapple with problems inherent in growing up, problems difficult enough for heterosexual adolescents but often unbearably so for a gay or lesbian youth in what is perceived as — and is in fact — a hostile discriminatory society.

Children are aware early that society discriminates against homosexuals. Viewing homosexuality as incompatible with family religious beliefs, many gay and lesbian youth feel sinful because of who they are. They know their parents and their extended family idealize male/female

relationships and they are afraid to shatter the family image. They witness peers making jokes about, abusing and harassing other students perceived to be gay. They try to reconcile the clash between their personal feelings and social expectations, but often cannot do so. Some withdraw into themselves; others pretend to be heterosexual. Many turn to substance abuse to relieve the pain induced by oppression. Some attempt suicide. It takes little imagination to understand why gay and lesbian youth usually decide to stay invisible. These invisible youngsters pretend to be other than who they are in order to be accepted — a system of deception which only serves to continually lower their self-esteem and reinforce their belief in their own inferiority. Recent actions by some legislators and local ministers, voicing virulent opposition to counseling programs for gay and lesbian students, no doubt had the added effect of creating further psychological problems for many of these youngsters and their families.

One researcher who has studied the socialization of the gay adolescent has suggested some alternatives to the present prevailing destructive attitudes toward homosexual students:<sup>66</sup>

Negative sensitization and the resulting disassociation can be changed only if young people are exposed to alternatives to the present prejudicial attitudes toward the homosexually oriented.

The young person must have access to accurate information about homosexuality and to the possibility of maintaining one's personal, social, ethical, and professional integrity with the homosexual attribute. Greater attention should be paid in sex education curricula to discussions of homosexuality as a normal variation of sexual orientation. In addition, suitable gay adult role models must be provided. To achieve this important need, those who are homosexually oriented must have the courage and strength to be open and public about their sexual orientation. In addition, all professionals must work against those discriminatory practices which make it necessary for the gay adult to hide.

Equally important, there must be a concerted effort to provide gay adolescents with the opportunity to have meaningful social environments in which they can develop their personal and social skills, free from fear of exposure and censure. These environments can range from rap groups to ordinary social activities.

Gay and lesbian students have few role models in the Los Angeles Unified School District. Gay and lesbian administrators, teachers, and counselors are generally reluctant to identify themselves as such for fear of job discrimination and social reprisals. Several years ago, the California Commission on Personal Privacy recognized this problem, recommending that the State Superintendent of Public Instruction "send notification to all school districts throughout the state reminding them that sexual orientation discrimination in employment is illegal and requesting them to update their equal employment opportunity policy statements accordingly."<sup>67</sup> A policy paper developed for the Privacy Commission on the subject of sexual orientation and the secondary school curriculum also suggested that each district board should use its governing power to include sexual orientation within the non-discrimination clause of its affirmative action/equal opportunity policy

and to take steps to insure that the policy works.<sup>68</sup> The Task Force on Family Diversity recommends that the State Superintendent of Public Instruction and the Los Angeles Unified School District Board of Education implement the recommendations made five years ago by the Privacy Commission with respect to nondiscrimination in the employment of teachers and other school personnel.

The Task Force on Family Diversity has examined the progress of one role model openly trying to address the needs of the district's gay and lesbian student population. Virginia Uribe, a teacher and counselor at Fairfax High School, described "Project 10," the school district's only counseling program for gay and lesbian youth:<sup>69</sup>

[Project 10] is the only program for gay and lesbian youth, I think, not only in Los Angeles, but in the United States. I have not heard of any other program. Naturally, I feel that counseling programs for gay and lesbian teenagers in both high school and junior high school are extremely, extremely important. These children very often are high-risk children because of their stigmatization and the factors that go along with that. They are at great risk for suicide, for depression, for substance abuse, and, of course, for sexually transmitted diseases. Many times they have tremendous problems with their families, particularly if they tell their families of their sexual orientation. Many times these youngsters are thrown out on the street or they run away from home. So there are a great number of family problems that are associated with this issue.

Recognizing the value of Project 10, the school district has released Ms. Uribe from all but two of her regular classes, thus enabling her to expand Project 10 to other high schools in the district.<sup>70</sup> Ms. Uribe is now conducting seminars for principals, counselors, and teachers at junior high and high schools throughout the district.

In addition to Ms. Uribe's work to educate teachers, administrators and counselors about gay and lesbian issues, the Task Force on Family Diversity recommends that a seminar on homosexuality be offered for staff members employed at all school-based clinics. Clinic personnel might heed advice recently offered by one prominent health care researcher:<sup>71</sup>

[P]roviders should begin early to lay the groundwork of the necessary support for the adolescent and his or her family. It becomes important not to make the assumption that all persons are heterosexual, thereby not allowing for the homosexual adolescent. It is easy to slip into this assumption, even through casual conversation with patients.

Health care providers need to be aware of the sense of isolation, the process of hiding one's homosexuality and the conflicts that homosexual adolescents have regarding their lifestyle. To provide a supportive, therapeutic environment, we believe that open nonjudgmental communication needs to be established early in patient-physician relationship. Furthermore, the provider should be knowledgeable about the specific and unique medical and biopsychosocial concerns of the homosexual adolescent. A supportive referral network should be established with community resources such as peer support groups such as

## Gay and Lesbian Youth, and family supports such as Parents of Lesbians and Gays.

A recent past-president of the International Federation of Parents and Friends of Lesbians and Gays explained to the Task Force on Family Diversity how sexual orientation discrimination in the schools affects a wide range of people:<sup>72</sup>

In the schools, it is not only the gay or lesbian student who suffers. It is also the student who has a gay father or a lesbian mother and is afraid to tell any of his/her peers. It is the sister or brother of a gay or lesbian who is confused and cannot handle the situation. Even the well informed student, one who understands homosexuality, is afraid to speak out on behalf of a gay person for fear of alienation and harassment by peers.

The Task Force on Family Diversity supports the following recommendations suggested by the Parents and Friends of Lesbians and Gays, and strongly recommends that the Superintendent of the Los Angeles Unified School District convene a committee of administrators, counselors, teachers, and student body leaders to review and implement them:

- a. The district should institute Adult Education classes on homosexuality.
- b. The district should review literature in school libraries to ensure that each school library contains sensitive and relevant books, articles, and brochures on gay and lesbian issues.
- c. The district should publish a directory listing social service agencies and other resources related to gay and lesbian issues which are available to teachers, counselors, students and parents.
- d. The district should expand Project 10 so that specialized education and counseling services are available to gay and lesbian teens on every high school campus in the district.

Implementation of recommendations contained in this report will help to decrease the fear among gay and lesbian educators and the suffering experienced by gay and lesbian youth, their peers, and their families, at the same time teaching other students, educators, and parents about the value of respect for diversity in a pluralistic society.

## Youth Gangs

Youth gangs are a major problem in the City of Los Angeles. In the first nine months of 1987, gang homicides in the city rose to 154 — nearly a 15% increase over the same period the previous year.<sup>73</sup> More than half of the homicides involve innocent bystanders, robbery victims, and others who do not belong to gangs.<sup>74</sup>

Gangs are affecting Los Angeles families inside and outside the home. Some gangs burglarize residences in their neighborhoods. Fifty such incidents involving Vietnamese gangs were reported last year in Central Los Angeles and the San Fernando Valley.<sup>75</sup> Gangs also deprive families of recreational facilities and opportunities. In scores of city parks, especially those in poor neighborhoods, fear is high; gangs, drug dealers, and drunks are so pervasive that the sites have come to be known as “dead parks.”<sup>76</sup> Gangs are also turning innocent youngsters

into drug addicts and pushers. Drug trafficking by gangs is so common, and many children in gang neighborhoods begin using drugs at such a young age, that many are full-fledged dealers by the age of eleven.<sup>77</sup> Because street gangs traditionally claim identification with a neighborhood, residents of such neighborhoods may be condemned by their address; they face a chilling scenario — often played out in gang-related assaults — of being caught in another neighborhood and being challenged, “Where are you from?”<sup>78</sup>

Gang membership, particularly among newer Asian and Latino immigrant groups, is on the rise. Officials estimate the existence of more than 500 street gangs with more than 50,000 members in Los Angeles county.<sup>79</sup>

Gang activity is not only causing senseless deaths and destroying family life in many areas of the city, it is costing city taxpayers gigantic sums. For example, the Los Angeles Police Department spends about \$10 million per year on salaries and support services for nearly 200 sworn personnel employed in its gang activity section and Community Resources Against Hoodlums unit.<sup>80</sup> Each year, the City Attorney's Office spends hundreds of thousands of dollars in gang related prosecutions. The yearly expenditure for housing gang members at the county jail is staggering. With pre-trial jail costs at \$11,000 per year per inmate, not including court costs, taxpayers are spending nearly \$8 million per year to house more than 700 members of the city's two major Black gangs alone.<sup>81</sup>

According to Commander Larry Kramer, the police department's top anti-gang officer, at best police are engaged in a holding action. While law enforcement is essential in the fight against gangs, arrest and prosecution do not provide a solution. According to Commander Kramer, “For every gang member you put in jail, there are two or three replacements waiting in line to take their place.”<sup>82</sup>

Prevention and intervention efforts are the only long range solution to the gang problem in Los Angeles. Putting money into such efforts can work. For example, East Los Angeles has experienced a sharp decline in gang-related deaths, benefitting from years of intense community work by Community Youth Gang Services, an East Los Angeles based-agency with an annual budget of about \$2 million. The organization offers a few sports programs, summer job placements, elementary school education programs, and gang mediation services.<sup>83</sup>

In some areas of the city, police officers and merchants have teamed up to organize boxing clubs in an effort to divert teens from joining street gangs.<sup>84</sup> In the Northeast Division, information flyers sent to area schools drew more than 200 applications from youngsters who wanted to box.

Scouting is promoted as another alternative to gangs. Because of the multi-ethnic composition of Los Angeles, 62% of all Boy Scouts in the city are members of ethnic minorities.<sup>85</sup> Although enrollment in scouting is now at 63,000, the dropout rate for Latino youth is troubling to scouting officials. Also minority parents are difficult to recruit as scouting volunteers, since family economic struggles usually require both parents — in households with two parents — to work, allowing little time for the luxury of volunteer work.<sup>86</sup>

Paralleling the steady increase in gang activity in recent years is a decline in sports activities at many city schools.<sup>87</sup> As more youth join in



gangs, fewer go out for sports. Gang membership can mean prestige, influence, and easy money from drug sales. Gangs not only skim potential school athletes, gang violence also interferes with athletic events, with shootings and rock throwing incidents.<sup>88</sup>

According to Reggie Morris, Manual Arts High School basketball coach, "It's not just affecting athletics, its affecting education."<sup>89</sup> Because so much money can be made, gang drug trafficking has been called "the \$1,000-a-week alternative" to high school education.<sup>90</sup> Coach Morris gives his "There Must Be Alternatives" assemblies to student groups of all ages. He argues that sports must be promoted as an alternative to gang activities for children at an early age; otherwise, the imprinting of the gang mentality during the junior high school years is likely to override whatever "positive brainwashing" can be achieved later.<sup>91</sup> The coach warns that gangs are now recruiting in the junior high schools,<sup>92</sup> and once students become involved with gangs, it is nearly impossible to get them into athletics.<sup>93</sup> Again, his message is early prevention and early intervention.

There are some, although not enough, school programs designed to counter gang growth. One of the oldest school-related gang prevention programs, Alternatives to Gang Membership, was established in 1982 in the Paramount schools.<sup>94</sup> Other similar programs, sponsored by United Way, have been established since then. The Los Angeles Unified School District sponsors "Project Heavy." In some Los Angeles city elementary schools, students attend programs designed to point out the alternatives.

Noting the increase in school violence, truancy, and disorder across the state, Attorney General John Van de Kamp and Superintendent of Public Instruction Bill Honig have created a "School/Law Enforcement Partnership Cadre" to deal with such issues as youth gangs. The cadre coordinate the efforts of state and local school and law enforcement officials to reduce school-related crime. The Task Force on Family Diversity agrees with the wisdom of a coordinated approach to school crime and commends the Attorney General and the State Superintendent for instituting the School/Law Enforcement Partnership Cadre.

The Task Force believes that the school district should adopt a coordinated approach to dealing with the gang problem in Los Angeles. Although there exist several pilot programs in various schools in the district, no district-wide program addresses this problem. Some schools offer no classes or programs suggesting alternatives to gangs.<sup>95</sup> The Task Force recommends that the Los Angeles Unified School District Board of Education create a Commission on Youth Gangs. The Commission should be adequately funded and staffed. Its members should include representatives from United Way, Community Youth Gang Services, Boy Scouts of America, Project Heavy, the Los Angeles Police Department, the City Attorney's Office, as well as teachers, school counselors, and athletic coaches. The Youth Gang Commission should conduct public hearings and develop a long-term strategy for reducing or eliminating the effect of youth gangs on the city's schools. It should also develop district-wide anti-gang and anti-drug curricula to be implemented in every school.

The Task Force received testimony on youth gangs from Bruce Coplen, Deputy City Attorney in charge of that office's Gang Violence Unit. Mr. Coplen stressed the importance of prevention through education:<sup>96</sup>

[W]e've got to have more resources and more strategies developed in the area of prevention. I don't think that law enforcement alone holds the solution. We're picking up the pieces after the war has already been lost. The problem has got to start with our young people in the ages of five to ten years old. We've got to educate them, we've got to find meaningful work for them, we've got to do something to reduce the alienation of immigrant communities. These are our long term solution areas. And only through cooperative efforts, through government, schools and the private sector, can we hope to do anything in this area.

Finally, the Task Force on Family Diversity recommends that the Mayor and the City Council create a permanent Commission on Street Gang Violence. There are now over 5,000 major felonies in the city every year that are related to gang violence.<sup>97</sup> The Task Force strongly asserts that failure to address this critical issue, in the strongest and most serious terms immediately, may result in life becoming unsafe for anyone in any part of the city in the near future. The argument for a Commission on Street Gang Violence was appropriately summarized by Mr. Coplen:<sup>98</sup>

I think the City of Los Angeles should form a permanent Task Force or Commission specifically addressed to this issue. Currently we have a government coordination team participating: the sheriff's department, the police department, prosecution agencies, and so forth, but it is strictly government coordination. There needs to be something for the private sector; something where you can have church members, something where you can have political and community leaders, private businesses, and other groups sit down to coordinate their activities, to focus public attention on the problem, to encourage business groups to invest in areas which are going to assist in solving the problem, and which are also going to draw media attention to the group. I think this is something which is very, very valuable that can be done at a very minimal cost.

## **EDUCATION AND CITY SCHOOLS: RECOMMENDATIONS**

### **Curricula: Family Life Education**

50. The Task Force recommends that the Board of Education of the Los Angeles Unified School district examine the manner in which homosexuality is presently treated by the curriculum, with a view toward establishing clearer and more explicit goals and learning objectives about this topic. For example, more emphasis might be placed on the inappropriateness of prejudice and discrimination against people with a minority sexual orientation.

51. The Task Force recommends that additional resources be committed to the training program so that its completion can be accelerated. In addition, the expertise of gay and lesbian educators and other professionals should be used in appropriate parts of the training, which has not been the case so far.

52. The Task Force recommends that each junior high school and each high school in the district develop a peer education and counseling

program as a component of their family life education classes.

53. The Task Force recommends that throughout the 1988-89 and 1989-90 school years, the school district sponsor seminars and other educational forums on the subject of AIDS, utilizing films, print media, and public speakers, so that within the next two years, all administrators, teachers, counselors, students and parents in the district have heard the essential facts about AIDS, including the modes of its transmission and the means of its prevention.

### **Curricula: Suicide Prevention**

54. The Task Force recommends that the Los Angeles Unified School District immediately implement all components of the model curriculum on youth suicide prevention — including teacher training, instruction and counseling of students, and parent awareness meetings — on a district-wide basis.

### **Curricula: Prejudice, Violence, and Human Rights**

55. The Task Force recommends that the Superintendent of the Los Angeles Unified School District and the members of the Los Angeles Board of Education take steps to incorporate the new Model Curriculum on Human Rights and Genocide effectively into the district's history and social studies classes.

56. The Task Force recommends that the State Superintendent of Public Instruction direct both the Intergroup Relations Office and the School Climate Unit of the State Department of Education, in consultation with experts on this subject, to incorporate the issue of homophobia into their programs.

57. The Task Force recommends that the American Jewish Committee and the Los Angeles Unified School District find ways to expand Hands Across the Campus beyond the racial-ethnic-religious model so that students also learn about oppression based on disability prejudice, "homophobia," and sexism.

58. The Task Force recommends that the following actions be taken to deal with the problems of name calling and bullying:

a. The State Superintendent of Public Instruction should adopt a statewide anti-slur policy and disseminate that policy to every school district throughout the state.

b. The State Department of Education should sponsor a statewide practicum for educators, counselors, and teachers on schoolyard bullying to develop specific suggestions on dealing with this problem in California schools.

c. The Superintendent of the Los Angeles Unified School District should establish a "Code of Student Behavior" which, consistent with First Amendment principles, contains policies against harassment which often takes the form of bullying, as well as racial, ethnic, religious, or sexual slurs. The code should mention specific remedial and/or punitive consequences for such harassment.

d. Each teacher in the Los Angeles Unified School District should conduct a classroom exercise for establishing rules of

acceptable classroom behavior. Students themselves could help determine the roots of intolerance and prejudice in name calling, and should be advised of the specific remedial and/or punitive consequences of verbal harassment.

### **Programs: Teen Pregnancy and Parenting**

59. The Task Force recommends that the Board of Education for the Los Angeles Unified School District urge the Legislature and the Superintendent of Public Instruction to provide more funds for on-site school child care facilities.

60. The Task Force recommends that the Los Angeles City Council direct the city's Community Development Department to give high priority in awarding grants to off-site student child care facilities such as that operated by the Salvation Army's Hope Infant Center at Booth Memorial Hospital.

61. The Task Force recommends that the district's Board of Education adopt goals and timetables to establish school-based clinics on each high school campus.

62. The Task Force recommends that the district's School Board initiate a teen father program using the Lawndale Youth and Family Center as a model.

### **Programs: Gay and Lesbian Youth**

63. The Task Force recommends that the State Superintendent of Public Instruction and the Los Angeles Unified School District Board of Education implement the recommendations made five years ago by the Privacy Commission with respect to nondiscrimination on the basis of sexual orientation in the employment of teachers and other school personnel.

64. The Task Force recommends that a seminar on homosexuality be offered for staff members employed at the school-based clinics.

65. The Task Force recommends that the Superintendent of the Los Angeles Unified School District convene a committee of administrators, counselors, teachers, and student body leaders to develop plans to implement the following recommendations:

a. The district should institute Adult Education classes on homosexuality.

b. The district should review literature in school libraries to ensure that each school library contains sensitive and relevant books, articles, and brochures on gay and lesbian issues.

c. The district should publish a directory listing social service agencies and other resources related to gay and lesbian issues which are available to teachers, counselors, students and parents.

d. The district should expand Project 10 so that specialized education and counseling services are available to gay and lesbian teens on every high school campus in the district.

## Programs: Youth Gangs

66. The Task Force recommends that the Los Angeles Unified School District Board of Education create a three-year Commission on Youth Gangs. The Commission should be adequately funded and staffed. Its members should include representatives from United Way, Community Youth Gang Services, Boy Scouts of America, Project Heavy, the Chamber of Commerce, the Los Angeles Police Department, the City Attorney's Office, as well as teachers, school counselors, and athletic coaches. The Youth Gang Commission should conduct public hearings and develop a long-term strategy for reducing or eliminating the effect of youth gangs on the city's schools. It should also develop a district-wide anti-gang and anti-drug curricula which should be implemented in every school.

67. The Task Force recommends that the Mayor and the City Council create a permanent Commission on Street Gang Violence. There are now over 5,000 major felonies in the city every year that are related to gang violence. The Task Force strongly asserts that failure to address this critical issue in the strongest and most serious terms immediately, may result in life becoming unsafe for anyone in any part of the city in the near future.

### Notes: Education and City Schools

<sup>1</sup> Weddall, Dean, "Family Life Education," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-658; Movell, A.L., "Teen Pregnancy and Teen Parenting in Los Angeles: Gaps in Services," *Id.*, p. S-677.

<sup>2</sup> Becerra, Prof. Rosina, "Teen Pregnancy and Latina Teen Sexuality," *Public Hearing Transcript*, p. 28; Coplen, Bruce, "Gaining Control of Youth Gangs," *Id.*, p. 223; Kring, Thomas, "What Works in Teen Pregnancy-Prevention Programs," *Id.*, p. 17; Taylor, Mary, "Teacher Training in Family-Life Education," *Id.*, p. 149; Rosenkrantz, Barbara, "A Personal Experience and the Need for Education," *Id.*, p. 51; Uribe, Virginia, "Gay and Lesbian Issues in School Programs," *Id.*, p. 11.

<sup>3</sup> Paula Starr-Robideau, Adele Starr, and Sandra Dyson, "Education and Counseling of Youth and Parents," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-327; Starr, Adele, "Report on Homosexuality," *Id.*, p. S-374; Diane Himes, David Link, and Linda Poverny, "Gay and Lesbian Couples," *Id.*, p. S-192.

<sup>4</sup> "California's Board of Education OKs Safe-Sex Education Guidelines," *Los Angeles Herald Examiner*, March 12, 1987.

<sup>5</sup> "State Adopts Sex Education Advisory Guide," *Los Angeles Times*, March 12, 1987.

<sup>6</sup> Testimony of Virginia Uribe, *supra*, note 2, at p. 12.

<sup>7</sup> Starr, Adele, "Report on Homosexuality," *supra*, note 3, at p. S-376; Weddall, Dean, "Family Life Education," *supra*, note 1, at p. S-659.

<sup>8</sup> Some specific suggestions which might accomplish these results are contained in Dean Weddall's research paper, "Family Life Education," *supra*, note 1, pp. S-669-675.

<sup>9</sup> Testimony of Mary Taylor, Training Coordinator, Family Life Education, *supra*, note 2, p. 149.

<sup>10</sup> Himes, Link, and Poverny, *supra*, note 3, at pp. S-220-221.

<sup>11</sup> Testimony of Thomas Kring, *supra*, note 2, at p. 17.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> County of Los Angeles, Task Force on Teenage Pregnancy, *Report to the Board of Supervisors*, April 22, 1987.

<sup>15</sup> *Id.*, p. 11.

<sup>16</sup> "Youth Suicide in California: Report of Assessment Research," California Department of Mental Health, September, 1986, p. 14.

<sup>17</sup> *Id.*, p. 13.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Id.*, p. 14.

<sup>20</sup> *Id.*, p. 16.

<sup>21</sup> *Id.*, p. 16.

<sup>22</sup> *Id.*, p. 18.

<sup>23</sup> *Id.*, p. 40.

<sup>24</sup> *Id.*, p. 24.

<sup>25</sup> *Id.*, p. 25. The percentages add up to slightly more than 100% because some of those who were divorced or separated were living with a domestic partner.

<sup>26</sup> *Id.*, p. 26.

<sup>27</sup> *Id.*, pp. 33-39.

<sup>28</sup> "Teacher's Guide in Youth Suicide Prevention." San Mateo Office of Education.

<sup>29</sup> "Suicide Prevention Program for California Public Schools," prepared under the direction of School Climate Unit, California State Department of Education.

<sup>30</sup> *Id.*, pp. 49-50.

<sup>31</sup> "Suicide Prevention Help Extended to Lesbian/Gay Teens," *San Francisco Sentinel*, October 23, 1987.

<sup>32</sup> *Ibid.*

<sup>33</sup> M. Goodman, *Race Awareness in Young Children*, p. 183 (1952); H. Trager and M. Yarrow, *They Learn What They Live*, p. 151 (1952); W. Lambert and O. Klineberg, *Children's Views of Foreign Peoples*, pp. 6-6 (1967).

<sup>34</sup> "Ounces of Prevention: Toward an Understanding of the Causes of Violence," *Final Report to the People of California, State of California*, Commission on Crime Control and Violence Prevention (1982).

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> Ronald Drabman and Margaret Thomas, "Children's Imitation of Aggressive and Prosocial Behavior When Viewing Alone and in Pairs," *Journal of Communication*, Vol. 27, No. 3, pp. 199-205 (1977).

<sup>38</sup> *Report on Racial, Ethnic, and Religious Violence in California*, State of California, Governor's Task Force on Civil Rights (1982); "Ounces of Prevention," *supra*, note 34; *Report of the California Commission on Personal Privacy*, State of California (1982); *Report of the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence*, State of California (1986).

<sup>39</sup> *Ibid.*

<sup>40</sup> Freedberg, Louis, "Teen Peer Groups in U.S. Often Potent Fountainhead of Bigotry," *Los Angeles Daily Journal*, January 14, 1987.

<sup>41</sup> *Ibid.*

<sup>42</sup> Baker, Bob, "Students Will Be Learning Hard Lessons of Inhumanity," *Los Angeles Times*, January 26, 1987.

<sup>43</sup> "Model Curriculum for Human Rights and Genocide," California State Department of Education (1987).

<sup>44</sup> McDonald, Alex, "Board Okays Mention of Gays and Lesbians," *San Francisco Sentinel*, October 9, 1987.

<sup>45</sup> Coleman, Thomas F., "Genocide Curriculum: Schools Anger Activists," *Update*, July 22, 1987.

<sup>46</sup> Letter to Hank Wilson, Community United Against Violence, from James R. Smith, Deputy State Superintendent, Curriculum and Instructional Leadership, June 18, 1986.

<sup>47</sup> Equity Institute, Inc., P.O. Box 458, Amherst, Massachusetts 01004 / (413) 256-6902. Equity Institute is a multi-ethnic, national, nonprofit agency which teaches people how to interrupt racism, sexism, anti-

Jewish behavior, homophobia, classism, ageism, and disability prejudice. It is the only public service agency of its kind in the United States and Europe. The organization offers consulting services; produces curriculum books, brochures and videotapes; and offers retreats, seminars and workshops on all of the above issues.

<sup>48</sup> Governor's Task Force, *supra*, note 38, pp. 90-91.

<sup>49</sup> According to the testimony of Virginia Uribe, *Public Hearing Transcript*, p. 11, "Hands Across" does not presently include prejudice or discrimination on the basis of disability, sexual orientation, and sex.

<sup>50</sup> From "Name Calling," a brochure published by Equity Institute, Inc.

<sup>51</sup> Linebarger, Charles, "S.F. Schools to Enforce Ban on Anti-Gay Slurs," *Bay Area Reporter*, June 18, 1987.

<sup>52</sup> Keay Davidson and Katherine Seligman, "Bullies," *San Francisco Examiner*, July 2, 1987.

<sup>53</sup> Testimony of Barbara Rosenkrantz, *Public Hearing Transcript*, p. 51; *School Safety*, p. 21 (Spring 1987).

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

<sup>57</sup> *School Safety*, *supra*, note 53. The National School Safety Center is located at 16830 Ventura Blvd., Suite 200, Encino, CA 91436 / (818) 377-6200.

<sup>58</sup> Movel, A., "Teen Pregnancy and Teen Parenting in Los Angeles: Gaps in Services," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-677.

<sup>59</sup> *Ibid.*

<sup>60</sup> Goltsof, Paraskev, "Adolescent Pregnancy in Los Angeles County," document prepared by Los Angeles Regional Family Planning Council, Inc. (November 1986).

<sup>61</sup> "School-Based Clinics Play Major Role in Teen's Health Care," *Sexuality Today*, Vol. 9, \$52, p. 1.

<sup>62</sup> Leo, John, "Sex and Schools," *Time*, Vol. 128 (1986), p. 58.

<sup>63</sup> Movel, A, *supra*, note 58, p. S-682.

<sup>64</sup> *Id.*, p. S-683.

<sup>65</sup> *Id.*, p. S-686.

<sup>66</sup> Martin, A. Damien, "Learning to Hide: The Socialization of the Gay Adolescent," *Adolescent Psychiatry: Developmental and Clinical Studies* Vol. X, University of Chicago Press (1982), reprinted from the *Annals of the American Society for Adolescent Psychiatry*.

<sup>67</sup> *Report of the Commission on Personal Privacy*, State of California, p. 423 (1982).

<sup>68</sup> Hingson, Dickson, J., Ph.D., "Recognizing Sexual Orientation and Gay People Within the Secondary Curriculum: What Role for Schools?" *Report of the Commission on Personal Privacy: Supplement One (1982)*.

<sup>69</sup> Testimony of Virginia Uribe, *Public Hearing Transcript*, p. 12.

<sup>70</sup> "Project 10 — Its Numbers Are Growing," *MECLA Newsletter*, Fall, 1987.

<sup>71</sup> Paroski, Paul A., M.D., "Health Care Delivery and the Concerns of Gay and Lesbian Adolescents," *Journal of Adolescent Health Care*, Vol. 8, pp. 188-192 (1987).

<sup>72</sup> Starr, Adele, "Family Life Education: Supplemental Report — Homosexuality," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-374.

<sup>73</sup> Feldman, Paul, "Youth Gang Wars Engulf Vast Efforts to Bring Peace," *Los Angeles Times*, November 12, 1987.

<sup>74</sup> *Ibid.*

<sup>75</sup> "Viet Neighborhoods Warned to Be Wary of Roving Gangs," *Los Angeles Times*, September 30, 1987.

<sup>76</sup> Johnston, David, "The Dead Parks," *Los Angeles Times*, September

3, 1987.

<sup>77</sup> Kline, Fred, "Action Needed to Crack Street Gang Violence," *Mt. Washington Star Review*, July 25, 1987.

<sup>78</sup> Baker, Bob, "He Walks the Mean Side of the Street to Help a Few," *Los Angeles Times*, July 27, 1987.

<sup>79</sup> Feldman, *supra*, note 73.

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*; Baker, *supra*, note 78.

<sup>84</sup> Davila, Robert, "LAPD Tries to Box Out Gangs," *Los Angeles Times*, July 16, 1987.

<sup>85</sup> Ramos, George, "Latino Scouts Look for a Few Good Parents," *Los Angeles Times*, July 6, 1987.

<sup>86</sup> *Ibid.*

<sup>87</sup> Robert Yount and Elliott Teaford, "The Killing Fields," *Los Angeles Times*, June 23, 1987.

<sup>88</sup> *Ibid.*

<sup>89</sup> Robert Yount and Elliott Teaford, "Drug Money — Selling Out of a Generation," *Los Angeles Times*, June 24, 1987.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*

<sup>93</sup> Robert Yount and Elliott Teaford, "Coaches Fight Recruiting War of Different Nature," *Los Angeles Times*, June 25, 1987.

<sup>94</sup> *Ibid.*

<sup>95</sup> Testimony of Bruce Coplen, *Public Hearing Transcript*, p. 225-226.

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*

## **SOME FAMILIES AND THEIR NEEDS**

During the past two years, the Task Force on Family Diversity has studied changing family demographics and trends. By reviewing books and articles, consulting academics, and soliciting input from advocates and service providers, the Task Force has found that there is no single household arrangement that dominates the family scene in Los Angeles.

The characteristics of Los Angeles families vary greatly. In addition to a large number of one-person households, the city is populated by nuclear families, dual-career families, childless couples, racially or religiously mixed-marriages, single-parent families, blended or step families, families of color, extended families, immigrant families, families with elders, families with disabled members, families with gay or lesbian members, foster families, domestic partnership families, and people living in group homes or institutions.

Because of limited time and resources, the Task Force was not able to study each of these family structures in depth. However, the Task Force was able to focus on the problems experienced by four family populations: immigrant families, families with disabled members, families with elders, and domestic partnership families. The Task Force on Family Diversity believes that all varieties of family structures deserve similar attention. It was simply beyond the means of this Task Force to do so. In the concluding chapter of this report, the Task Force suggests ways in which city government can keep abreast of family issues in an ongoing and effective manner.

## FAMILIES WITH ELDERS

In the United States today, about one out of every nine persons is elderly, and that number is growing with the fastest growth among those 80 and older.<sup>1</sup> These oldest Americans are predominantly women. Many need physical or financial supportive services or both. A significant number of older adults do not have immediate family members to care for them. When family members do provide such assistance, they often find themselves stretched financially and stressed emotionally by what is required of them. As more women, traditional caregivers for older adults, hold employment outside the home in greater numbers, the problem is exacerbated.

Referring to the number of older adults residing in the City of Los Angeles, the Family Demographics team reported:<sup>2</sup>

Elderly people (65 and over) make up 10.5% of the population but are counted in 21% of all households. Nearly a third of the elderly live alone — they accounted for 98,676 single-person households. Over 40% of the elderly live in multi-person family settings. The mean age of the population has been gradually rising and the proportion of persons over age 65 has also been increasing. That trend should continue. For the state of California as a whole, the percentage of persons over 65 advanced from 9.0% in 1970 to 10.2% in 1980, and it is projected that it will reach 11.4% by 1990. The city can expect to experience an increasing proportion of senior citizens. The proportion will rise gradually until the turn of the century, and then it will grow more rapidly as the “baby boom” generation begins to affect the statistics.

Some problems of seniors are addressed in other sections of this report; some concerns are explored below; and some, such as the needs of older lesbians and gay men, and transportation needs of older adults, will need to be treated in depth elsewhere, as constraints on time and resources prohibited their inclusion in this report.

### Economic Concerns of Older Women

Although some older women are gaining a measure of financial independence with employment outside the home, large numbers have remained in the traditional role of homemaker. Most of these women outlive the husbands who had been their sole means of support.<sup>3</sup>

The average age at which women become widowed is fifty-six.<sup>4</sup> Unless they are disabled, they are ineligible for any form of government support until they reach the age of sixty-two (for social security) or sixty-five (for SSI). Many of these women are not entitled to pension survivor benefits because their husbands die before the pensions vest. Most women lose medical insurance coverage until they qualify for Medi-Cal at age 65, and, even then, only a portion of their medical costs are covered. As a result of these conditions, many older women fall into deep poverty, ultimately losing their homes and other possessions.

When they become eligible for social security benefits, older retired women, who are statistically likely to be living alone, receive an average of \$399 per month, compared to \$521 for retired men.<sup>5</sup> Since women earn about 60% of what men make, retired women have less savings and other financial resources to supplement social security benefits.<sup>6</sup> Only

22% of all working women are covered by private or government pensions. The combination of these inequities has produced an impoverished “subclass” of elderly women.<sup>7</sup>

County Commissioner June Dunbar suggested five areas of need, reform of which would improve the quality of life for older women in Los Angeles:<sup>8</sup>

**Pay Equity.** One area of need involves pay equity and employment. When the woman with a college degree makes less than the high school male drop-out, you’ve got to do something and there is federal legislation right now to study pay equity. I hope that the L.A. City Council would support it. The business community also needs to be aware that older women need and can fill jobs other than the minimum wages paid in child care and clerical positions.

**Divorce Law Reform.** The divorce laws need to be changed. If you’ve read *The Divorce Revolution* you know that when there’s a divorce, the standard of living of the wife and children goes down 73% and the husband’s goes up 43%, so that we need to have career assets as part of community property.

**Respite Care.** Another area of need involves respite care. There are 2.2 million caregivers [in America] providing unpaid assistance to the elderly and the caregivers are primarily older women. This is probably the biggest role she plays. Many of these women become ill themselves from 24-hour, 7-day-a-week care for an ill in-law, husband or parent.

**Housing.** The average income of an older woman is \$399 per month. So housing is obviously a problem. In Los Angeles, we have the Evangeline and the Clark homes for young women, but we don’t have anything for older women.

**Access to Health Care.** There are about 4 million women in America with no health coverage. I think it’s extremely important that in the United States, Medicare should cover mammography. Older women are the highest risk for breast cancer. An older woman who has \$399 a month income is not going to pay \$100 for mammography. She’s just going to hope for the best.

If these five recommendations were implemented and women were employed and paid equitably, if divorce laws were fair to women, if women were given help with ill family members, if women could find affordable housing and had access to health care, the quality of their lives would be improved immeasurably.

The Task Force on Family Diversity finds that the problems experienced by older women are numerous and serious. The Task Force recommends that the city’s Commission on the Status of Women review what city officials and agencies can do, directly or indirectly, to improve the quality of life of older women, especially in the areas of pay equity, divorce law reform, respite care, housing, and access to health care.

Although the city may have limited jurisdiction to take direct action in these areas, it certainly can urge county, state, and federal officials and agencies to implement necessary reforms, such as:

1. Hiring older women in government positions;
2. Instituting pay equity at all levels of government employment;
3. Reforming divorce laws to equalize the economic disparity between husband and wife created by divorce; and,
4. Promoting the development of affordable housing for older women.

### Foster Grandparent Programs

The Foster Grandparent Program was created over 20 years ago.<sup>9</sup> The program has a laudable purpose — to create meaningful part-time volunteer opportunities for older persons with limited incomes. At the same time, the program provides supportive, person-to-person services to children with special or exceptional needs and who can benefit from stable relationships with caring adults.<sup>10</sup> The types of children matched with foster grandparents include premature babies, as well as children who are abused, neglected, chronically ill, autistic, mentally retarded, physically handicapped, emotionally disturbed, developmentally disabled, and delinquent.<sup>11</sup>

Most funding for the Foster Grandparent Programs come from federal grants. However, about 20% must come from local government or nonprofit sponsors.<sup>12</sup>

Any person who is sixty years of age or more and who meets low income requirements is eligible to participate in the Foster Grandparent Program. Foster grandparents must be physically and mentally able to serve, must no longer be participating in the regular work force, and must be willing to accept supervision. Each must participate in the program 20 hours per week.

There are only two Foster Grandparent Programs operating in the Los Angeles area. The Volunteer Center Program, sponsored in large part by United Way funding, provides more than 57,000 hours of attention and service to about 300 children. The other program is operated by Pepperdine University.

Ewa Tarwid, director of the Volunteer Center Program, stressed the need for expansion:<sup>13</sup>

What can the city do? My biggest dream for the city is for the city to once again sponsor one of these programs.

There are two foster grandparent programs to serve the entire Los Angeles area. I am funded for 75 foster grandparents, the other one is a similar number. That's not nearly enough. I could put 75 people in Pediatric Pavillion at U.S.C. alone. The drug-related problem is escalating to such a point that I could use an equal number on that. When you look at abused children, what is going on in the city today, the need grows and grows.

As noted, the the foster grandparent program benefits both the children served and the participating older adults. One foster grandparent gave the Task Force some insight into some of these benefits:<sup>14</sup>

I work now with adolescents. These are children — you've seen them on the streets — who think no one cares. They come into an institution and they think the staff work there only because they're paid. They don't realize the staff loves the children or they wouldn't be there; they could go someplace else and get paid. But they take a look at grandma and they know grandma is a volunteer. Grandma comes here because she wants to. I've had 17-year-olds crying on my lap and want to be rocked. I work with children who have been abused, children who have been into drugs, children who have been through anything you could name. I walk down Hollywood Boulevard and I see them — the ones that aren't institutionalized.

My loneliness is gone. I am useful. I can go home at night and look in the mirror and say I did something useful today. I am physically active. I think I'll live to be 100. I think people who stay busy, people who are using their experience from life to help someone else, can stay young. I know one grandmother in Denver, Colorado, who is 93 years old and still working five days a week, four hours a day. She's scared to quit. She says, "If I quit, I'll die." So help us. We need the money.

The Foster Grandparent Program is a model of intelligent and creative problem solving. The society benefits in that human potential is protected and nurtured, at the same time alleviating a great potential drain on public and private resources. The support, affection and role-modeling that foster grandparents provide to underserved children with special needs is invaluable in helping those children become productive, contributing, responsible adults and citizens; the elderly population is a rich resource for these children. The program also provides a sense of well-being, self-worth, and productivity that enhances the quality of life for participating seniors. Although the stipend that they receive is nominal and has been criticized by some activists as too low, it makes a difference for some participating seniors.

The Task Force on Family Diversity recommends that the City of Los Angeles sponsor a Foster Grandparent Program. The Intergovernmental Relations Committee of the City Council could initiate a proposal whereby the city and the county could jointly sponsor a Foster Grandparent Program. However, if joint sponsorship with the county cannot be accomplished in an expeditious manner, the Council and the Mayor should approve a city-sponsored Foster Grandparent Program to be implemented no later than the 1989-1990 budget year.

The Task Force commends the many senior volunteers who currently participate in existing Foster Grandparent Programs and who have given so much time, love and care to local children.

### Latchkey Programs and Intergenerational Contact

Under the Child Care and Development Act, the state subsidizes day care for large numbers of students whose parents are employed outside of the home and who are unavailable when the normal school day ends, frequently resulting in children at home or elsewhere without proper

supervision. Two years ago, the California Legislature amended that law, acknowledging that these "latch key" programs could be improved through intergenerational contact. Amending Education Code Section 8463, the Legislature found and declared that:<sup>15</sup>

(1) The lack of adequate and affordable child care services to serve the growing number of working parents has resulted in "latch key" children who return and remain at home unsupervised after school.

(2) Senior citizens (grandparents) have in the past been a major provider of child care to their own grandchildren.

(3) In today's society, children and grandparents are often separated by long distances.

(4) Most parents need to work to support their families.

(5) Many senior citizens need to supplement their meager monthly social security stipends.

(6) It is the intent of the Legislature to allow senior citizens to provide working parents with child care in a well-supervised environment.

Intergenerational programs such as the Foster Grandparent Program and the inclusion of senior workers in Latchkey Programs can do a great deal to provide an increased sense of "community as family," with different age groups working and sharing together.

The Task Force on Family Diversity recommends that the City of Los Angeles create a time-limited Joint Task Force on Intergenerational Child Care. This should be a joint venture of the city's new Child Care Coordinator, the director of the city's Department of Aging, and the Superintendent of the Los Angeles Unified School District. These officials should convene such a task force by October, 1988. The task force should explore ways to promote intergenerational involvement in the delivery of day care services to school-age children in the City of Los Angeles. Within one year after it is convened, the task force should issue a report recommending ways to expand the participation of seniors in current day care programs. The report should also explore the possibility of developing intergenerational day care programs, such as those operating in New York City, which combine onsite child care programs with adult day care programs.

Mayor Bradley recently proposed city sponsorship of on-site after school "latch key" programs at every elementary school in the district. The mayor's office should find ways to incorporate older adults as staffers, thus creating an intergenerational model program. The city Department of Aging should be included immediately in the planning process.

## Respite Care

As the proportion of older persons in our society increases, so does the number requiring some form of home care during long-term chronic illnesses. Current government assistance and health insurance policies do not provide reimbursement for in-home care. Thus, the burdens of care often fall on spouses, siblings, and children of the elderly. The caregivers, many of them also older adults, often find their own physical and financial well-being compromised by the often arduous routines of caregiving.

Home-care costs are lower than the alternatives for all but the most ill and, for the elderly, can promote greater dignity and quality of life than being institutionalized. Hospitals are adopting cost-containment policies in the form of "DRG's" — diagnostic related groups — wherein patients are released "quicker and sicker" than in the past, producing complex and time consuming regimens that home caregivers must follow.

As the elderly population is increasing, families are changing too, with older parents and fewer children. There is a parallel growth in non-nuclear families, such as single and divorced parents with children, and unmarried couples with children. Relocation of family members away from each other — for job opportunities and other reasons — is also commonplace. These trends have an impact on family caregiving; the elderly have fewer family resources to rely on for caregiving than they once had, and caregivers have a smaller pool of nearby relatives to share the tasks, further increasing the burden.

Women are attaining a more prominent place in the labor force, with approximately 70% of women between the ages of 35 and 44, and 60% between 45 and 54 currently employed.<sup>16</sup> Many women, the traditional caregivers for both their own and their husbands' parents, are or will be faced with the triple dilemma of caring for late-life children and aging parents while trying to maintain a career. Many feel compelled to give up their employment, leading to personal frustration and financial loss for their families.

Families thus provide, albeit often with some difficulty, 80% to 90% of the needed care for the elderly.<sup>17</sup> At critical times, respite services can be a source of welcome temporary relief. One expert addressed the issue of respite care at public hearings conducted by the Task Force, explaining what it is and why it is needed:<sup>18</sup>

Generally, a good respite program should in some way temporarily relieve not only the burden of caregiving but the responsibility of caregiving as well. That is, a caregiver should be assured that the person they normally care for is in good, safe, protective, nurturing and responsible hands during the period of respite, whatever form that respite may take — whether it's a few hours to go shopping, a weekend to go to the desert or the beach, to rejuvenate so that they can come back and again take on the burdens of caregiving.

There are many models by which respite services can be delivered. They include but are certainly not limited to adult day care programs, in-home support groups, short-term institutionalization and even short term foster home placement. But whatever form the respite takes, as long as it's healthy respite, it is desperately needed.

How desperate is it needed? Let me tell you. The level of prescription drug use is 350% higher in those caring for a relative with Alzheimer's disease than in the overall population — and that means prescription drugs, not street drugs. Depression is 300% higher in those caring for an aging relative — not with Alzheimer's — just an aging relative.

The Traveler's Insurance Corporation study indicated that 20% of their employees over the age of 30 are caring for



an aging parent and spending an average of 10 hours a week doing so. And a full 8% of those people spend 35 or more hours a week caring for aging parents. That is almost the equivalent of a second full-time job. Not surprisingly, tardiness and absenteeism is higher among those caring for an aging relative and productivity and quality of work often declines. Clearly, the ongoing burden of caring for an aging relative has tremendous cost for society and for the individual.

The Task Force on Family Diversity recommends that the city's Department of Aging assess the need for, and help develop and implement programs that would provide temporary respite for individuals caring for older persons. Specifically, the Task Force recommends:

- (1) The Department of Aging identify existing respite programs currently operating in the city which are of high quality and which address the needs of caregivers.
- (2) The department, in conjunction with senior multipurpose centers, should promote existing and develop new support groups for caregivers. These groups provide information on specific conditions and illnesses, and community resources, while serving as a forum for sharing feelings with others similarly situated.
- (3) The department should develop and distribute training guides in several languages for volunteer and paid respite care workers.
- (4) The department should sponsor or develop public service announcements (PSAs) to publicize respite services in the city. These PSAs should be formulated in several languages and be placed to reach various cultural and ethnic groups in the city.
- (5) The department should work with the County of Los Angeles in supporting and implementing the county's Master Plan for Respite Care Services.

### Housing Alternatives for Seniors

Housing problems for seniors may arise in many different circumstances, including:<sup>19</sup>

- \* An elderly family whose children no longer live with them may own and live in a home that is too large and costly to maintain.
- \* An elderly widow or widower living alone may be in the same situation.
- \* Young or middle-aged children may move in with elderly parent(s) or have parent(s) move in with them, creating crowding and conflict.
- \* Seniors in apartments may find that the landlord is converting the building to condominiums, raising the rent above a level that is affordable, or moving everyone out to renovate or replace the building.
- \* If a senior needs to share an apartment, the landlord may ask for a rent increase, although there was no decrease when the spouse died.

Janet Witkin, director of Alternative Living for the Aging, provided the Task Force with testimony offering insights and suggestions regarding seniors' housing needs:<sup>20</sup>

We have developed several programs that create alternatives to living alone and alternatives to institutionalization.

Our first program is our roommate matching program. We have matched up over 2,000 older people in the Los Angeles area to share housing in their own apartments and houses. We match 35 to 45 people a month. These people gain companionship; they gain economic benefits; and they gain a greater sense of safety and security by sharing housing. . . .

We also have our co-op houses where 9 to 14 older people share large renovated houses. They really become like a family for one another. . . .

We also have 12 apartments, there are six singles and six one-bedrooms so that it is not our typical project of people sharing units. . . .

We broke ground in Santa Monica a couple of weeks ago and we're grading the lot and we're putting in footings for our first new construction project. We're building a three story building, ocean views for low income seniors — I love it! And this will be six two-bedroom, two-bath apartments, a community room and kitchen. . . .

The City of Los Angeles has adopted a "Policy Statement on Senior Citizens Issues" which addresses many of the housing needs of older persons.<sup>21</sup> The city should promote that agenda in an aggressive manner.

The Task Force on Family Diversity recommended that the City Council:

- (1) establish an ombudsman's office for seniors' grievances regarding housing matters.
- (2) adopt an ordinance prohibiting landlords from increasing rents when a senior living alone decides to share his or her apartment with a roommate, unless the existing rent payment includes utilities other than water.
- (3) create a time-limited Interagency Task Force on Seniors' Housing Issues, comprised of staff members from the Department of Aging, Community Development Department's Home Program, Rent Stabilization Board, City Housing Authority, and one representative from each multipurpose center in the city, for the purpose of recommending improvements in the city's response to seniors' housing needs.

### FAMILIES WITH ELDERS: RECOMMENDATIONS

68. The Task Force recommends that the city's Commission on the Status of Women review what city officials and agencies can do, directly

or indirectly, to improve the quality of life of older women, especially in the areas of pay equity, divorce law reform, respite care, housing, and access to health care. Although the city may have limited jurisdiction to take direct action in these areas, it certainly can urge county, state, and federal officials and agencies to implement necessary reforms, such as:

- a. Hiring older women in government positions;
- b. Instituting pay equity at all levels of government employment;
- c. Reforming divorce laws to equalize the post-divorce economic disparity between the parties; and
- d. Promoting the development of affordable housing for older women.

69. The Task Force recommends that the City of Los Angeles sponsor a Foster Grandparent Program. The Intergovernmental Relations Committee of the City Council could initiate a proposal whereby the city and the county could jointly sponsor a Foster Grandparent Program. However, if joint sponsorship with the county cannot be accomplished in an expeditious manner, the Council and the Mayor should approve a city sponsored Foster Grandparent Program to be implemented no later than the 1989-1990 budget year.

70. The Task Force recommends that the City of Los Angeles create a time-limited Joint Task Force on Intergenerational Child Care. This should be a joint venture of the city's new Child Care Coordinator, the director of the city's Department of Aging, and the Superintendent of the Los Angeles Unified School District. These officials should convene such a task force by October, 1988. The task force should explore ways to promote intergenerational involvement in the delivery of day care services to school-age children in the City of Los Angeles. Within one year after it is convened, the task force should issue a report recommending ways to expand the participation of seniors in current day care programs. The report should also explore the possibility of developing intergenerational day care programs, such as those operating in New York City, which combine on-site child care programs with adult day care programs.

71. The Task Force recommends that the city's Department of Aging assess the need for, and help develop and implement programs that would provide temporary respite for individuals caring for older adults. Specifically, the Task Force recommends:

- (a) The Department of Aging identify existing respite programs currently operating in the city which are of high quality and which address the needs of caregivers.
- (b) The department, in conjunction with senior multipurpose centers, should promote existing and develop new support groups for caregivers. These groups provide information on specific conditions and illnesses, and community resources, while serving as a forum for sharing feelings with others similarly situated.
- (c) The department should develop and distribute training guides in several languages for volunteer and paid respite care workers.

- (d) The department should sponsor or develop public service announcements (PSAs) to publicize respite services in the city. These PSAs should be formulated in several languages and be placed to reach various cultural and ethnic groups in the city.

- (e) The department should work with the County of Los Angeles in supporting and implementing the county's Master Plan for Respite Care Services.

72. The Task Force recommends that the City Council:

- (a) establish an ombudsman's office for seniors' grievances regarding housing matters.

- (b) adopt an ordinance prohibiting landlords from increasing rents when a senior previously living alone shares his or her apartment with a roommate, unless the existing rent payment includes utilities other than water.

- (c) create a time-limited Interagency Task Force on Seniors' Housing Issues, comprised of staff members from the Department of Aging, Community Development Department's Home Program, Rent Stabilization Board, City Housing Authority, and one representative from each multipurpose center in the city, for the purpose of recommending improvements in the city's response to seniors' housing needs.

#### Families with Elders: Notes

<sup>1</sup> Clark, Elizabeth O., Ph.D., and Seigel, Elaine, M.S.W., "Team Report on Seniors Issues," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-166. Much of this section is taken from this team report. The team report was based, in large measure, on student research and public hearing testimony. See: Rawitz, Brett, "Seniors Issues," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-720. Also see: Dunbar, June, "Employment Needs of Older Women," *Public Hearing Transcript*, p. 156; Henry, Ruth, "The Experience of Being a Foster Parent," *Public Hearing Transcript*, p. 16; Kerr, Susan, "Programs Dealing with Elder Abuse," *Public Hearing Transcript*, p. 41; Tarwid, Ewa, "Foster Grandparenting in Los Angeles," *Public Hearing Transcript*, p. 159; Westbrook, Jay, "Portrayal of Seniors on Television," *Public Hearing Transcript*, p. 74; Westbrook, Jay, "Respite Care for Caregivers," *Public Hearing Transcript*, p. 269; Witkin, Janet, "Alternative Housing for Seniors," *Public Hearing Transcript*, p. 293.

<sup>2</sup> Blackstone, Russell, and Ricchiazzi, Frank, "Family Demographics," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-24.

<sup>3</sup> Clark, *supra*, note 1.

<sup>4</sup> *Ibid.*

<sup>6</sup> Dunbar, *supra*, note 1.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> Welfare and Institutions Code Section 9543.

<sup>10</sup> *Ibid.*

<sup>11</sup> Clark, *supra*, note 1.

<sup>12</sup> *Ibid.*

<sup>13</sup> Testimony of Ewa Tarwid, *supra*, note 1.

<sup>14</sup> Testimony of Ruth Young Henry, *supra*, note 1.

<sup>15</sup> Stats. 1986, Ch. 1070, Sec. 1.

<sup>16</sup> Clark, *supra*, note 1.

<sup>17</sup> Testimony of Jay Westbrook, *supra*, note 1.

<sup>18</sup> *Ibid.*

<sup>19</sup> Clark, *supra*, note 1.

<sup>20</sup> Testimony of Janet Witkin, *supra*, note 1.

<sup>21</sup> "Policy Statement on Senior Citizens Issues for 1987-1988," *1987-88 Legislative Policy Statements*.

## FAMILIES WITH DISABLED MEMBERS

People with disabilities comprise a significant portion of the population, perhaps between 10% to 15%.<sup>1</sup> Some experts assert that every third family has a disabled child.<sup>2</sup> The Task Force on Family Diversity estimates that about 500,000 people with disabilities live in the City of Los Angeles.

As used in this report, the term "disability" refers to visible as well as invisible characteristics, including mobility disabilities caused by such factors as paralysis, weakness, pain, and amputation; sensory disabilities, such as blindness and deafness; emotional and psychological disabilities; and intellectual and cognitive disabilities, such as learning disabilities and mental retardation. Although the spectrum of these disabilities is broad, the people affected share a common experience in that society views them all as "different."

The terminology of disability is in a state of transition. The term "handicapped" is generally considered outmoded, limiting, and demeaning. Generally, it has been replaced by the term "disabled." However, the term "disabled" is by no means universally accepted. Many refer to people with physical disabilities as being "physically challenged." Others use the term "differently abled." The Task Force on Family Diversity acknowledges the power of labels and the need to use them with caution and respect. Because the terms "disability" and "disabled" have become legal terms of art and because the Task Force has focused largely on law and public policy, those terms have been chosen for the limited purposes of this report.

### Defining Disability

Disability, of course, can be defined from a variety of perspectives. Statutes and court cases define disability from a legal perspective. Service providers may look at disability from a medical or psychological point of view. However, disability rights advocates say that, in the sociopolitical context, disability is "a human difference which is judged by society to be a significant disadvantage and to which society responds in some culturally characteristic manner."<sup>4</sup> The Task Force's Disability Team noted:<sup>5</sup>

This definition takes into account the cultural relativity of disability labeling. It addresses the fact that diversity in physique, cognition, or sensory functioning may constitute an identified disability in some environments but not in others. It also addresses the fact that a person who is different physically, cognitively, or perceptually may or may not be handicapped in functioning, depending on the obstacles society places in that person's path. Finally, this view of disability emphasizes the importance of social attitudes and public policies in shaping the disability experience.

### The Disability Experience

Based partially on testimony provided by witnesses at public hearings conducted by the Task Force,<sup>6</sup> the Disability Team report indicates some of the frustration, discrimination, and alienation often inherent in the disability experience:<sup>7</sup>

As is true for many groups in our society, the experience of people with disabilities is dominated by day-to-day real-

ities of economic, social, and political oppression. Although adequate statistical measures have been long overdue in studying the problems of this population, recent reports yield compelling and alarming information. In the United States, it has been estimated that at least one-third of all people with disabilities live in poverty. Relative to all other groups, disabled people have the highest rate of unemployment, and they experience the most discrimination in hiring and training. Despite the passage of the Rehabilitation Act of 1973 and Public Law 94-142 regarding the education of all children, disabled Americans are shamefully undereducated due to inaccessibility and segregation in educational settings.

Discriminatory medical care has been particularly serious, sometimes life-threatening, problem for people with disabilities. Public policies providing low-cost or free medical services are becoming more conservative and exclusionary. . . . Also, California has led our nation in setting legal precedent in "right to die" cases involving disabled people, guaranteeing the right of severely disabled people to refuse life-sustaining treatment. In view of these two trends, it is not surprising that some disability leaders have observed that it is getting easier for disabled people to die but harder all the time for them to live.

One of the most revealing measures of social oppression versus freedom for any people is the ease with which they are permitted to move about in the general community. Such liberty is severely limited for citizens with disabilities. Again, despite regulations prohibiting architectural barriers, builders still construct hospitals, restaurants, hotels, banks, office buildings, apartment complexes, libraries, governmental structures, and other public buildings lacking access for millions of Americans with disabilities. Despite government mandates for accessible public transit, most transit systems across the nation require people with mobility disabilities to use inferior, limited modes of transportation which segregate them from nondisabled citizens.

Perhaps less tangible but equally disturbing to citizens with disabilities are the countless incidents of interpersonal discrimination experienced each day.

Prejudice against people with disabilities abounds. Sometimes prejudice is manifested in negative language used by members of the public, public officials, and the media. It is exemplified by serious underrepresentation in positions of leadership in our government and social institutions. Bias against those with disabilities is also expressed by individuals when they intentionally — or negligently — exclude people with disabilities from social functions. Because such prejudice is so rampant, much of the disability experience involves frustration, anger, and fear.

### Disability and Family

Despite commonly held stereotypes that cast them as ill, dependent, incompetent, and perpetually child-like, in short, *burdensome to the family*, people with disabilities are family partners, spouses, parents,

and contributing children — integral and vibrant participators in family life.

The various family roles experienced by people with disabilities were described in the Disability Team Report:<sup>8</sup>

The types of families found in the disability community run the gamut. Many disabled individuals live in traditional nuclear families. Occasionally, they remain in their families of origin well into adulthood, relying on aging parents for assistance in living. More typically, people with disabilities leave their families of origin in adulthood to live independently or in a setting that provides assistance or supervision.

Many single people with disabilities live alone. However, sometimes single disabled people live with other disabled people as roommates or in groups, sharing resources such as housecleaning and attendant services as well as dividing household expenses. A very common situation is for a disabled person to live with an attendant or aide. Although the aide is a hired employee, some people with disabilities feel that their partnership with their aide constitutes a family. Also, for many people with disabilities, a major source of assistance is a specially trained pet, such as a guide dog or companion dog. These animals are permitted by law to accompany their disabled owners in public places, and many disabled people consider such pets an integral part of their family system.

As previously mentioned, despite their social devaluation and isolation, not all disabled people remain single. All types of partnerships are represented in the disability community, from platonic long-term commitments between friends to romantic cohabitations of all kinds to traditional marriages. . . .

Although society offers little support for the endeavor, either emotionally or financially, many people with disabilities have children. Limited research available on the subject suggests that, in general, people with disabilities are equal to nondisabled people in being effective parents. However, all environmental and attitudinal barriers to living faced by people with disabilities also have a negative impact on their family members, including their children.

While the last decade has been marked by the growth of the independent living movement for people with disabilities, many still live in institutions, particularly those with severe disabilities or extremely devalued disabilities, such as cerebral palsy. Also highly represented in this group are disabled people from low socioeconomic groups and those lacking family support.

### **Problems Affecting Individuals and Families<sup>9</sup>**

The Task Force on Family Diversity is concerned with a variety of problems which are unnecessarily imposed on disabled people by society. Not only do these problems affect disabled individuals, but they also have an impact on their families.

When someone with a disability is given only second class, or no access at all, to the community, that person's whole family suffers. Without adequate access to school classrooms, if a child's mother uses a wheelchair, it may be impossible for that mother and child to share — along with other parents and students — those important activities designed to ensure parental participation in the child's school experience. The process of having a baby can be especially difficult, and the hospital experience particularly dangerous and emotionally distressing, for a deaf woman and her partner when no interpreters are available. The possibility of children going on an outing with a grandparent when one child has spina bifida can be effectively extinguished if the bus they would ride does not have a lift.

A review of the patterns of discrimination and prejudice faced by this minority reveals that people with disabilities are surrounded by disincentives not only to marriage, but to family life in general. Some of the major problems experienced by city residents who are disabled are summarized below; city agencies and officials should take action to alleviate them.

**Public Transportation.** As changes have occurred in the sources of funding for transportation, local jurisdictions have become responsible for the planning and delivery of public transportation services. Many jurisdictions, including the City of Los Angeles, are not planning systems that ensure equal access features for people with disabilities. For example, the downtown DASH system and the San Fernando-Sunland-Tujunga public dial-a-ride system were both originally designed without adequate access features, and there are no lifts on the Fairfax Trolley for dignified independent boarding by people with mobility disabilities.<sup>10</sup>

Disability rights advocates have expressed distrust about the city's commitment to equal access to public transportation.<sup>11</sup> They complain that the city is investing money in the expansion of inefficient, separate, and highly limited paratransit systems, perpetuating segregated and second-class transportation for people with disabilities.

Disability experts who have studied the city's transportation options have called for the development of a broader, more flexible approach, encompassing rail, fixed route, deviated route, feeder systems, and shuttles as needed by all segments of the community, including persons with disabilities.<sup>12</sup> Such a plan would stress practicality and convenience for everyone, at the same time recognizing that disabled people are, or can be, a significant part of the riding public. Under such a plan, those with disabilities would obtain the same options for spontaneity and freedom of movement as other residents of the city enjoy.

The Task Force on Family Diversity finds the concept of "separate but equal" public transportation services for people with disabilities to be inappropriate. The Task Force recommends that the city Department of Transportation develop multi-modal plans that provide flexible options to serve the needs of all city residents, disabled and nondisabled. The Task Force also recommends that during 1988, the Transportation Committee of the City Council hold public hearings concerning the feasibility of the city adopting a goal of 100% accessible public transportation by the year 1998. This proposed goal would include guidelines for selecting adequate access equipment and stringent procedures for their operation and maintenance. At the conclusion of the hearings, the Transportation Committee should report its findings and recommendations to the City Council.

**Architectural Barriers.** In buildings, businesses, and public institutions, barriers to access by persons with disabilities often act as barriers to their families as well.

During the past two years, the Los Angeles disability community has been particularly vocal in protesting building access law violations, specifically taking exception to the practice of some city departments in issuing certificates of occupancy for recently constructed buildings that fail to comply with such laws. After the County Commission on Disabilities and the California Attorney General intervened, the city agreed to take remedial action. The city Department of Building and Safety agreed to hire forty new staff people to work on access enforcement. The City Council approved a plan to hire disabled access specialists, to establish a new Disabled Access Commission, and to the appointment of a City Attorney Hearing Officer.

The Task Force on Family Diversity commends the County Commission on Disabilities and the California Attorney General for helping to bring about these changes. The response of the City Council was appropriate and helpful. The Task Force finds that further action is necessary. There is a need for more curb cuts on street corners in the downtown area, as well as improved parking and access to government buildings, including City Hall. The Task Force recommends that the City Council direct the appropriate city departments to create these curb cuts and other changes necessary to insure that disabled residents and their families have equal access to the center of our city and its government buildings.

**Violence and Abuse.** Persons with disabilities are grossly over-represented in the population of crime victims. Estimates of the occurrence of sexual abuse in children indicate four to ten times greater frequency among children with disabilities than among nondisabled children. Children with disabilities also have a greater incidence of other types of physical as well as emotional abuse and neglect, and they may be targets of hate violence perpetrated by other children or adults, and less frequently, objects of cult rituals.<sup>13</sup>

With one exception, existing crime reporting systems do not record information on the disability of crime victims, making accurate statistical information difficult to discern.<sup>14</sup> Perpetrators of serious crimes sometimes escape prosecution because disabled victims and witnesses are often stereotyped as incompetent and unbelievable.

To correct some of these problems, the Task Force on Family Diversity recommends that the Los Angeles Police Commission adopt a policy requiring the city's police department to collect data on the disability status of crime victims. The department should compile annual reports on the victimization of people with disabilities and submit them to the Police Commission and the City Council for review. The Task Force also recommends that the Police Commission establish a Police Advisory Commission on Disabilities to advise the Police Commission and the Police Department on: (1) how to improve services to people with disabilities; (2) any needed revisions in the training of recruits at the Police Academy; and (3) any needed additions to in-service training of police officers on this subject. Further, the Task Force recommends that the Los Angeles City Attorney provide training to local prosecutors on disability and its relationship to criminal investigation and prosecution.

**Education and City Schools.** Education is one way to combat social prejudice against, and abuse of, people with disabilities. Although

children attending public schools in the Los Angeles Unified School District are exposed to a curriculum on cultural diversity, there is little or no acknowledgment of disability as a viable lifestyle or of disabled people as a large and important minority group.

The Task Force on Family Diversity recommends that the Board of Education of the Los Angeles Unified School District require that a strong teaching component on the nature and culture of disability be included in the K-12 mandatory cultural curriculum and that appropriate training be required of counselors and school administrators.

**Advisory Council on Disability.** Fourteen years ago, Mayor Tom Bradley formed an Advisory Council on the Handicapped, manifesting a desire to see disabled people achieve full access to municipal services. The group is now known as the Advisory Council on Disability. Some members are appointed by the Mayor, some are selected by City Council members, and others are self-appointed. Over the years, this group has addressed many problems affecting people with disabilities, including access, transportation, employment, housing, communications, and public attitudes.

The Task Force heard testimony regarding problems the Advisory Council has had in securing the cooperation of the Mayor's Office and the support of various City Council offices.<sup>15</sup> Without such cooperation and support, the ability of the Advisory Council to represent the interests of disabled city residents is seriously undercut.<sup>16</sup>

The City Council recently established a formal city board to deal with access appeals. However, physical access to buildings is only one aspect of disability discrimination. The Task Force on Family Diversity recommends that the Mayor's Advisory Council on Disabilities be replaced with a City Commission on Disabilities created by city ordinance. The Task Force commends the Mayor for showing an interest in disability issues by creating the Advisory Council in 1974. The City Council and the Mayor can evidence the needed strong and consistent commitment to improving the quality of life for disabled residents and their families by supporting such an entity with a staff and with full commission status. One of the commission's initial tasks should be the development of the city's first legislative policy statement on disability issues.

## **FAMILIES WITH DISABLED MEMBERS: RECOMMENDATIONS**

73. The Task Force recommends that the city Department of Transportation develop multi-modal plans that provide flexible options to serve the needs of all city residents, disabled and nondisabled.

74. The Task Force recommends that the Transportation Committee of the City Council hold public hearings during 1988 concerning the feasibility of the City of Los Angeles adopting a goal of 100% accessible public transportation by the year 1998. This proposed goal would include guidelines for selecting adequate access equipment and stringent procedures for their operation and maintenance. At the conclusion of the hearings, the Transportation Committee should report its findings and recommendations to the City Council.

75. The Task Force recommends that the City Council direct the appropriate city departments to create more curb cuts and implement other changes necessary to insure that disabled residents and their

families have equal access to the center of our city and its government buildings.

76. The Task Force recommends that the Los Angeles Police Commission adopt a policy requiring the city's police department to collect data on the disability status of crime victims. The department should compile annual reports on the victimization of people with disabilities and submit them to the Police Commission and the City Council for review.

77. The Task Force recommends that the Police Commission establish a Police Advisory Commission on Disabilities to advise the Police Commission and the Police Department on: (1) how to improve services to people with disabilities; (2) any needed revisions in the training of recruits at the Police Academy; and (3) any needed additions to in-service training of police officers on this subject.

78. The Task Force recommends that the Los Angeles City Attorney provide training to local prosecutors on disability and its relationship to criminal investigation and prosecution.

79. The Task Force recommends that the Board of Education of the Los Angeles Unified School District require that a strong teaching component on the nature and culture of disability be included in the K-12 mandatory cultural curriculum and that appropriate training be required of counselors and school administrators.

80. The Task Force recommends that the Mayor's Advisory Council on Disabilities be replaced with a City Commission on Disabilities created by city ordinance. The City Council and the Mayor can evidence the needed and strong commitment to improving the quality of life for disabled residents and their families by supporting such an entity with a staff and with full commission status. One of the commission's initial tasks should be the development of the city's first legislative policy statement on disability issues.

#### Families with Disabled Members: Notes

<sup>1</sup> Gill, Carol, Ph.D., "Disability Team Report," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-388; Testimony of Ann Finger, *Public Hearing Transcript*, p. 71.

<sup>2</sup> Abraham, Willard, Ph.D., "Every Third Family Has a Handicapped Child," *Mt. Washington Star Review*, May 17, 1986.

<sup>3</sup> Gill, *supra*, note 1.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> Ann Finger, "Problems Impeding the Disabled in Family Living," *Public Hearing Transcript*, p. 70; Linda Knipps, "Marriage Penalties for Disabled Couples," *Public Hearing Transcript*, p. 165; Sue Ridenour, "Needed Improvements in Public Transportation," *Public Hearing Transcript*, p. 282; Richard Smith, "The City's Response to Disability Issues," *Public Hearing Transcript*, p. 238.

<sup>7</sup> Gill, *supra*, note 1 (footnotes omitted from quote).

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.* Most of this section is taken from the Disability Team Report.

<sup>10</sup> Testimony of Sue Ridenour, *supra*, note 6.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Final Report*, Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence (California Department of Justice, 1986).

<sup>14</sup> The investigation form now used in California for child abuse cases requests information on whether the victim of child abuse has a developmental disability.

<sup>15</sup> Testimony of Richard Smith, *supra* note 6.

<sup>16</sup> Roderick, Kevin, "Group of Disabled Assail Bradley; 6 Quit as Advisers," *Los Angeles Times*, April 22, 1988.

## DOMESTIC PARTNERSHIP FAMILIES

The 1980 census documented a marked increase in the number of unmarried-couple households.<sup>1</sup> Although the Census Bureau noted a "greater [public] acceptance of new living arrangements,"<sup>2</sup> the agency continued to designate such households "nonfamily."

This section of the Task Force Report focuses on local domestic partnership families — unmarried couples living together in the City of Los Angeles. They are functioning, it is apparent, as legitimate family units, and have special concerns about discrimination and improving the quality of life for themselves and their family dependents.

### Estimating the Population

The exact number of unmarried couples in the population is difficult to determine. When the government gathers marital status data from the nation's households, couples are merely asked if they are married; no verification is required. Undoubtedly, some answer in the affirmative solely to avoid the social and religious stigma often associated with unmarried cohabitation. This tendency would result in higher numbers of reported marriages than actually exist.

However, despite inflated marriage statistics, national census figures show a tremendous increase in the number of unmarried couples living together. A 700% increase was reported between 1960 and 1970.<sup>3</sup> A jump of 300% occurred between 1970 and 1980.<sup>4</sup> The Census Bureau has estimated that 1.9 million unmarried-couple households existed in the nation in 1984, increasing to 2.2 million in 1986.<sup>5</sup> Last year, the most comprehensive survey of families ever conducted by a nongovernment organization estimated that unmarried couples comprise 6% of all family units in the nation.<sup>6</sup>

Not surprisingly, the number is slightly greater in California, where unmarried couples comprised 7% of the 8 million California households counted in the 1980 census.<sup>7</sup> That census also showed that a slightly higher percentage, 7.4%, of Los Angeles households contain unwed couples as cohabitants.<sup>8</sup>

Modifying this data with appropriate adjustments for growth in the city's population since the last census, the Task Force on Family Diversity estimates that there are about 100,000 unmarried-couple households in the City of Los Angeles in 1988.

### Partnership Variations

There are a variety of reasons why couples decide to live together outside of marriage. For same-sex couples, there are legal obstacles to marriage. For young opposite-sex couples, "trial marriages" may be prompted by fear of making a wrong decision, a fear perhaps justified by the high divorce rates. Long periods, sometimes years, of cohabitation may provide an answer for divorcees trying to avoid renewing old mistakes. For elderly widows or widowers, unmarried cohabitation may be a matter of economic survival, since remarriage can trigger the loss of marital survivor benefits. Economic disincentives or so-called "marriage penalties" prevent many disabled couples from marrying.<sup>9</sup>

**Opposite-Sex Couples.** Over the past few decades, both law and societal attitudes have evolved relative to unmarried cohabitation. Twelve years ago, the California Legislature passed the "Consenting

Adults Act" — manifesting a policy decision to remove government from the bedrooms of consenting adult partners. Despite the fact that common law marriage is not recognized by California law,<sup>10</sup> the state Supreme Court established a major precedent in *Marvin v. Marvin* — affirming that cohabiting partners may, during the course of their relationship, acquire property rights closely resembling the "community property" rights associated with marriage. The court refused to stereotype unwed couples, noting a wide range of motivating factors underpinning these living arrangements:<sup>11</sup>

[A] deliberate decision to avoid the strictures of the community property system is not the only reason that couples live together without marriage. Some couples may wish to avoid the permanent commitment that marriage implies, yet be willing to share equally any property acquired during the relationship; others may fear the loss of pension, welfare, or tax benefits resulting from marriage. . . . Others may engage in the relationship as a possible prelude to marriage. In lower socioeconomic groups, the difficulty and expense of dissolving a former marriage often leads couples to choose a nonmarital relationship; many unmarried couples may also incorrectly believe that the doctrine of common law marriage prevails in California and thus that they are in fact married.

**Same-Sex Couples.** The Task Force on Family Diversity estimates that, as of 1987, about 264,000 gay and lesbian adults lived in the City of Los Angeles.<sup>12</sup> City demographics show that about 50% of adult residents pair off into couples, and recent studies suggest that gays and lesbians fit that general pattern — about half of the gay and lesbian population have lifemates.<sup>13</sup> Based on this data, the Task Force estimates that about 132,000 lesbians and gay men living in the City of Los Angeles cohabit with a same-sex partner, thus creating 66,000 same-sex domestic partnerships.

No matter how long they live together, same-sex couples are excluded from marital benefits because the law specifically defines marriage in terms of opposite-sex relationships.<sup>14</sup> Many witnesses informed the Task Force that discrimination against same-sex couples occurs in Los Angeles.<sup>15</sup> A survey of recent periodicals confirms that such discrimination exists in all regions of the nation:

\* A San Francisco newspaper prohibits surviving mates from being listed in death notices.<sup>16</sup>

\* An Orange County photographer at a high school reunion refused to include the photo of a male couple in the reunion album.<sup>17</sup>

\* Cousins of a deceased man in Louisiana challenged a provision in his will leaving part of the estate to his surviving lifemate.<sup>18</sup>

\* New Hampshire recently began enforcing a new state law prohibiting homosexual couples from becoming foster or adoptive parents.<sup>19</sup>

\* A Minnesota court refused to allow one partner in a four-year relationship to visit her severely disabled lesbian lover in the hospital.<sup>20</sup>



\* The City of Philadelphia rejected the attempts of a gay employee to name his seven-year lifemate as the beneficiary on his life insurance policy.<sup>21</sup>

Such widespread discrimination has stimulated the development of a national movement for couples rights. For example, last year thousands of same-sex couples staged a protest against unfair laws and policies outside Internal Revenue Service headquarters in Washington D.C.<sup>22</sup>

Witnesses appearing before the Task Force enumerated systematic discrimination against same-sex couples in employee benefits, including sick leave, bereavement leave, health and pension plans;<sup>23</sup> insurance, including homeowners, renters, auto, life, and health policies;<sup>24</sup> health care services;<sup>25</sup> granting of special family membership discounts;<sup>26</sup> domestic violence victim protection;<sup>27</sup> and school curricula and counseling programs.<sup>28</sup>

As the Task Force's Team Report on Gay and Lesbian Couples points out, a change in public policy, with participation in the process by lesbians and gay men, is needed:<sup>29</sup>

Given all of this, what would constitute a responsible public policy which can balance the political realities against the legitimate needs of a significant and perhaps more-comfortably-ignored part of the population? While gays and lesbians have always existed in America, the Stonewall Riots of 1969 were the first signal that homosexuals would not accept their invisibility and second-class status any longer. The AIDS crisis has intensified that by making invisibility more difficult, and for many impossible. Homosexuality is now in the minds of Americans, as is the system that has for so long punished homosexuals for any measure of honesty regarding their orientation. Since the Gallup Poll first began surveying people on their feelings about homosexuality in 1977, there has never been a majority of people who favored criminalization of homosexual activity between consenting adults (compare this with the 25 states which still have such laws on the books), and the most recent study in 1986 found that acceptance had continued to increase despite widening public knowledge about AIDS. Given this increasing, but still not universal, tolerance and acceptance of homosexuals, what can be done to ease the discriminatory policies of the past, and address the issues that are only now arising?

That policy can no longer exclude the evidence, opinions, feelings and facts of homosexuals themselves. Any policy regarding homosexuality will, of necessity, affect the most fundamental aspects of the lives of millions of men and women who are gay and lesbian, and to formulate such a policy without their input would be unconscionable and inhumane, going against just about everything we as a society believe about the dignity and self-determination of the individual, and his or her position with regard to the state. For too long in this country laws have been passed against homosexuals, which depend on a mostly unstated understanding that homosexuals were, *de facto* criminals who had no place in society, no moral human worth, and no right to say anything to the contrary, particularly with respect to government.

A review of recent actions by the legislative, executive, and judicial branches of state government demonstrate a major shift in public policy regarding the rights of homosexuals *as individuals*. The finding of the California Commission on Personal Privacy that "it is the public policy of the State of California to protect and defend the personal privacy of all its inhabitants and to encourage the elimination of discrimination based on sexual orientation" is supported by the following events:<sup>30</sup>

\* Governor Jerry Brown signed an executive order prohibiting sexual orientation discrimination in state employment.<sup>31</sup>

\* Attorney General Deukmejian published an opinion affirming the illegality of sexual orientation discrimination in state employment.<sup>32</sup>

\* The California Supreme Court ruled that private employers may not discriminate against openly gay men and women.<sup>33</sup>

\* Voters overwhelmingly rejected the "Briggs Initiative" which would have allowed schools to fire gay and lesbian teachers.<sup>34</sup>

\* Sexual orientation discrimination in housing was declared illegal by the Department of Fair Employment and Housing.<sup>35</sup>

\* Attorney General Van de Kamp published an opinion that private employers may not discriminate against lesbians and gay men.<sup>36</sup>

\* The Court of Appeal ruled that the Boy Scouts of America may not discriminate against members on the basis of their sexual orientation.<sup>37</sup>

\* The California Legislature affirmed right of lesbians and gay men to freedom from violence and intimidation.<sup>38</sup>

\* Governor Deukmejian signed legislation increasing penalties for hate crimes against lesbians and gay men.<sup>39</sup>

Similar shifts in public policies concerning sexual orientation discrimination also have occurred locally in recent years:

\* City Attorney Burt Pines issued a formal opinion that discrimination against lesbians and gays in civil service positions was illegal.<sup>40</sup>

\* The city Civil Service Commission removed "overt homosexuality" from civil service rules as a job disqualification factor.<sup>41</sup>

\* The city Personnel Department eliminated a "homosexual tendencies" question from the pre-employment health questionnaire.<sup>42</sup>

\* Mayor Tom Bradley added "sexual orientation" to the city's equal employment opportunity policy.<sup>43</sup>

\* Police Chief Gates issued a policy statement declaring that the police department would not discriminate in employment on the basis of sexual orientation.<sup>44</sup>

\* The City Council adopted an ordinance prohibiting sexual orientation discrimination by private employers, landlords, and businesses.<sup>45</sup>

The Task Force on Family Diversity commends these officials and agencies for taking decisive action to help eradicate decades of systematic discrimination against lesbians and gay men. The Task Force notes these actions have not addressed discrimination against same-sex couples, *as families*. The Task Force finds that discrimination against gay and lesbian, as well as other, domestic partnerships is widespread. It is also unjust and merits further attention.

### Defining and Authenticating Relationships

California law recognizes that people who are not related by blood, marriage, or adoption, but who are living together in the intimate and mutual interdependence of a single home or household, may be considered a family.<sup>46</sup> As with the foster parent-child relationship,<sup>47</sup> or the step parent-child relationship,<sup>48</sup> the law does extend family rights and benefits to unmarried couples in some situations. However, the State of California does not have a uniform policy with respect to the rights and responsibilities of unmarried couples. Legal principles regarding the status of unmarried couples have developed on a piecemeal basis.

For example, unmarried couples have a constitutional right to live together as a single family.<sup>49</sup> But they are not automatically entitled to the same rights and benefits as married couples.<sup>50</sup> Although domestic partners may acquire property rights during the course of their relationships, they cannot use the Family Law Court to mediate disputes which often arise when they separate. Instead, they must take their controversies to Civil Court — the same as would business partners.<sup>51</sup> In some situations the state specifically refuses to extend so-called “family benefits” to nonmarital couples,<sup>52</sup> while in other situations such benefits are allowed.<sup>53</sup>

Two practical problems must be solved before family benefits can be extended to unmarried couples on a larger scale.<sup>54</sup> The first issue is that of definition, determining which relationships qualify for family benefits and which do not. The second is authentication — giving the public notice as to what proof will be required to show that any given relationship qualifies under the chosen definition. Family law specialist Roberta Achtenberg addressed these issues at the public hearings conducted by the Task Force:<sup>55</sup>

Now, when you talk about developing criteria for the definition of “family,” people say, “There’s no way to know. You want the city to be involved in trying to figure out which are legitimate and which are not legitimate relationships?” In terms of the way you analyze this problem . . . [I] believe the criteria will vary, depending on the . . . issues being addressed.

If we’re talking about family library privileges, for example, we’re talking about something that doesn’t cost the city money and where presumably it would be equally as legitimate for me to be able to designate someone who

would be entitled to what we often call a spouse-related privilege. I should be able to designate someone who the librarian would have identifying information about and who is probably no more likely to steal library books than my spouse would be if, in fact, he were someone of the opposite sex and I were married to him. So, if you are talking about library privileges, we don’t have to have a lot of criteria about whether or not people live together in the same household and the like — it’s just not relevant to whether or not you extend library privileges to the employee and his or her family partner.

On the other hand, if you’re talking about benefits that have a large price tag attached to them, and which places the City as an employer in some position of risk — like health benefits, for example — then you do need guarantees against something called “adverse selection.” Let me say that I do believe that it is possible to develop legitimate criteria that both include established, stable, nonmarital family relationships by definition and do protect the City as employer or the insurer or whomever we’re talking about against the problems of adverse selection. And it has been demonstrated. [Los Angeles] would not be the first entity — if you were to adopt a recommendation for the city as employer to provide health care benefits to its employees and its employees’ family partners as well as to its employees’ spouses — you would not be the first entity to do something like that. Certainly you could look to the experience of other entities to see how it is they avoided problems like adverse selection. There are a number of successful programs in operation now. You don’t have to reinvent the wheel and there are a number of ways of insuring against people choosing someone merely because they need the benefit rather than appointing someone who is in fact their family partner.

The flexibility suggested by Ms. Achtenberg is consistent with the approach adopted by existing state law. The criteria and proof required under present law usually depends on the financial interests at stake. Stricter criteria are used as the financial risk increases to a third party, such as the government or an employer. When nonfinancial interests are at stake, the couples are permitted to deem themselves a “family” without undue restriction by the state. For example, unmarried couples are afforded an absolute right to live in a single family residential area.<sup>56</sup> They also have the absolute right — without regard to their living arrangements — to designate each other as “next of kin” for purposes of rendering consent in a medical emergency.<sup>57</sup> On the other hand, when financial interests are implicated, the state may insist that some indicia of a family relationship exist. For example, the couple must reside in the same household before the state government will afford a state employee paid bereavement leave upon the death of a nonmarital partner.<sup>58</sup> To obtain worker’s compensation survivor benefits even more is required. Survivors must prove not only that they resided with a worker at the date of death, but also that they were at least partially dependent upon the worker.<sup>59</sup> Again, stricter criteria are used to screen family partners as the financial risk to a third party increases.

Several years ago, a state commission recognized the need for government to develop methods of authenticating nonmarital and nonblood family relationships in order for unmarried couples and their depen-

**Health Care.** Health care becomes, at least some time during a long-term relationship, a major concern to domestic partners. As a result of its examination of this critical area, the Task Force found that the law has progressed in many ways to eliminate discrimination against unmarried couples in medical or mental health care settings.

When one partner is hospitalized, will the medical facility grant the other partner the same type of visiting privileges granted a spouse? If one partner is temporarily incapacitated, will the other partner be treated as next-of-kin for purposes of medical decision-making as would a spouse or blood relative? If the couple has executed a durable power of attorney for health care, then the answer to these questions is yes; under these circumstances, domestic partners are treated no differently than are married couples or blood relatives.<sup>77</sup>

Under other circumstances, treatment is not the same. If one or both partners have a need to live for extended periods of time in skilled nursing, continuing care, or community care facilities, they often find that these facilities develop ways to accommodate the intimate needs of spouses but not domestic partners. For example, spouses may be allowed private conjugal visits when the other spouse is institutionalized. A double bed may be provided when both spouses are hospitalized.

Several years ago, the California Commission on Personal Privacy studied these issues and recommended revisions in several state regulations to protect the freedom of intimate association of adult residents of health care facilities. The Task Force agrees. Further, the utility of such intimate association can be great; the love, touching, and intimacy of one's partner-in-life may be important factors in renewing one's sense of well-being, one's determination to fight, one's connection with the outside world, and, in some cases, one's will to live. To the extent such rights as conjugal visits or shared sleeping arrangements are afforded married couples, they should, therefore, also be extended to domestic partners. The Task Force on Family Diversity recommends that the state departments of Health Services, Social Services, and Mental Health promulgate regulations amending Title 22 of the California Administrative Code to prohibit discrimination based on marital status and sexual orientation in connection with conjugal visits or shared sleeping quarters for adults in licensed health care facilities.

**Discounts for Consumer Couples.** Business establishments, such as credit card companies, travel clubs, car rental companies, or health clubs, often provide price discounts to married couples. For example, Holiday Spa Health Club, which runs facilities in several areas of Los Angeles, has four basic membership programs, including a financially advantageous "husband/wife option." An unmarried couple would pay \$207 more than would a married couple, given current rates.<sup>78</sup> Such pricing disparity appears to be a form of marital status discrimination.

The Automobile Club of Southern California (AAA) presents another example. The club provides a wide range of services to its members, including road service, free maps, travel advice, free travelers checks, and license renewal services. Basic membership is \$34 per year, and a member's spouse can join as an associate member for an additional yearly \$12. Under the club's by-laws, two unmarried adults living together must pay two master memberships, or \$68 per year.<sup>79</sup> Last year, as the result of input from members, the club formed an internal management task force to review membership practices with a view toward possible reform.<sup>80</sup>

California's Unruh Civil Rights Act prohibits any form of arbitrary discrimination by any business that provides goods, services, or accommodations to the public.<sup>81</sup> Granting discounts to married consumers while denying them to unmarried consumers appears to be arbitrary discrimination. The Task Force recommends that business establishments discontinue the practice of extending consumer discounts on the basis of marital status. The Task Force also recommends that the City Council request an opinion from the City Attorney regarding the legality of such pricing disparity under current municipal and state civil rights laws that prohibit marital status and sexual orientation discrimination. If current law prohibits businesses from extending discounts to consumer couples on the basis of their marital status, then associations such as the Chamber of Commerce should educate members regarding their obligations under the law. If such pricing practices are not presently illegal, then the City Council should adopt an ordinance to prohibit such discrimination by businesses operating in the City of Los Angeles. Of course, businesses would be free to continue general discounts such as "two-for-the-price-of-one," so long as any two consumers would qualify regardless of marital or cohabitation status.

**Victim and Survivor Rights.** While the law often gives crime victims and their families civil recourse against wrongdoers, serious gaps in the law have the effect of excluding certain families from the legal process. A few examples demonstrate the inequities.

If a drunk driver runs into a married pedestrian, causing severe injuries, including irreversible paralysis from the waist down, the relationship of the husband with his wife would be altered dramatically in many ways, from financially, to socially, to sexually. Under such circumstances, the husband or wife can sue for his direct damages, and the law allows the other spouse to recover for the injury to the relationship, so-called "loss of consortium." Notwithstanding the importance of the victim's rights movement, this remedy has not yet been extended to unmarried couples who are living in a "stable and significant relationship."<sup>82</sup> Public policy should not favor the drunk driver over domestic partners who are victimized by the driver's negligence.

If a drunk driver strikes a pedestrian whose sibling witnesses the event, that sibling, emotionally traumatized by the experience, could sue the drunk driver for "negligent infliction of emotional distress," based on the closeness of the relationship with the injured person. A spouse can also recover under this theory. However, no matter how long they have lived together and no matter how close the relationship, neither an unmarried heterosexual couple,<sup>83</sup> nor a homosexual couple,<sup>84</sup> have such redress.

Finally, if the home of a young interracial married couple is fire-bombed by a racist neighbor, killing the husband or wife, the law allows the surviving spouse to sue the wrongdoer for "wrongful death." He or she can recover damages for loss of companionship in addition to lost wages the deceased partner would have contributed to the relationship over the years. If the victimized couple was comprised of two men who had lived together as domestic partners for ten years, given the same facts, the survivor could not sue the arsonist for wrongful death; unmarried couples are not within the class of persons who may bring wrongful death actions.<sup>85</sup> Public policy should not favor the perpetrator of a hate crime over the victim's surviving domestic partner.

The Task Force on Family Diversity has noted the irrational inequity that results when cohabiting adults living in stable and significant

dents to fully participate in family rights and responsibilities.<sup>60</sup> Ultimately, the answer may rest in the adoption of a Domestic Partnership Act by the State of California, and, perhaps, a Uniform Domestic Partnership Act by states generally. Until a comprehensive policy is adopted delineating the rights and responsibilities of domestic partners, experimentation with different criteria and proof is continuing at the municipal level of government, in private employment, and with labor unions.

### Eradicating Discrimination

The Task Force finds that the family as an institution functions to provide to its members important societal values, economic stability, and emotional and psychological bonds, all of which benefit the entire community. For these and other reasons, society needs to promote and encourage the formation of long-term committed relationships.<sup>61</sup> Discrimination against those in domestic partnerships has the contrary effect, and such discrimination should be discouraged and, ultimately, eradicated.

Although several recommendations concerning domestic partners are directed to the City of Los Angeles, the Task Force on Family Diversity is mindful that most reforms affecting these families must occur at the state level, through either legislation, judicial decisions, or administrative regulations. The Task Force recommends that the Legislature's Joint Select Task Force on the Changing Family recognize the diversity in the relationships of contemporary couples, whether married or unmarried, and suggest ways in which the state can strengthen these important family bonds.

**Employee Benefits.** Several municipalities have adopted measures in recent years to extend benefits to employees and their domestic partners. The Task Force team on Employee Benefits surveyed some of these plans.<sup>62</sup> A comprehensive study was recently conducted by the American Civil Liberties Union.<sup>63</sup>

The A.C.L.U. study revealed that some employers and insurance companies provide economic benefits, such as health or dental coverage, to employees and their domestic partners.<sup>64</sup> For example, the National Organization of Women holds a group policy with Consumer's United which requires 90 days of cohabitation before a partner is covered. The American Psychological Association offers domestic partnership coverage through Liberty Mutual which has a one-year cohabitation requirement. The City of Berkeley has provided employees with health and dental coverage for domestic partners since 1984. About 6% of the city's 1,300 employees participate in this coverage. Cohabitation, plus other indicia of mutual family responsibilities, must be demonstrated under the Berkeley plan. Blue Cross underwrites domestic partner medical coverage for employees of the Berkeley Unified School District. A self-insured domestic partner benefit plan is operating in the City of Santa Cruz, California.

The A.C.L.U. also reported that several small employers who could not offer group coverage to domestic partners overcame this obstacle by purchasing individual health or dental policies for the family partners of their employees.<sup>65</sup> Other employers, such as the State of California, the City of West Hollywood, and the Service Employment International Union, provide "noneconomic benefits" such as sick leave, bereavement leave, and parental leave to employees and their domestic partners.<sup>66</sup>

For a number of other cities and unions, an examination of domestic partnership benefits is reported to be "in process."<sup>67</sup> In New York City, such benefits are being sought by employees at New York's Museum of Modern Art, by the Communication Workers of America (CWA) AFL-CIO Local 1180, and the American Federation of State, County, and Municipal Employees, District Council 37. In Philadelphia, the executive board of the Federation of Teachers has approved a resolution to seek domestic partnership benefits in upcoming negotiations with the school system.<sup>68</sup> In Madison, Wisconsin, the Institute for Social Legislation has been guiding an Alternative Families Ordinance through city government. The ordinance's definition of family partner includes a mutual support clause and a six month cohabitation requirement. Two proposals are being considered by the San Francisco Board of Supervisors.

The Task Force on Family Diversity commends those employers, unions, and insurance companies who currently offer domestic partnership benefits, as well as those who have initiated negotiations intended to achieve more equitable treatment of domestic partners. The Task Force recommends that public and private employers, unions, and insurance companies in Los Angeles phase such coverage into employee benefits programs for local workers.

Specific proposals regarding domestic partnership benefits for employees of the City of Los Angeles are found elsewhere in this report.<sup>69</sup>

**Housing.** State law prohibits discrimination against unmarried couples in public housing.<sup>70</sup> Fair housing statutes also prohibit private landlords from discriminating against cohabiting couples.<sup>71</sup> Additionally, a local ordinance makes such discrimination against same-sex couples illegal in the City of Los Angeles.<sup>72</sup>

Despite the existence of such fair housing laws, landlords continue to discriminate against unmarried couples. In the San Fernando Valley, for instance, discrimination against unmarried couples is reported to be the third highest type of fair housing complaints.<sup>73</sup>

Housing discrimination of this sort can be reduced through the education of both consumers and landlords and through aggressive enforcement of fair housing laws. The Task Force on Family Diversity recommends that literature prepared by, and educational programs conducted by, the state Department of Fair Employment and Housing and local fair housing councils specifically mention that state laws prohibit housing discrimination against unmarried couples. The Task Force also recommends that the Los Angeles Apartment Owners Association periodically communicate this message to their members.

**Insurance.** The Task Force examined the problems experienced by unmarried couples because of discriminatory insurance practices. For example, unmarried couples are often required to pay double what married couples pay for the same coverage, especially in the areas of auto, homeowners, and renters insurance.<sup>74</sup> Some life insurance companies refuse to allow policy holders to designate a domestic partner as beneficiary.<sup>75</sup> Often underlying these problems are inherent ambiguities in the law as to the extent to which insurance companies may engage in such discrimination.

The subject of insurance and specific recommendations to deal with lifestyle discrimination are addressed elsewhere in this report.<sup>76</sup>

relationships are legally ineligible to sue wrongdoers for loss of consortium, negligent infliction of emotional distress and wrongful death. The Task Force on Family Diversity recommends that the Joint Select Task Force on the Changing Family bring this inequity to the attention of the Legislature so that rights of domestic partners as victims and survivors may be more adequately protected by California law.

**Marriage Penalties.** Despite the professed public policy promoting the establishment of marital relationships, for some segments of the population — particularly disabled adults and elderly widows or widowers — significant disincentives to marriage exist, so-called “marriage penalties.”

Often an elderly widow or widower receives survivor benefits from social security or pension plans based on the deceased spouse’s earnings during the marriage. If the survivor finds a new mate and falls in love, remarriage may be economically unfeasible because of the rule ending survivor benefits upon remarriage. Thus, out of economic necessity, many seniors cohabit with, but never marry, their new mates. Recognizing this reality, the Legislature has taken steps to protect the right of unmarried elders to cohabit together in dwelling units reserved for seniors.<sup>86</sup>

The Task Force on Family Diversity recommends that the Joint Select Task Force on the Changing Family review the legal and economic barriers that impede elderly widows or widowers from remarrying. The decision of seniors to live in unmarried cohabitation instead of marriage should be founded upon free choice rather than coerced economic necessity. The California Legislature might enact a “Vesper Marriage Act” to cure this problem.<sup>87</sup>

Disabled adults are economically penalized whether they marry or whether they merely cohabit with a person of the opposite sex. Building upon testimony provided to the Task Force on this subject,<sup>88</sup> the Team on Disability Issues addressed the problem of marriage disincentives in its report.<sup>89</sup>

Many Los Angeles residents with disabilities rely on government aid programs to help them meet basic survival needs. Four of the most commonly used programs are: (1) Supplemental Security Income (SSI) — Social Security cost-of-living payments for people who are too disabled to work (funded by state and federal sources); (2) In Home Supportive Services (IHSS) — funding administered through the county for personal attendant services; (3) MediCal — state health-care funding; and (4) Section 8 Rent Subsidy — supplemental rent funding available under the Aftercare Program (federally funded and county administered).

Eligibility for these programs is determined through means testing, that is, the determination of the applicant’s income and resources. Unfortunately, when a disabled person gets married, all of the income and resources of the spouse are “deemed” available to the disabled spouse. This immediately raises the officially determined means level of the disabled person, resulting in funding cuts or even termination of benefits. In essence, this procedure imposes a harsh penalty on any financially solvent person who falls in love with and wishes to marry a disabled

person. As it stands, the law requires both partners to give up their means of financial security so they may sink together (and possibly with their families) into poverty. This brutal practice transforms marriage into the assumption of a burden.

Sadly, this law destroys the possibility of a much brighter and pragmatic alternative, for it is a widely known fact of medicine and sociology that people who are part of a love relationship or family tend to live longer and are healthier throughout life. . . . The laws regarding benefit eligibility and deeming are vicious because instead of supporting the possibility of increased independence, physical health, and emotional well-being for disabled people, they insure poverty, isolation, and demoralization. . . .

Consequently, people with disabilities and their loved ones suffer greatly. In some cases, the individuals involved try to ignore religious convictions and values about marriage, deciding to live together unmarried. Needless to say, this often puts another strain on an already challenging commitment. Also, it does not solve the difficulty, in that the law allows such couples to be considered married in practice if not by law, if they hold themselves out to the community as husband and wife. In other cases, couples marry but keep it a secret. Such couples are not only deprived of the social and emotional benefits of expressing their marital commitment openly, but they also must live in realistic fear of exposure and severe financial penalty for their deception. These stresses threaten happiness and integrity of countless relationships.

The Task Force on Family Diversity recommends that the Legislature’s Joint Select Task Force on the Changing Family study the issue of marriage penalties for disabled people, finding ways to eliminate discrimination against cohabiting disabled couples and remove economic disincentives that discourage disabled persons and their mates from marrying.

## **DOMESTIC PARTNERSHIP FAMILIES: RECOMMENDATIONS**

81. The Task Force recommends that the Legislature’s Joint Select Task Force on the Changing Family recognize the diversity in the relationships of contemporary couples, whether married or unmarried, and suggest ways in which the state can strengthen these important family bonds.

82. The Task Force recommends that public and private employers, unions, and insurance companies in Los Angeles phase domestic partnership coverage into the employee benefits programs of the local workforce.

83. The Task Force recommends that literature prepared by, and educational programs conducted by, the state Department of Fair Employment and Housing and local fair housing councils specifically mention that state laws prohibit housing discrimination against unmarried couples. The Task Force also recommends that the Los Angeles Apartment Owners Association periodically communicate this message to their members.

84. The Task Force recommends that the state departments of Health Services, Social Services, and Mental Health promulgate regulations amending Title 22 of the California Administrative Code to prohibit discrimination based on marital status and sexual orientation in connection with conjugal visits or shared sleeping quarters for adults in licensed health care facilities.

85. The Task Force recommends that business establishments discontinue the practice of extending consumer discounts on the basis of marital status. The Task Force also recommends that the City Council request an opinion from the City Attorney regarding the legality of such pricing disparity under current municipal and state civil rights laws that prohibit marital status and sexual orientation discrimination. If current law prohibits businesses from extending discounts to consumer couples on the basis of their marital status, then associations such as the Chamber of Commerce should educate members regarding their obligations under the law. If such pricing practices are not presently illegal, then the City Council should adopt an ordinance to prohibit such discrimination by businesses operating in the City of Los Angeles.

86. The Task Force recommends that the Joint Select Task Force on the Changing Family study and propose revisions in laws regulating causes of action based on wrongful death, loss of consortium, and negligent infliction of emotional distress, so that the rights of domestic partners as victims and survivors may be more adequately and equitably protected by California law.

87. The Task Force recommends that the Joint Select Task Force on the Changing Family review legal and economic barriers that impede elderly widows or widowers from remarrying. The decision of seniors to live in unmarried cohabitation instead of marriage should be founded in free choice rather than coerced economic necessity. The California Legislature might enact a "Vesper Marriage Act" to cure this problem.

88. The Task Force recommends that the Legislature's Joint Select Task Force on the Changing Family study the issue of marriage penalties for disabled people, finding ways to eliminate discrimination against cohabiting disabled couples and remove economic disincentives that discourage disabled persons and their mates from marrying.

#### Domestic Partnership Families: Notes

<sup>1</sup> Nelson, Bryce, "Census Reports 300% Increase in Unmarried Living Together," *Los Angeles Times*, October 26, 1981.

<sup>2</sup> "Marital Status and Living Arrangements: March, 1980," *Current Population Reports: Population Characteristics*, Bureau of the Census, U.S. Department of Commerce (October, 1980).

<sup>3</sup> *Marvin v. Marvin* (1976) 18 Cal.3d 660, 684, fn. 1.

<sup>4</sup> Nelson, *supra*, note 1.

<sup>5</sup> "The Nation," *Los Angeles Times*, September 16, 1985.

<sup>6</sup> "American Families in 1987," *Philip Morris Family Survey*, conducted by Louis Harris and Associates (1987).

<sup>7</sup> Dembart, Lee, "Census Compares State with Nation," *Los Angeles Times*, May 23, 1982.

<sup>8</sup> See "Table 2: Household Patterns — Living Arrangements," in the section of this report on Family Demographics.

<sup>9</sup> Gill, Carol, Ph.D., "Disability Team Report," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-382; Knipps, Linda, "Marriage Penalties for Disabled Couples," *Public Hearing Transcript*, p. 165; "Rights of Disabled: Marriage Penalty in Benefits Pro-

grams," *Report of the Commission on Personal Privacy: Supplement Four (Public Hearing Transcript)*, State of California (1982).

<sup>10</sup> *Marvin*, *supra*, at p. 676, fn. 11.

<sup>11</sup> *Id.*, at p. 683.

<sup>12</sup> See the chapter on Family Demographics, "Estimating the Gay and Lesbian Population," *supra*.

<sup>13</sup> San Francisco AIDS Foundation Survey, reported in *Gay Life*, Nov. 22, 1984; Chicago "Social Issues Survey" reported in *Windy City Times*, Oct. 2, 1986.

<sup>14</sup> California law recognizes only opposite-sex relationships. (See California Civil Code Section 4100 as amended by A.B. 607 [1977]); The federal government does not recognize marriage between same-sex partners. (See *Adams v. Howerton* (9th Cir. 1982) 673 F.2d 1036). Same-sex partners do not have a constitutional right to marry. (See *Baker v. Nelson* (Minn. 1971) 191 N.W.2d 185, appeal dismissed, 409 U.S. 810). In fact, no nation formally recognizes same-sex marriage on the same par with opposite-sex marriage. The closest any nation has come to such recognition is Sweden. Last year the Swedish Parliament passed a law giving gay and lesbian couples the same rights as "common law" opposite-sex couples. *Lesbian News*, Aug. 26, 1987. That law stopped short of legalizing same-sex marriage, per se. Two years ago, the A.C.L.U. became the first major national organization to formally endorse the legalization of same-sex marriage in the United States.

<sup>15</sup> Achtenberg, Roberta, "Gay and Lesbian Couples/Families," *Public Hearing Transcript*, p. 253; Conger, Jean, "Domestic Partnerships and Other Lesbian Concerns," *Public Hearing Transcript*, p. 287; Graff, Leonard, "Lifestyle Discrimination by Insurance Companies," *Public Hearing Transcript*, p. 114; Melia, Tony, "Lifestyle Discrimination in Property/Casualty Insurance," *Public Hearing Transcript*, p. 189; Moore, Sue, "Maintaining Stable Gay and Lesbian Relationships," *Public Hearing Transcript*, p. 263; Nance, Brendt, "Lifestyle Discrimination in Health/Life/Disability Insurance," *Public Hearing Transcript*, p. 196; Nordquist, Joyce, "Employee Benefits for Domestic Partners," *Public Hearing Transcript*, p. 185; Rosencrantz, Barbara, "A Personal Experience and the Need for Education," *Public Hearing Transcript*, p. 51; Uribe, Virginia, "Gay and Lesbian Issues in School Programs," *Public Hearing Transcript*, p. 11; Warshafsky, Lynn, "Violence Within Gay and Lesbian Relationships," *Public Hearing Transcript*, p. 277; Weinberger, William, "Employee Benefits for Domestic Partners," *Public Hearing Transcript*, p. 185; Taylor, Mary, "Teacher Training in Family-Life Education," *Public Hearing Transcript*, p. 149.

<sup>16</sup> For example, the policy of the San Francisco Chronicle is to publish the names of spouses and immediate blood relatives as survivors.

<sup>17</sup> "Gay Couple Sues Over Reunion Photo," *Los Angeles Daily Journal*, Sept. 8, 1987.

<sup>18</sup> *The Advocate*, March 3, 1987.

<sup>19</sup> *The Advocate*, Sept. 1, 1987.

<sup>20</sup> *Lesbian/Gay Law Notes*, October, 1986.

<sup>21</sup> *The Advocate*, March 3, 1987.

<sup>22</sup> "The Nation," *Los Angeles Times*, Oct. 11, 1987.

<sup>23</sup> Testimony of Roberta Achtenberg, Joyce Nordquist, and William Weinberger, *supra*, note 15.

<sup>24</sup> Testimony of Leonard Graff, Brendt Nance, and Tony Melia, *supra*, note 15.

<sup>25</sup> Testimony of Jean Conger, *supra*, note 15.

<sup>26</sup> Testimony of Leonard Graff, *supra*, note 15.

<sup>27</sup> Testimony of Lynn Warshafsky, Lora Weinroth, and Robert Canfield, *supra*, note 15.

<sup>28</sup> Testimony of Virginia Uribe, Barbara Rosencrantz, and Mary Taylor, *supra*, note 15.

<sup>29</sup> Diane Himes, David Link, Linda Poverny, "Report of the Research Team on Gay and Lesbian Couples," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-192.

<sup>30</sup> *Report of the Commission on Personal Privacy*, State of California (1982).

<sup>31</sup> Executive Order B-54-79 (April 4, 1979).

<sup>32</sup> 63 *Ops. Cal. Atty. Gen.* 583 (1980).

<sup>33</sup> *Gay Law Students Assn. v. Pacific Telephone Co.* (1979) 24 Cal.3d 458.

<sup>34</sup> *Privacy Commission Report*, *supra*, note 30, at p. 422.

<sup>35</sup> *Id.*, p. 431; *Hubert v. Williams* (1982) 133 Cal.App.3d Supp. 1.

<sup>36</sup> 69 *Cal. Atty. Gen. Ops.* 80 (1986).

<sup>37</sup> *Curran v. Mt. Diablo Council* (1983) 147 Cal.App.3d 712.

<sup>38</sup> Civil Code Section 51.7, as amended by Stats. 1984, ch. 1437.

<sup>39</sup> Stats. 1987, ch. 1277, approved by the Governor on Sept. 28, 1987.

<sup>40</sup> Opinion No. 74-174 (May 9, 1975).

<sup>41</sup> *Privacy Commission Report*, *supra*, note 30, p. 411.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> *Id.*, at p. 412.

<sup>45</sup> Los Angeles Municipal Code, ch. IV, art. 4, Sec. 49.70 et seq.

<sup>46</sup> *Moore Shipbuilding Corp. v. Industrial Accident Commission* (1921) 185 Cal. 200, 207.

<sup>47</sup> *In re B.G.* (1974) 11 Cal.3d 679; *Katzoff v. Superior Court* (1976) 54 Cal.App.3d 1079.

<sup>48</sup> *Loomis v. State* (1963) 39 Cal.Rptr. 820.

<sup>49</sup> *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123.

<sup>50</sup> *Hinman v. Employment Development Department* (1985) 167 Cal.App.3d 516.

<sup>51</sup> *Marvin v. Marvin* (1976) 18 Cal.3d 660.

<sup>52</sup> *Norman v. Unemployment Insurance Appeals Board* (1983) 34 Cal.3d 1.

<sup>53</sup> *Donovan v. Workers Comp. Appeals Board* (1983) 138 Cal.App.3d 323.

<sup>54</sup> *In re Cummings* (1982) 30 Cal.3d 870 (see concurring opinion).

<sup>55</sup> Testimony of Roberta Achtenberg, *supra*, note 15.

<sup>56</sup> *Adamson*, *supra*, note 49.

<sup>57</sup> California Civil Code Section 2430 et seq.

<sup>58</sup> California Government Code Section 19859.3.

<sup>59</sup> *Donovan*, *supra*, note 53.

<sup>60</sup> *Privacy Commission*, *supra*, note 30, p. 127.

<sup>61</sup> Among the many reasons for promoting long-term commitments is the not insignificant medical risk resulting from having multiple partners. According to the *Surgeon General's Report on Acquired Immune Deficiency Syndrome*: "The risk of infection increases according to the number of sexual partners one has, male or female. The more partners you have, the greater the risk of becoming infected with the AIDS virus. . . . Couples who maintain mutually faithful monogamous relationships (only one continuing sexual partner) are protected from AIDS through sexual transmission. . . . This is true for both heterosexual and homosexual couples."

<sup>62</sup> Michelle Buehler, Diane Goodman, and Katherine J. Hamilton, "Team Report on Government Employee Benefits," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-450.

<sup>63</sup> Green, Richard, "A Report on the Status of Domestic Partner Benefits," (Draft Report prepared by the Lesbian and Gay Rights Project of the A.C.L.U., dated June 25, 1987).

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> *The Advocate*, July 21, 1987.

<sup>69</sup> See *infra*, "Institutional Influences — The City As Employer."

<sup>70</sup> *Atkisson v. Kern County Housing Authority* (1976) 59 Cal.App.3d 89.

<sup>71</sup> *Hess v. Fair Employment and Housing Commission* (1982) 138 Cal.App.3d 232.

<sup>72</sup> L.A.M.C., *supra*, note 45.

<sup>73</sup> Testimony of Kelly Brydon, Coordinator of the Fair Housing Council of the San Fernando Valley, *Public Hearing Transcript*, p. 89.

<sup>74</sup> Testimony of Leonard Graff, Legal Director of National Gay Rights Advocates, *Public Hearing Transcript*, p. 114; Tony Melia, President of National Business Insurance Agency, *Public Hearing Transcript* p. 189; Brendt Nance, President of Concerned Insurance Professionals for Human Rights, *Public Hearing Transcript*, p. 196.

<sup>75</sup> *Ibid.*

<sup>76</sup> See section of this report, *supra*, "Insurance — Lifestyle Discrimination."

<sup>77</sup> California Civil Code Section 2430 et seq.

<sup>78</sup> An interview with a staff member on December 23, 1987 confirmed the following rates: *individual rate* of \$18 per month for 23 months = \$414; *married couple rate* of \$27 per month for 23 months = \$621.

<sup>79</sup> The Auto Club of Southern California is not alone in its discriminatory pricing. The Chevron Travel Club, for example, charges \$36 per year for basic membership. A spouse can be added for only \$3 more per year. Thus, an unmarried couple would pay \$33 more per year than would a married couple.

<sup>80</sup> Bush, Peggy, "Discrimination Wars," *Los Angeles Weekly*, March 6, 1987.

<sup>81</sup> Civil Code Section 51; See also, "Unlawful Discrimination: Your Rights and Remedies," *Civil Rights Handbook*, California Department of Justice.

<sup>82</sup> *Edlen v. Sheldon* (1985) 164 A.C.A.3d 745, hearing granted by California Supreme Court, 2 Civ. No. B006873; but see, *Butcher v. Superior Court* (1983) 139 Cal.App.3d 58.

<sup>83</sup> *Kately v. Wilkinson* (1983) 148 Cal.App.3d 576.

<sup>84</sup> *Coons v. Joseph* (1987) 237 Cal.Rptr. 873; also see pending appeal in *Crabtree v. Spradlin*, Fifth District Court of Appeal, No. F004959.

<sup>85</sup> *Ledger v. Tippit* (1985) 164 Cal.App.3d 625.

<sup>86</sup> California Civil Code Section 51.3.

<sup>87</sup> The Virgin Islands adopted a Vesper Marriage Act in 1981. This unique form of marriage is limited to persons aged 60 and older. Although the parties are considered legally married, for the purpose of "taxation and the receipt of pension benefits, parties to a vesper marriage shall be considered and treated as single persons as though they had not entered into the marriage contract." See, V.I. Code Ann., tit. 16, Sec. 81-86. (Supp. 1982-1983).

<sup>88</sup> Testimony of Linda Knipps, *supra*, note 9.

<sup>89</sup> Gill, *supra*, note 9.

## IMMIGRANT FAMILIES

Sometimes called the "new Ellis Island," the City of Los Angeles becomes home to more than half of all immigrants arriving in California each year.<sup>1</sup> Most of these immigrants come without proper documentation.<sup>2</sup> About 74% of recent immigrants from Mexico and about 54% of recent non-Mexican immigrants to Los Angeles are not registered with the U.S. Immigration and Naturalization Service.<sup>3</sup> However, lawful immigration to Los Angeles is also sizeable. Each month, an average of 3,000 legal immigrants — most from Mexico, the Philippines, Korea, and Iran land at Los Angeles International Airport.<sup>4</sup>

One researcher has estimated that among recent immigrants to the state, about 30% are Latino, and more than 40% have come from Asian countries.<sup>5</sup>

Although the city's Latino population is diverse, about 80% Los Angeles Latinos are of Mexican descent.<sup>6</sup> Other countries of origin include Cuba, Puerto Rico, El Salvador, Dominican Republic, Columbia and Venezuela.

The city's Asian population is also diverse. About 25% of local Asians have Japanese origin, 20% have Filipino roots, 20% are of Chinese heritage, and about 8% are Vietnamese.<sup>7</sup>

A large number of immigrants are successful in assimilating or learning how to balance the old traditions in a new cultural context. The old traditions often emphasize the values of interdependence and harmony, while life in the United States is often exemplified by rugged individuality, independence, and competition. Many immigrant families lack the resources, support systems, and education necessary for a smooth transition.

Even with the diversity among immigrant families, many of the problems faced by such families are the same or similar. In this section of the report, the Task Force briefly explores some of those problems.<sup>8</sup>

### Cultural Differences

The Task Force notes that a degree of cultural adaptation is necessary for immigrants desiring to live in consonance with the mainstream life in their new home. Such adaptation may be very difficult for many reasons; sometimes notably for Asian families, the old discipline and the new freedom appear irreconcilable, especially in the context of the economic realities.

For example, traditional Korean families often consist of three generations, with elders and children cared for by the wife of the family's male income producer. In such an arrangement, obviously, the wife stays at home. Once in California, Korean families find that apartments are seldom large enough to accommodate three generations. Many women must give up the traditional home/caregiver role for out-of-home jobs that are necessary for the family's economic security, thus making care for elders an extra burden. Rifts often develop between easily adaptable and assimilated children and their more tradition-protecting parents and grandparents.

For some, these cultural conflicts — putting old discipline against new freedom, youth against elders, traditional family roles against the need for economic security — can lead to intra-familial strife, self-

identity crises, divorce, drug dependency, child and elder abuse, and even youth gangs.

The same problems — generational rifts, culturally appropriate housing, caring for elderly dependents, and educating children to balance disciplined tradition with new-found freedom — are replicated among many immigrant communities, always in the context of severe language and communication barriers. Ms. Irene Kwan-Chu, representing the Chinatown Services Center and the Asian/Pacific Planning Council, provided the Task Force with an excellent overview of the needs of Asian/Pacific immigrant families.<sup>9</sup> She surveyed leaders within the five major Asian communities in Los Angeles — Japanese, Chinese, Korean, Filipino, and Southeast Asian — and reported on eight common areas of need:<sup>10</sup>

The first one was in cultural conflict in immigrant adjustment. Whereas the Asian Pacific values, such as family, stresses interdependence and maintenance of harmony, their newly adopted homeland in the U.S. stresses individuality, independence, and competition, thereby causing some problems for families in adapting to this new culture. . . .

The second problem that faces them are intergenerational conflicts. Many of the families — with children usually adopting the new values at a much faster rate than the parents — have conflicts in communications. . . . Many of these problems result in the disengaging of the family unit. . . .

The third problem that faces this community is marital conflicts and domestic violence. As more stresses are placed on the family, marital disharmony and conflict often arise. . . .

With all of these problems facing the immigrant family, the number four problem is the emotional disorder that faces a lot of these families. There is a great underutilization of the mental health system because of the lack of knowledge of the mental health system in the U.S., as well as not enough culturally relevant services that are available to serve the Asian Pacific population.

A fifth problem is elderly support. When both husband and wife must work in order to minimally provide for their families, a lot of the elderly parents become burdensome to the couple and their children. . . . Many are not eligible for government assistance, medical aid or housing, so they really do become a burden to the family.

The number six problem is child guidance or school adjustment. Because of economic survival, many of the immigrant parents must necessarily work very long hours to meet their survival needs; therefore, their children go unsupervised and without guidance. . . .

The number seven problem arises from the number six problem, which is delinquency and youth gangs. . . .

The last problem . . . is substance abuse. From all the



above stated problems, a lot of times the youngsters take the easy way out, which is to escape by going into the drugs.

Ms. Chu suggested several ways in which the city could help its immigrant families:<sup>11</sup>

The city should study the needs, and research available services currently in existence to deal with the immigrant family problems. *Secondly*, document the needs unmet by the city, private sources, and other concerned entities. . . . *Thirdly*, encourage private/public partnership development to address these problems. *Number four*, use the community development block grant and other general revenue administered by the city to search for ways to fund organizations that serve the Asian Pacific groups. *Five*, encourage the school system to develop a relevant orientation in educational material to educate both youngsters and parents about the new culture and the new system. *Six*, encourage the federal government to fund more low-income and elderly housing in the various Asian Pacific concentrated areas. *Number seven*, provide mandatory cultural awareness training to all public service employees and encourage the same in the private sector. . . . *Lastly*, sponsor local legislation and encourage state and federal governments to develop the same to protect immigrant rights.

The individual immigrant communities often work to solve some of these problems internally. For example, for Japanese immigrants living in the downtown area, the Little Tokyo Services Center provides seminars on social security, Medi-Cal, Medicare, health issues, aging, and legal matters for the non-English speaking population. The Center also helps families with disabled persons, including stroke victims and developmentally disabled children. The need continues to be great for translation of essential consumer and human services documents, ethnically-sensitive care for the elderly and disabled persons, and emergency resources for families that are destitute or in crisis.

Other organizations helping immigrant communities include the Asian/Pacific Alcoholism Council, the Asian/Pacific Planning Council, the Child Abuse Prevention Assistance Project, the Filipino American Services Center, the Chinatown Services Center, Su Casa Family Crisis Support Center, Clinica Legal del Pueblo, El Centro de Accion Social, El Centro Community Mental Health Center, and the Community Youth Gang Service Project, to name a few.

Those who enter the country as actual or de facto refugees — whether from Indochina or from Central America — often experience additional problems including a sustained period of grief and emotional destabilization, much of which could be dissipated with appropriate counseling and support systems. However, both economic and cultural barriers keep many from seeking or finding assistance. Again, the communities themselves attack these problems to some extent at such organizations as the Indochinese Counseling and Treatment Center.

### Language and Discrimination

Michael Eng, co-chair of the Coalition for Harmony in Monterey Park, addressed how the recently adopted "English Only" initiative is likely to affect immigrant families in cities such as Los Angeles:<sup>12</sup>

The impact I think will be threefold. I think there will be resolutions, court challenges, and bills that will seek to deny funds for bilingual services. . . . There is also going to be litigation that will demand more funds for literacy programs for people who are bilingual or who are not fluent in English. . . .

I think secondly, there will be tremendous psychological, emotional and sociological fallout from the racial tensions that gave rise to the English-Only movement. Racial tensions hurt families; racial tensions hurt children. . . .

Third, I think there will be the political implications that immigrants or foreigners can be easy targets or scapegoats during elections.

Mr. Eng's first prediction has come to fruition. In October, 1987, several public interest law groups filed suit against the Los Angeles Unified School District seeking an injunction to force the district to provide English classes to all non-English-speaking adults who want to take them.<sup>13</sup> The waiting list for English classes had reached an all time high of 40,000 by the end of 1986. The waiting list was expected to exceed 60,000 by the end of 1987. Despite the large numbers of unserved immigrants, the district does accommodate over 200,000 adults in its English classes each year. Currently, more than half of the district's \$67 million annual adult education program is devoted to English classes for non-English speakers. Superior Court Judge Jerry Fields refused to issue an injunction.<sup>14</sup>

The Task Force on Family Diversity finds that there are too few adult English (ESL) classes available to city residents. With the passage of the English-Only initiative, the voters have placed a high priority on the teaching of English. Elected officials should respond by allocating more resources to erase the backlog of the thousands of adults who are on waiting lists for ESL classes. The Task Force recommends that the City Council give priority to this issue by insuring that more community block grant funds are awarded to privately operated ESL programs. The Task Force also recommends that the City Council adopt a resolution urging the Board of Education to allocate more resources to the school district's adult ESL program.

The second concern expressed by Mr. Eng — increased anti-immigrant prejudice — also has become a reality in Los Angeles in recent years. Four years ago, the Los Angeles County Human Relations Commission reported an increase in anti-Asian vandalism and violence in the county, noting that recent Asian immigrants and refugees were more likely to suffer discrimination and bigotry than Asians who have lived here longer, primarily due to language and cultural differences.<sup>15</sup> In 1986, the Commission reported a 400% increase in racially motivated violence over the previous year, with about 25% of the incidents being directed against Asian/Pacific Americans.<sup>16</sup>

Hate violence is a problem not only for the immigrant community, but for many minority communities in the city. The Task Force recommends that the City Commission on Human Relations investigate the problem of hate violence and submit a report to the City Council and the Mayor outlining what role city officials and agencies can play in eradicating this evil.

## Documentation and Amnesty

Stewart Kwoh, Legal Director of the Asian/Pacific American Legal Center, estimated that the Asian Pacific population in the City of Los Angeles is about 400,000 strong.<sup>17</sup> About 25% of this community are undocumented.<sup>18</sup> Only 10% of the undocumented Asians will qualify for amnesty under the provisions of the Immigration Reform and Control Act of 1986. Even in situations where an undocumented resident does qualify, there will be reluctance to apply for amnesty because of the possibility that other family members will not qualify. Mr. Kwoh explained that in many Asian immigrant families, some members qualify for amnesty while others do not. He cautioned:<sup>19</sup>

Indeed, the effect on the family will be most severe because many families, legally speaking, will be split apart and there will be a major question as to whether even the one who qualifies should attempt to legalize because of possible exposure of the whole family.

The fear that the amnesty program will cause families to split up has been expressed by numerous community activists, religious leaders and elected officials. A survey of 50 private groups counseling potential amnesty applicants conducted by the National Association of Latino Elected and Appointed Officials confirmed that many people are worried about family unity.<sup>20</sup> The Mexican American Legal Defense and Education Fund has called for the Immigration and Naturalization Service to issue a national policy on family reunification.<sup>21</sup> INS Commissioner Alan C. Nelson initially resisted adopting such a national policy, insisting that regional officials would consider family separations on "a case by case basis."<sup>22</sup>

Contending that 30% or more of the applicants for amnesty face the prospect of family separation when they apply, Roman Catholic Archbishop Roger Mahony urged immigration officials to adopt a "humanitarian approach" in dealing with the issue.<sup>23</sup> Archbishop Mahony and about 100 priests and nuns from the Los Angeles Archdiocese called upon INS Western Regional Director Harold Ezell to defer deportation of immediate family members who do not qualify for amnesty or to grant them extended voluntary departure, a special status that would allow them to remain in the country.<sup>24</sup> Last September, Los Angeles district director Ernest Gustafson granted a short extension in the first family separation case that came to his attention.<sup>25</sup>

Assemblywoman Lucille Roybal-Allard, chairperson of the Assembly Labor and Employment Committee's subcommittee on Immigration, proposed that the Legislature adopt a resolution urging Congress and the President to clarify the intent of the 1986 Immigration Reform and Control act to ensure against the breakup of family members who are seeking legal residency. In addition, the resolution urged the INS to defer deportations for family members of amnesty applicants pending such clarification.<sup>26</sup>

Apparently responding to mounting pressure, last October the INS issued guidelines designed to keep families from being separated under the amnesty law.<sup>27</sup> The guidelines call for administrators to exercise some discretion in allowing disabled or ill spouses not eligible for amnesty to stay in the country with their husbands or wives who are eligible. The guidelines would also allow ineligible children to stay if both parents qualify under the law. Several members of Congress criticized the guidelines and proposed their expansion so that children

could remain in the United States even if only one parent qualifies for amnesty. The Task Force on Family Diversity agrees with this suggestion. The Task Force recommends that the Los Angeles City Council adopt a resolution urging the INS to expand its family unity guidelines so that all children of immigrant families are allowed to remain in the country even if only one of their parents is qualified for amnesty under the Immigration Reform and Control Act of 1986.

## Housing

A housing regulation proposed by the federal Department of Housing and Urban Development would have a major impact on immigrant families.<sup>28</sup> Under the regulation, the federal government would deny rent subsidies to any family that cannot prove that each household member is a lawful resident of the United States.<sup>29</sup> A lawsuit filed in federal court to stop the regulation estimates that 500,000 families nationwide live in federally subsidized housing with an undocumented family member.<sup>30</sup> The lawsuit predicts that families in Los Angeles will suffer the most if the rule is enforced.<sup>31</sup>

The Task Force on Family Diversity finds that this federal regulation is overly punitive. There are less drastic alternatives available to the government. For example, those not eligible because of their undocumented status could pay their pro-rata share. That is what happens with food stamps when parents are not citizens and the children are. The Task Force recommends that the City Attorney monitor the progress of this litigation. If the case is appealed, the City Council should authorize the City Attorney to file a friend-of-the-court brief in the appellate court challenging the regulation.

According to the Bureau of Census, approximately 83% of recent immigrants settled in Los Angeles county.<sup>32</sup> Of these, one percent were Black, 24% were non-Hispanic Whites, 32% Asian, and 43% Hispanic.<sup>33</sup> Of all immigrant households with five or more persons per household, 86% were Hispanic or Asian.<sup>34</sup>

The census also found that only 17% of recent immigrants to the Los Angeles area were homeowners and the other 83% were renters. These figures were significantly different from the total number of non-immigrant owners and renters, which were 43% and 47% respectively.<sup>35</sup>

Both of these factors — size of household and type of housing — significantly impact the immigrant family. In the 1984 Southern California Association of Government (SCAG) report, researchers found that . . . about 15% of all households living in overcrowded conditions were recent immigrants — mostly Hispanic and Asian — although recent immigrants made up only 3% of the regions households. Overall, 44% of recent immigrant households were overcrowded compared with 8% for households in general.<sup>36</sup>

Hispanics were three times more likely to live in overcrowded conditions than the other minority groups, and 15 times more likely than Anglos.<sup>37</sup>

## Education<sup>38</sup>

According to 1980 data, the Los Angeles Unified School District was able to identify more than 80 different languages spoken within its student body. Spanish, Asian languages, and Armenian are the most

prominent languages spoken by students. Five percent of the total student population is comprised of immigrant children. Of these, more than 49% are Latino, 36% are Asian, 13% are non-Hispanic White, and about one percent are Black.

Today, the Los Angeles public school system is comprised of 56% Latino students and 8.2% Asian students, many of whom are children of recent immigrants.

As in the housing issue, overcrowding in inner city, minority dominated schools in Los Angeles contrasts with declining enrollments in outlying communities.

Adult education is also an issue for the immigrant family. Although only 37% of the immigrant population has completed a secondary education, and 56% of recent adult immigrants are not fluent in English, the demand for adult English education classes within the public school system has reached an unprecedented high.

Contrary to public opinion, immigrant families view education as a key to their occupational and social progress. For example, studies have shown nationwide that Latino immigrants are switching to English at about the same rate as German, Italian, and Polish immigrants who preceded them to the United States, and that the language shift is occurring faster among Hispanic origin youth than in previous eras. Nationwide, data on reading scores has shown increased competence among Latino school children since 1975.

According to the SCAG report, the following factors are current barriers in the educational process of immigrants: (1) a high level of overcrowding in inner city, minority dominated schools in Los Angeles which has contributed to a high dropout rate of 50%, particularly among students of Mexican origin; (2) a low number of English as a Second Language (ESL) classes for both adults and students; and (3) lack of sufficient funding of bilingual educational programs.

### City Task Force on Immigration

On February 7, 1986, the City Council established the Los Angeles City Task Force on Immigration.<sup>39</sup> The Task Force is comprised of one member from each council district. The City Council requested the task force to address "the City's problems due to an increasing number of residents from a multitude of backgrounds into a way of life that expands the social and economic opportunities and well being for all."<sup>40</sup> The mandate of the task force is to review issues of housing, health and welfare, employment, education, law enforcement, and inter-governmental cooperation.<sup>41</sup> The task force was directed to "develop a comprehensive immigration policy for the City of Los Angeles and report its findings and recommendations to the City Council."<sup>42</sup>

The City Task Force on Immigration initially held meetings once a month during May through August, 1986. Virtually all members were present during the first three meetings,<sup>43</sup> but then participation decreased until a bare quorum was present when the task force adopted its Interim Report on March 27, 1987.<sup>44</sup> The Interim Report was submitted to the City Council on April 10, 1987.

The Interim Report was referred to the City Council's Grants, Housing, and Community Development Committee for review, and there has been no further action since then.

The Task Force on Family Diversity finds that the needs of immigrants living in Los Angeles are not being adequately addressed by the City Task Force on Immigration as it is presently constituted. Accountability and diversity of membership is lacking since there is no central appointing authority. The function intended for the immigration task force is a laudable and important one. However, the mechanism created to fulfill the function needs reorganization. The Task Force on Family Diversity recommends that the City Council reconstitute the Task Force on Immigration, making the following changes: (1) the task force should have a limited lifespan, with a sunset clause disbanding the task force by June, 1989; (2) the task force should consist of 15 members; (3) each council member should nominate potential task force members; and (4) since immigration problems are intergovernmental in nature, the authority to appoint members to the task force should be vested in the council's Intergovernmental Relations Committee. The Task Force on Family Diversity further recommends that before formulating a comprehensive immigration policy for the city, the newly constituted Task Force on Immigration review relevant sections of this report as well as various background papers dealing with immigrant issues contained in the public hearing transcript and supplements to this report.

### IMMIGRANT FAMILIES: RECOMMENDATIONS

89. The Task Force recommends that the City Attorney monitor the case of *Yolano-Donelley Tenant Association v. Secretary of H.U.D.* (federal district court number 86-0846), in which federal housing regulations (51 Fed. Reg. III98) propose to end rent subsidies to households which cannot prove that all household members are documented residents. If the case is appealed, the City Council should authorize the City Attorney to file a friend-of-the-court brief in the appellate court challenging the regulation as overly broad and unnecessarily punitive.

90. The Task Force recommends that the City Council give priority to the shortage of adult English classes, by insuring that more community block grant funds are awarded to privately operated ESL programs. It is also recommended that the City Council adopt a resolution urging the Board of Education of the Los Angeles Unified School District to allocate more resources to the district's adult ESL program.

91. The Task Force recommends that the City Commission on Human Relations investigate the problem of hate violence and submit a report to the City Council and the Mayor outlining what actions city officials and agencies can take to more effectively eradicate this behavior.

92. The Task Force recommends that the Los Angeles City Council adopt a resolution urging the INS to expand its family unity guidelines so that all children of immigrant families are allowed to remain in the country even if only one of their parents is qualified for amnesty under the Immigration Reform and Control Act of 1986.

93. The Task Force recommends that the City Council reorganize the City Task Force on Immigration in the following ways: (1) there should be a limited lifespan, with a sunset clause disbanding the task force by June, 1989; (2) the task force should consist of 15 members; (3) each council member should nominate potential task force members; and (4) since immigration problems are intergovernmental in nature, the authority to appoint members to the task force should be vested in the council's Intergovernmental Relations Committee. It is further recommended that before it formulates a comprehensive immigration

policy for the city, the newly constituted Task Force on Immigration should review relevant sections of this report, as well as various background papers dealing with immigrant issues contained in the public hearing transcript and supplements to this report.

### Immigrant Families: Notes

<sup>1</sup> Mario Perez and Terry Gock, "Report on Immigrant Families," *Report of the Task Force on Family Diversity: Supplement — Part One*, p. S-144.

<sup>2</sup> Muller, T., "The Fourth Wave: California's Newest Immigrants," Urban Institute Press (1984), p. 5.

<sup>3</sup> *Id.*, p. 6.

<sup>4</sup> Baker, Bob, "For Today's Refugees, Pain is Gone," *Los Angeles Times*, July 3, 1986.

<sup>5</sup> Muller, *supra*, note 2, p. 6.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> The issues examined herein are developed more fully in: (1) the student research paper, see Opel, John, "Immigrant Families," *Report of the Task Force on Family Diversity: Supplement — Part Two*, p. S-703; (2) the team report, see Perez and Gock, *supra*, note 1; and, (3) the public hearing testimony, see Chu, Irene, "Asian/Pacific Immigrant Families," *Public Hearing Transcript*, p. 22; Eng, Michael, "Immigrant Families: 'English Only' and Its Impact on Cities," *Public Hearing Transcript*, p. 215; Kwoh, Stewart, "Asian/Pacific Immigrant Families," *Public Hearing Transcript*, p. 140; Shelby, Colleen, "Family Violence and Undocumented Persons," *Public Hearing Transcript*, p. 4.

<sup>9</sup> Testimony of Irene Kwan Chu, *supra*, note 8.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> Testimony of Michael Eng, *supra*, note 8.

<sup>13</sup> Hernandez, Marita, "Groups Lose Demand for Mandatory English Class," *Los Angeles Times*, December 1, 1987.

<sup>14</sup> *Ibid.*

<sup>15</sup> "The New Asian Peril," *Report of a Hearing on Rising Anti-Asian Bigotry*, Los Angeles County Commission on Human Relations (May, 1984).

<sup>16</sup> Testimony of Stewart Kwoh, *supra*, note 9.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> May, Lee, "Slow Alien Registration Tied to Fear of Splitting Families," *Los Angeles Times*, July 16, 1987.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> Hernandez, Marita, "Mahony Opposes Amnesty Separations," *Los Angeles Times*, June 9, 1987.

<sup>24</sup> *Ibid.*

<sup>25</sup> Becklund, Laurie, "First Amnesty Split-Up of Family is Stayed," *Los Angeles Times*, September 10, 1987.

<sup>26</sup> "Immigrant Family Unity Backed by Roybal-Allard," *Mt. Washington Star Review*, August 26, 1987.

<sup>27</sup> "New INS Directives Criticized in House," *Los Angeles Daily Journal*, October 22, 1987.

<sup>28</sup> Opel, *supra*, note 8, p. S-719.

<sup>29</sup> 51 Fed.Reg. 11198.

<sup>30</sup> Cox, Gail, "Deadline Nears for HUD Cutoff of Illegal Aliens," *Los Angeles Daily Journal*, Sept. 22, 1986.

<sup>31</sup> *Ibid.*

<sup>32</sup> Perez and Gock, *supra*, note 1.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> Council File No. 85-1948.

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

<sup>43</sup> Minutes of the City Task Force on Immigration.

<sup>44</sup> *Ibid.*