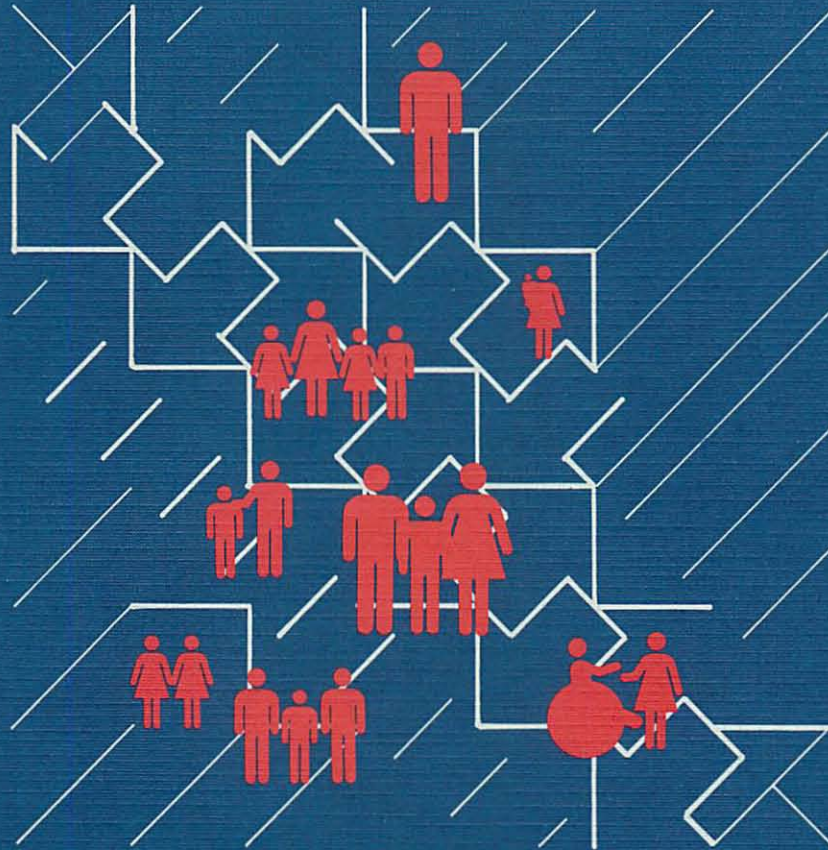


# Task Force on Family Diversity

*City of Los Angeles*



## Transcript of Public Hearings

January 28, 1987

February 19, 1987

March 16, 1987

April 8, 1987

**Councilman Michael Woo**  
*Convenor*

**Thomas F. Coleman**  
*Special Consultant*

**Christopher McCauley**  
**Nora Baladerian**  
*Co-Chairpersons*



**TASK FORCE ON FAMILY DIVERSITY**  
City of Los Angeles

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## **TASK FORCE ON FAMILY DIVERSITY**

### **Mandate**

WHEREAS, the family, as an institution, has played and continues to play an important role in the development of our city, state, and nation; and

WHEREAS, "family" is a broad and expansive concept, capable of encompassing a wide range of committed relationships; and

WHEREAS, most individuals, in furtherance of their inalienable rights to life, liberty, privacy, and pursuit of happiness, have formed and continue to form family relationships; and

WHEREAS, our city is rich in family diversity; and

WHEREAS, government should encourage the formation and development of family relationships; and

WHEREAS, government itself should not foster discrimination against families, nor should it tolerate unfair private discrimination against families; and

WHEREAS, in furtherance of our commitment to family life and individual freedom, the City of Los Angeles and its affiliated political entities should adopt reasonable measures to address the legitimate needs of families; and

WHEREAS, government authority to remedy family problems is vested in various levels and branches of government;

NOW, THEREFORE, I, Los Angeles City Councilman Michael Woo, by virtue of the power vested in me as a member of the Los Angeles City Council and as Chairman of the City Council's Intergovernmental Relations Committee, do hereby convene a TASK FORCE ON FAMILY DIVERSITY:

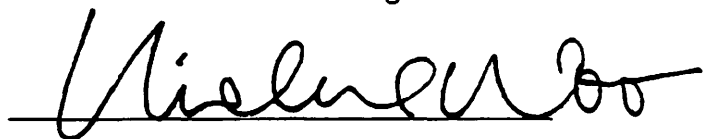
1. Said Task Force shall consist of two co-chairs and up to 38 other members appointed by me.

2. The co-chairs and members shall serve without compensation.

3. The Task Force shall study the nature and extent of family diversity in the City of Los Angeles and shall investigate any evident problems experienced by variable family groups, such as single-parent families, foster families, unmarried couples, gay or lesbian couples, or families with senior or disabled members.

4. The Task Force shall issue a final report approximately by June, 1987, documenting its findings, noting demographic and legal trends, and making recommendations for legislative, administrative, educational, or other appropriate actions which should be undertaken within the public or private sectors to address the special problems of families in Los Angeles.

Dated: April 9, 1986



COUNCILMAN MICHAEL WOO

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(Revised March 16, 1987)

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## **ACKNOWLEDGMENT**

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## **DISCLAIMER**

By publishing this transcript or by underwriting the costs of the hearings, neither the Task Force nor its fiscal sponsors are indicating approval or disapproval of the remarks or recommendations contained in the testimony of the presenters.

The publication of this transcript is intended to be an educational venture designed to enlighten the community and its leaders about the many pressing issues affecting contemporary families in Los Angeles.

The Task Force will adopt a position on many of these issues in a final report which is scheduled for publication in November 1987.

Transcript Production

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\* \* \*

*Note: The testimony has been edited appropriately for the transition from audio to print media.*

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**PUBLIC HEARING: January 28, 1987**

**CHRISTOPHER McCAULEY**

**Task Force Co-Chair**

**Opening Remarks**

**CHRISTOPHER McCAULEY:** My name is Christopher McCauley and I'm the Co-Chair of the Los Angeles City Task Force on Family Diversity. This afternoon is a regular open meeting of the Task Force. Today, we have a special series of presentations of invited expert witnesses.

We are engaged in an 18-month program. The Task Force was created by Councilman Michael Woo in May of 1986 for the express purpose of exploring, documenting and making recommendations about the changing conditions of the contemporary family in Los Angeles. The assumption that we are working on is that there may be a number of areas in public life, in public policy, that are not in sync with the way that millions of people live in our city. These new and changing and diverse family forms have not been thoroughly documented and it is one of our hopes that our deliberations during this year will yield a report that will be helpful to make policy recommendations and changes to the City Council.

Members of the Task Force come from a variety of backgrounds and experiences and they reside in various parts of the city so there is a diversity of people involved in this 38-member Task Force. Most Task Force members are part of two-person research teams.

Conceptually, we have divided our project into several phases. We completed our organizational phase last summer. Our initial research phase was conducted last fall when we were assisted by law students from the University of Southern California Law School, sociology students from California State University at Northridge, and psychology students from the California School of Professional Psychology. The third phase, our public hearings, we begin today. Over the next four months we will hear from distinguished members of the community who will share their ideas about various topics related to family diversity.

With that, I'd like to move to our first presenter. Jay Kohorn is an attorney who is with us in the capacity of Report Consultant.

**JAY KOHORN**

**Report Consultant**

**Studying the Family**

**JAY KOHORN:** As a member of the staff, so to speak, I would like to clarify that I am a presenter and not an official witness. I also would like to extend my welcome to all of you and tell you that this is the first of four public hearings to take place in Los Angeles on this subject. Public hearings will result in evidence which will be used ultimately in a report which will be filed with the City Council later this year. My primary job as consultant will be working on that report.

This public hearing then begins a historically important and significant process, both because of the importance of the subject matter that we're addressing and because of the method and the process that we're using. The subject matter is based on the recognition of the very real human diversity which is contained within society and the many ways in which human diversity is manifested in society's most fundamental institution -- the family.

Recognizing human diversity is very different from making judgments about it. We will not engage in the endless debate about the merits of different lifestyles or different personalities or different relationships or different types of family structures. For us that is all academic. The function of the Task Force is to recognize that the world has indeed gotten so small and we're all living so close together, both in proximity and in communication, that we must learn to live together and we must learn to work together constructively if we're going to continue to exist at all. The focus, then, is to learn to work together constructively to solve problems, and not to make alienating judgments. If we are each part of a whole, how arrogant it would be for us to assume everyone else should be like us. And the very real fact is that everyone else is not like us. The society is a rich and magnificent cornucopia of unique and individual and diverse people and relationships. We often celebrate the most unique -- those whose creative genius have given us art and culture and made a difference in the world and have made a difference in history. So every day we in society actually reap the benefits of our human diversity. And that human diversity is nurtured and protected by the relationships and the families which are formed by individuals. Family, then, in all of its diversity, can be seen as a protective structure. Not in competition with the individual, but supportive of the individual.

Because of the important role of the family in the socialization structure of society and the support structure it provides for individuals, Councilman Woo stated in the Task Force mandate: "Government should encourage the formation and development of family relationships and should not foster discrimination against families; nor should it tolerate unfair private discrimination against families." Councilman Woo specifically asked that the Task Force study and document the nature and extent of the family in all its diversity in Los Angeles and to investigate any evident problems experienced by families -- in other words, to find out what's getting in the way of families fulfilling their important function in society. The emphasis is again on finding solutions to important and real problems. That is what these public hearings are all about -- gathering the facts and determining what actually exists.

Before closing I'd like to make a couple of observations regarding methodology. There are two ways to prepare a study of this sort. One emanates from bureaucrats and government officials and is based on ideology rather than on reality -- the way they like things to be as opposed to the way they really are. You have a report that comes from that approach on your desks in front of you. It's called "The Family," a report prepared by a White House study group. You can examine any part of that report and it becomes obvious that the report is exclusive rather than inclusive. It is limited by value judgments and by its manifestation of extraordinary intolerance.

Our approach is just the antithesis of this. It emanates from the bottom up. It is based on citizens coming together and hearing from other citizens at the local level. In that regard, our approach is more like the White House Conference on the Family during the Carter administration. This is not a partisan comment, it is simply a recognition that the Conference began with local conferences, exploring issues and choosing delegates to statewide conferences where further issues were identified and delegates chosen for regional conferences, and then ultimately issues and delegates were sent to the National Conference. And it should be noted that gridlock became more apparent the farther the conference got away from the local level. It is, then, my hope that this Task Force can serve as a model for other task forces at the local level and that working together we can identify and discuss the problems which impede the fulfillment of our full human potential, which is, after all, our city's most valuable resource.

CHRISTOPHER McCAULEY: Thank you very much, Jay. On the subject of family violence and undocumented persons, Colleen Gomez Shelby is with us this afternoon from Su Casa, a shelter for victims of family violence.



**COLLEEN GOMEZ SHELBY**

**Shelter Director, Su Casa**

**Family Violence and Undocumented Persons**

**COLLEEN GOMEZ SHELBY:** Thank you. Domestic violence these days now includes elder abuse, child abuse, not only the abuse that takes place between one person and another. As we progress in terms of terminology, non-generic things, we find that wife abuse is now a misnomer. It's abuse that occurs between any two people -- between couples who are the same sex, opposite sex, any combinations. Domestic violence is defined as violence between one person and another regardless of color, size, or age.

In the United States one out of four families is affected by domestic violence. It transcends all socioeconomic backgrounds, ethnicity, age, ethnic, and religious groups. One out of every two women in California during at least one time during her lifetime will be beaten by her partner. Children reared in violent homes are often traumatized even if they themselves are not actual physical assault victims, although 50% of them are physical abuse victims. A more startling statistic is 63% of California youth incarcerated for homicide are there because they killed their mother's abusers. It's a very high statistic.

Shelters generally provide a 24-hour hotline, food, clothing, temporary shelter. Stays vary from 30 days up to a year in the more long term established shelters. In Los Angeles County there are only 385 beds, although in 1986 in L.A. County there were at least 12,000 requests for shelter for victims of violence.

In 1986, Su Casa served approximately 1,800 women on our hotline and 272 women and children in our shelters. Su Casa is the only shelter in L.A. County and one out of two in Southern California that offer 24-hour Spanish bilingual services. As a consequence of this, we generally get referrals from a number of different agencies who are not able to deal with clients who speak Spanish. Of the women and children that we have served, approximately 58%-60% of these Spanish-speaking people are undocumented. Shelters in this society -- at least in L.A. County -- have been identified as being safe, meaning we don't ask for a green card. Bruises don't appear on people just because they don't have a green card. We see that there is an estimated 450,000 people of Latino origin residing in L.A. County, and we have probably served a number of those people, if not only for our shelter services but also for information and referral services. One thing

that makes it difficult for these women to leave is, it's a difficult period for any person to leave a violent relationship -- the number of extenuating circumstances why a person will not leave. In any relationships with someone you know, it's not easy to walk away. For an undocumented person, it is doubly hard. Undocumented people have tended to live in the shadows of society, have not actively sought out services. City government is the very people that they tend to stay away from. Most of the women who are identified as undocumented and who remain in violent relationships -- we see an extraordinary number -- 30 some percent -- who indicate to us the reason they stay is because their abuser told them that they would report them immediately to immigration if they left. Now immigration is more interested in clearing out hotels and restraints than they are worried about one or two families. Though the woman who is in a violent relationship and isn't documented doesn't really know this.

We have served a significant number of women who come from other countries, mostly from the Central American countries, the countries that are currently in war and in strife. Those women tend to have injuries more on the torture level. They have more often been kidnapped from their villages and brought to the United States with their abuser. Most of them have been forced to take care of their abuser's mistresses and we see that in a very high percentage. The women who are the victims in this case tend to again stay with the abuser because he's the only one probably who speaks her language. She's afraid to venture out. If she's a rural person, she's not very sophisticated in knowing how to work in another setting. Also, she especially fears being deported. The United States represents a lot of hope for a lot of people. They're not going to risk that. Even if they try and find out the truth of it, they're not going to risk deportation. Thus, they stay in the relationship much longer. The women that we serve who were born here and who are Spanish-speaking tend to have different reasons for staying -- most of them, though, that are inherent in the Latino culture. It's a matter of family, wife, duty, God, a whole number of things.

What, then, can city government do to help alleviate family violence in the undocumented community? What we see is that most of the services that will be provided to undocumented people are filtered down through agencies that provide services without worrying about whether these people are documented -- such as the shelter. Su Casa and Center for Pacific Asian Women are the two centers in L.A. County which provide specific services to specific ethnic populations. Between these two organizations, we get a number of referrals for these specific populations in working with violence and also other aspects of their life. I don't think there will ever be a way where undocumented people will ever feel safe. We'll see what happens after the new law goes into effect, but still there will be a time when people are not feeling that immigration will come out every day.

One recommendation is that the city can help us keep our doors open. Funding varies. We get federal funding from the Community Services block grant, which was cut in the recent administration round of federal cutbacks. The County of Los Angeles provides marriage license fees -- the monies that you pay every time you get married -- to fund domestic violence programs and battered women's shelters. However, shelters are always struggling for survival because from year to year we don't know whether or not a grant will be renewed, if donations will come in, if tax laws are going to kill us. Administration changes, philosophy changes -- domestic violence is hot one year, child abuse hot a different year. We need consistency in funding. We need to make sure that at least the basic services are available always; the hot line, the shelter, the counseling program for the victims. In many domestic violence programs, outreach services to victims who do not want shelter for a number of different reasons tend to be very small, as is the program for the abusers, because the focus of all the funding tends to be on direct services to victims and not on preventative services.

My second recommendation is to suggest to private industry that it should get more involved in ongoing and consistent support with shelters. Adopt a shelter, have employees do a collection whereby that's their holiday exchange and donate that to domestic violence programs. As public funds dwindle, private industry needs to take up more of this slack, and most of them have set up foundations to do that; however, again they have their own restrictions and their certain ways to get into those foundations and it makes it a little bit difficult. Cold, hard cash is what is needed -- not furniture, not clothes, not food -- because those things are readily available. It is cold, hard cash that is needed, to keep the doors open, to pay for basic operating expenses; not to pay for anybody's raises; just to keep the doors open.

Three, support the maintenance both philosophically and monetarily of specialized domestic violence units within law-enforcement and criminal justice systems. Cheryl Ward Smith heads the Domestic Violence Council, and that has proven very effective for shelters that interact with other agencies such as law enforcement and criminal justice in order to maintain these specialized units. A new law was passed in January of 1986 which mandates law enforcement training for all police officers. I'm involved with that training with L.A. County Sheriff and Rio Hondo Police Academy so I've trained quite a number of the officers. Just in our Su Casa statistics, we have seen at least a 30% increase in the number of referrals of women to our hotline who were referred to us by the officers on the street. Sgt. Bob Canfield heads the unit out of L.A.P.D. which is the specialized violence unit. However, that unit is ending its three-year pilot program and it faces possible cutbacks. We would like to advocate that those units stay intact, and the domestic violence aspect doesn't get dispersed among reports, and then they throw us in under burglary and assault and a few other things. We would like this because once the victims know and the abusers know

that police are more supportive towards pressing charges -- the length in pressing charges, the reticence in even pressing charges then they will be more likely to come forward in much more frequency -- especially for undocumented women not worrying that the police are going to take them away or take their abusers away because usually the out-of-country women fear that, and that's why they won't follow through with pressing charges or any kind of formal legal notice -- even a T.R.O. -- because in their countries either government or police represent something that could be bought off. Also in those countries, men tend to stick with men and the woman is always the one who is wrong. So a number of those women will not follow through with pressing charges or any kind of formal legal proceeding against the abuser. These specialized units -- and right now the only one that has one is L.A.P.D. -- we are hoping that L.A. County Sheriff will establish one, but I think what we'll see is an increase in the number of women who will report and follow through with pressing the charges and also the number of abusers who will take it seriously now instead of being told to walk around the block.

With the new law, Senate Bill 1472, domestic violence is now a crime, it's not a family dispute. It's assault crime. Under the Penal Code it's 273.5. However, under that Penal Code it does not acknowledge partners of the same sex. So there should be an amendment to that statute.

Next, we would recommend legislation that would mandate counseling for abusers. Though abusers are the way they are, they are also victims. They have learned the abuse that they are inflicting upon other people. They have either witnessed it or personally experienced the abuse, and they need help. Though maybe 1% of all abusers even admit to accepting responsibility, mandated counseling is a way to begin stopping that continued generation of violence.

Fifth, you can do a number of things in terms of helping other agencies to know that shelters exist, that domestic violence programs exist -- work very closely with the city attorney's office, the D.A.'s office in getting people on that committee-- to have special prosecution units within those departments, to make sure that they're not dropped or kicked down from a felony to misdemeanor because someone wants to make a bigger issue out of a different case. I think family violence is everyone's concern. It happens too frequently in our society for people to ignore it. You never know if dollars that you spend on a shelter might be used for someone you know -- you'll be glad that they're open because someone you know will need them. So help us keep our doors open.

CHRISTOPHER McCAULEY: I would like to suggest that we give each of the appropriate teams, if they're present, the opportunity to open the questions. Each of these topics is very important and we need to move very quickly.

**MARIO PEREZ:** You mention the sources for funding. Currently, what sort of funds do you receive from the City of Los Angeles to aid Su Casa?

**COLLEEN GOMEZ SHELBY:** The only funds that have been awarded to any shelter in the city of Los Angeles have been from the settlement on behalf of L.A.P.D. who were sued because their police officers were not in compliance with that law. The City of Los Angeles does not give any money to any shelters per se. L.A. County does.

**MARIO PEREZ:** You mentioned the L.A.P.D. specialized units. Approximately how many members are a part of these units? And if you know, what areas do they cover in the City of Los Angeles?

**COLLEEN GOMEZ SHELBY:** They are headquartered, I believe, downtown. There is only one sergeant and six patrol officers.

**MARIO PEREZ:** You mentioned Su Casa and the Asian Pacific Shelter are the only two shelters that offer 24-hour bilingual hotline. Obviously there are situations where immediate steps have to be taken to aid the person who's calling. How do you provide immediate steps for those individuals that call in areas that you are not necessarily prepared to aid? For example, a woman calling across town and needing your assistance -- are there resources that you can provide?

**COLLEEN GOMEZ SHELBY:** Oh yes. We probably have more resources in knowing which agencies will speak the needed language than maybe our regular agency. We only have 12 bed spaces in our shelter, so we can't always take the people who are calling. So we have to refer somewhere else. Even for temporary stay, D.P.S.S. is one agency that we refer to quite often because they can provide a motel voucher for at least one night and that's getting them off the street until maybe the next morning. And that's what we do.

**LISA PORCHE-BURKE:** Colleen, could you tell me -- I know you said that there's 385 beds for over 12,000 requests and that's the County of Los Angeles. Do you know -- are there any beds in the City of Los Angeles?

**COLLEEN GOMEZ SHELBY:** Seventy-five, and that would be a high estimate.

**LISA PORCHE-BURKE:** You also mentioned preventive things that you do. How do you advertise? Do you advertise that your services are available and it doesn't matter if you're documented or not? Who do you advertise to?

**COLLEEN GOMEZ SHELBY:** We're in the Yellow Pages. Most shelters are in the Yellow Pages. Our street address is not advertised. Our hotline

is advertised. That's the point of intake for all shelters. We go to schools, social service agencies, law enforcement, medical personnel -- those people who would be most likely to identify abuse victims first -- counseling agencies, community groups, service clubs, and high schools. We're trying to get in the junior highs.

LISA PORCHE-BURKE: And, typically, the undocumented person has found you through an attorney?

COLLEEN GOMEZ SHELBY: No. Most of them come through word-of-mouth. Because they have probably sent what we consider our legal scout to make sure that there is not going to be any repercussions for them. So shelters have been identified as being "safe." There's no worry about papers to receive services. We find that most of the women that come to us are from word-of-mouth -- especially the undocumented ones.

LISA PORCHE-BURKE: Typically, what has been the experience of the undocumented woman that you've seen -- with the police department, when they've come out on a call, those officers that you haven't trained?

COLLEEN GOMEZ SHELBY: Usually, if a police officer responds to a violent scene, the woman who is undocumented will not come out of the house. The abuser will come out of the house and tell his side of the story and tell the officer that the victim was just hysterical, on her period, or she did really run into that wall. We're training the officers to make sure they get both sides of the story and to break eye contact between the victim and the suspect at the scene. Because if he's glaring at her she's not going to say anything. Mostly, though, it's kind of ironic that the undocumented women, because of their unrealistic fear of being deported or having immigration find out about them, tend to have one of two choices. In their countries, law enforcement meant extreme punishment. They would rather have their abuser alive than dead because police have taken them away and may not see that there's a process and just because they've taken him away at the scene means he's going to come back the next day -- he's not. But in Central America that's not always the case -- so they're not going to report. Hopefully, as we increase our services and reach out more, they will understand. Also, the undocumented abuser tends to not want to follow the laws of the United States, over which battering is a crime, and the new law will mandate that the officers tell them, "Well it doesn't matter what you say, you've committed a crime."

CAROL GILL: When you talked about all the groups that domestic violence comes across I can't help but be sensitized to missing my group - people with disabilities. Yet evidence suggests that people with disabilities compose an extremely high-risk group for domestic violence. As a mental health practitioner, I'm concerned about the insensibility of shelters to people with disabilities, including physical disabilities and cognitive, sensory

disabilities, blindness, deafness, etc. Do you know what's being done to open the shelters to disabled people?

COLLEEN GOMEZ SHELBY: We at Su Casa recently hired a person fluent in sign -- ASL, Pidgin, and all those other ones, and have attached a TDD to our hotline. As far as we know, we're the only one in California with that service. We are also in the process of building a new shelter which will make at least one room "wheelchair accessible." Shelters are moving towards making their current buildings wheelchair accessible, though it's a very slow process because most of the time we have to take what we get in terms of a physical facility and to renovate something into a place, where a physically disabled person would be a tremendous amount of money of which there's no funds available to do that. If there were funds available to do that, and as shelters become more aware, that is happening more and more. I'd say about a quarter of the current shelters now have handicap access. The sight disability, no. The TDD -- again, there's just us as far as we know. It's hard for us to go out in the community with someone who doesn't know how to sign or someone who's not sensitive to the issues of people who are physically challenged, though that is an issue with the Southern California Coalition on Battered Women.

ELAINE SIEGEL: My question is the concern for mothers who fear reporting, who feel the concern about what will happen to their children etc. What provisions do you have for the children of abuse victims? Are there provisions in the shelters for children as well?

COLLEEN GOMEZ SHELBY: Oh yes. The shelters are designed for women and their children. We do not accept children as our primary clients. One woman comes in with an average of 2-3 children. So at most shelters, there is a counseling program. We have an on-site school, we have a respite care program and a child-abuse identification, and parent-education classes. And shelters are more and more incorporating that into their program.

MARIO PEREZ: Do you know of any shelter that exists in the City of Los Angeles that services undocumented people?

COLLEEN GOMEZ SHELBY: I think Good Shepherd might.

CHRISTOPHER McCAULEY: Thank you very much, Colleen. We appreciate your being here today. Virginia Uribe, if you will come forward. Virginia is doing some pioneering work. She is a teacher and counselor at Fairfax High School and she has come today to speak on gay and lesbian youth, the curricula, and special programs available in the L.A. Unified School District. Welcome.

**VIRGINIA URIBE**

**Teacher-Counselor, Fairfax High School**

**Gay and Lesbian Issues in School Programs**

VIRGINIA URIBE: Thank you. My name is Virginia Uribe and I am a health and science teacher at Fairfax High School where I have been for over thirty years. My particular focus is gay and lesbian youth as they are represented in the curriculum and in the counseling structure of the Los Angeles Unified School District. The Los Angeles Unified School District is the second largest school district in the United States. We have in our Junior and senior high schools in excess of 350,000 students. So, if statistics are as we think they are, we are dealing with thousands and thousands of gay and lesbian youngsters, most of whom remain invisible in the system. Now, there are several areas of concern that I have in regard to this situation.

The first area of concern is in regard to educational curriculum material. Whenever relevant, we feel that the gay and lesbian population should be included. In fact, this is not true. I know of three major curriculum guides that are in existence right now and I'd like to bring them to your attention. One is a guide on suicide prevention. This has come down from the state and it is presently in the process of being implemented on the high school level. All high school teachers are being in-serviced for the suicide prevention course. Although we know in the gay and lesbian community that youngsters who are gay and lesbian are at much greater risk for suicide than in the random population, there is no mention of sexual conflict as a cause of suicide in this entire curriculum. So that's one glaring omission.

The second guide that is presently out is called "The Humanities Approach to Culture" which is part of a course called "Hands Across the Campus." The purpose of this course is to reduce bigotry and improve the relations between various cultural, racial and ethnic groups. This is a huge draft. It's in excess of 750 pages long, yet there is no mention of the gay and lesbian population as a group that has suffered discrimination or that is even mentioned at all in this.

The third curriculum is a model curriculum for human rights and genocide. This was mandated by Assembly Bill 1273 as material to be included in history-social science classes. As a matter of fact, it was the subject of an article a couple of days ago in the Los Angeles Times. Maybe



some of you read this. Of course there is no mention of the gay and lesbian population in this. So these are the three major curriculum guides and, of course, we feel that this is a glaring omission. So this is one area of great concern.

The next area of concern we have is the state and local curriculum guides for family life and sex education. The state guide -- I believe there is a hearing on that this month. This is already the subject of tremendous controversy because of what they call uncomfortable issues -- like abortion, and birth control, and, of course, homosexuality. I believe that the Parents & Friends of Lesbians and Gays is a group representing the gay and lesbian perspective in Sacramento, and they're going to testify at the next hearing.

Then the local guide that has been developed by the Los Angeles Unified School District: 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. However, we are working with the people in the Health Education Division to try and provide more material in the area of homosexuality. They have been very cooperative about this. So we hope to improve this guide.

Another area of concern that I have is the counseling programs for gay and lesbian youth. I believe that the only counseling program that exists for gay and lesbian youth in the entire Los Angeles Unified School District is the program that I have developed at Fairfax High School which is called Project Ten. I have brochures which I will leave here and can be passed around to the Committee. This 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 another 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 are very often 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 great number of family problems that are associated with this issue. In addition to that we now have the tragedy of AIDS, and gay and lesbian youngsters are extremely difficult to get education to as a group because they are so invisible. Although we have our health education classes which do something, it's extremely difficult to target particularly young gay men for the kind of information that they need. Project Ten is one way to gain access to them. Through the umbrella of programs that we can do with Project Ten, we can gain access to this population.

Another area of concern that I have is how are teachers trained, and is there enough funding? I was asked to comment on this. Generally, teachers are not trained well at all on gay and lesbian issues. Most of them are in total confusion about it. They don't know anything about gay and lesbian people. Most of the teachers who are gay and lesbian are extremely silent in the schools and for all practical purposes we are ignored because no one speaks up for us. So this is a real problem. Sometimes the training breaks down just because no one mentions that there are gay and lesbian people around. Just like when I questioned about the "Hands Across the Campus" curriculum I said "How come there's no mention of homosexuals as a group?" And the person that I spoke to said, "Well, gee, the woman who wrote the draft is a really nice person and I think she probably didn't even think of it." And I think that that is what happens a lot of times in the program. It's not that there is hostility against having the subject raised, it's just that it's not raised. It is not raised because if the gay and lesbian people don't raise it, the rest of the population is not going to raise the issue of this minority group. I think that I should mention however in the area of health education they are doing a lot in the Los Angeles Unified School District. They have certainly dealt with the subject of sexually transmitted diseases. I think that Los Angeles Unified is one of the first that has a comprehensive AIDS education program. They've worked with a lot of the members of the Board of Education and they are trying to give the perspective as much as they can. But they still need a lot of help in that area.

I'd like to conclude by making some suggestions of what can be done. This is not something that needs a lot of money, which you might be surprised to hear. Mostly, in the Los Angeles Unified School District what needs to happen is a change of attitude and I think that pressure has to come from committees and task forces like this. The message has to be given to the members of the Board of Education and to people who have some influence in the Los Angeles Unified School District that programs like Project Ten should be expanded to other schools. There is no reason why it should stay in one school. Certainly every gay and lesbian child ought to have a right to talk to some adult in any school where they are so that kind of a program has to be urged to be expanded. I think that contacts have to be made with the head of Health Education to constantly work where they're very receptive to these kinds of ideas. But we have to make the effort to work with those people so that they include issues of homosexuality and gay and lesbian people in their curriculum. I think a contact should be made to the person who wrote the "Hands Across the Campus" guide, suggesting that maybe she should review the draft and include one other minority group when they are speaking of minority groups.

Do any of you have questions?

CHRISTOPHER McCAULEY: Very good. Thank you, Virginia.

DIANE HIMES: Something just happened in Sacramento for your information too. Bill Honig has on his desk a rewritten "homosexual neutral" definition that is supposed to be coming down the pike and a very expanded AIDS/sexual-transmission information. Twenty-one Republican assemblymen, and we're now up to eight Democratic Assembly members are petitioning him with language from 1890 about sexually deviant behavior and they're trying to squelch it. There is an organization called "Life" that's 25 gay organizations keeping an AIDS lobbyist in Sacramento. What I would appreciate very much, and I'm so pleased to meet you after hearing about you and the wonderful program, is input from you and from me to you that we could make this more a statewide issue than a citywide issue -- specific cities and specifically to Bill Honig -- when I go up this week. What my concern is, is that we can make homosexuality a neutral subject. We could teach the heterosexual youth how not to get AIDS too.

VIRGINIA URIBE: May I comment back? I believe that the directives from the Center for Disease Control -- perhaps the approach should be in teaching about AIDS -- and I have actually been doing this in some noontime seminars is to not focus on lifestyles but rather to focus on the type of behavior that is high risk and I have found that that is a very effective approach. I wonder when you say a homosexually neutral position but I think it is possible to not make a value judgement when you talk about risk behavior if you just talk about it in the general sense and I have been addressing groups of 40 students that are mixed groups. They are gay and non-gay -- one of the reasons I have been doing that -- trying this approach that you're speaking of -- is because even with Project Ten and with all the work I've been doing it is very difficult to get the young gay men to come by themselves into a room where they're going to be looked at and just have them. So I've expanded these safe-sex seminars to include everybody and this neutral position does work.

DIANE HIMES: I have a question on testimony from one of our students, saying that the way the L.A. Unified School District training was scheduled, there were very, very few teachers being trained in homosexual issues, and/or AIDS issues, and she said that at this time there were only 60 teachers who had been trained.

VIRGINIA URIBE: Well, there aren't very many that are being trained. First, the training is limited, and then it's only directed to Health Education teachers because they're the ones who are supposed to be dealing with AIDS education. They had some training groups this summer and I think they were small. They were between 60 and 75 and I think that was because the funding was limited to that. Now, those were specific training sessions, but all health teachers -- as a result of the mandate from the Board of Education to teach about AIDS education -- all health teachers were in-serviced as a group last year, the health teachers and the nurses. That's somewhat satisfactory. Although I think that L.A. Unified is doing as

good a job as anyone is doing with AIDS education, it really is not enough because the visibility has to be kept high all the time. Kids take health and then they don't hear anything more and they're amazingly ignorant.

DIANE HIMES: I received feedback from the National Organization of Women - National Headquarters, that they had just completed a study and it was their impression that heterosexual youth were not changing their sexual habits at all. For example, homosexual adults in San Francisco, as you know, have changed their behavior tremendously to try to prevent the spread of AIDS. But the heterosexual youths do not feel affected.

VIRGINIA URIBE: They don't feel affected, and the homosexual youth -- young, gay males also don't know what's happening, the ones that are in the school. If they're not part of an organized gay community and if somehow they haven't gotten to the "Stop AIDS" project or they don't know of anyone who has brought them, they don't know what's happening. When they get to high school they have already engaged in unsafe sex practices and everything and never heard anything in junior high and they're already there in high school and that's when they start to hear the message.

ADELE STARR: It seems to me we're talking about two different things about homosexuality. One is about AIDS education and the other is education in connection with suicide prevention, culture, and genocide as well. What age students are now being taught about sexually transmitted diseases?

VIRGINIA URIBE: Junior high school students and senior high school students. They are supposed to be taught in Los Angeles Unified. They are supposed to be getting that in their 7th grade health class.

ADELE STARR: Apparently the teachers are trained. Now what about the training of all the teachers that are going to be needed if we do manage to get all this guidance change. What can be done to get that training on the way?

VIRGINIA URIBE: I have a list of people within the school district that can be contacted and I believe that pressure has to be put on the superintendent, the deputy superintendent, the people who are in charge of counseling and guidance. They just have to keep hearing the message of what they need to include.

ADELE STARR: Well, if it's included and there is no one there to teach it -- that's why I'm raising....

VIRGINIA URIBE. Well, we'll have to develop people to teach. I will lead that myself, if they will just release me timewise from school to do that and encourage the development of this in the counseling program.

That's why I say so much of it is just a change of attitude. A lot of people ask me if I have encountered hostility about this program and I really have not. We approach it as a counseling thing and so far there has not been very much that's negative but what I have encountered is simply indifference or invisibility. I have to keep pushing it to let people know it's happening.

ADELE STARR: We are getting requests now from all over the country for Project Ten pamphlets that Virginia has put together.

VIRGINIA URIBE: Well, your organization, Parents & Friends of Gays, has also done as much as anyone could do with regard to the schools, but I'm sure you've encountered this too. It's very frustrating. You put yourself there as a resource and you become an approved resource and then nobody asks you to come and speak so you have to fight that all the time.

PAULA STARR: Do you think that with the L.A. Unified School District's school-based clinics that Project Ten could be somehow implemented with having us apply that pressure to the school board?

VIRGINIA URIBE: Well, I would prefer to keep it separate from the school-based clinics because they are the subject of tremendous controversy right now. I would just as soon that the archbishop not hear about Project Ten.

THOMAS FRANK COLEMAN: For the record, I would like to report that State Superintendent of Education Bill Honig had a meeting a week ago Monday with members of the San Francisco lesbian and gay community. He was receptive to including gay and lesbian issues where appropriate in various places in the curriculum, such as including gays in the genocide curriculum and in the model suicide-prevention curriculum.

CHRISTOPHER McCAULEY: Virginia, thank you very much. We appreciate your testimony. I couldn't help but think when Virginia came to her recommendations, when she said that these were either low or non-cost items, she said that the first recommendation was a change of attitude, which strikes me as maybe the highest price that any of us pays when we change attitudes about something. A good comment and excellent program. Thank you.

Thomas Kring is our next witness. He is the Executive Director of the Regional Family Planning Council and he is here today to give an overview of teen pregnancy prevention programs.

**THOMAS KRING**

**Executive Director, Regional Family-Planning Council**

**What Works in Teen Pregnancy-Prevention Programs**

THOMAS KRING: You gave me a topic that if I knew what worked we wouldn't be here because there wouldn't be a problem of teen pregnancy. So let me tell you briefly about what we do and then I'm not going to go into great detail about the programs but to give you some ideas.

We fund 35 programs including the County of Los Angeles. We provide comprehensive reproductive-health services including birth control, sterilization, no abortion (and by the way I don't represent the archbishop) to about 165,000 low-income women per year. We do not ask for documentation before we provide services. We have numerous problems existing in our clinics that affect teen pregnancy and I will leave you some statistics. But let me just give you a few things to reflect on as we look at the program.

The first couple of statistics are 3 or 4 years old and I think are probably still accurate. Twelve million of the 29 million young people between the ages of 13 and 19 in the United States have had sexual intercourse. By age 19, 80% of all males and 70% of all females have had sexual intercourse. That's probably fairly accurate for Los Angeles County and the same percentage of statistics, except Los Angeles is higher. Let me give you some raw quick statistics for L.A. County just to show you what we're talking about. We don't break the statistics to citywide. They are countywide. One out of every 8 births recorded in Los Angeles County in 1984 was to a teenager -- which means there were approximately 17,604 births to teens. When I say teens I'm counting 18 and under and not 19 and under. The birthrate for L.A. County is 54.9 per 1,000 which is higher than the birthrate for the State of California or the birthrate of the United States. In 1984, 12% of all the births in L. A. County were to teens. Approximately 26.2% of all the abortions performed the same year in L. A. County were for teen age girls, or approximately 20,674 abortions performed in L.A. County were performed on teenage girls. I can talk about second pregnancies. I'll say that more than 75% of all pregnant teens in L.A. County drop out of high school and never graduate. Probably of most significance is the annual Medicare costs, MediCal costs, for delivering teen pregnancies, neonatal intensive care, and rehospitalization that costs the State of California \$105 million. That's only for birth and things associated with birth and does not count the welfare costs that go beyond birth.

What's happening in Los Angeles in relation to teen pregnancy? There's a lot happening, a lot of programs. We have programs in the County Hospital, where every single teen who gives birth at the County Hospital, receives extensive counseling related to contraceptive care, related to trying to prevent second pregnancies or third pregnancies, as the case may be, at times. We have teen programs where we have teen advocates in the schools who are delivering sex education, peer education, peer counseling, peer advocates. We have people who are being paid to be teen mentors, role models; we've hired football players to talk to their peers about why they abstain. You can just about name it. And there's a couple of people that I know here in the audience. Paula Starr and Nora Baladerian could tell you, probably, the programs that are funded to deal with teen pregnancy are way too long for us to mention in 5 minutes, or 5 hours. We have been working closely with the schools in terms of school-based clinics. We have programs that are dealing specifically with teens and chlamydia. We have teens dealing with teens and AIDS. You are aware of AIDS, chlamydia is equally a significant problem. We find in our teen population about 17% of all teens right now that are coming into the clinic have chlamydia without knowing that they have chlamydia. Chlamydia is probably the widest spread -- the most "popular" disease there is. It's a silent disease, it has very few symptoms, teens don't know they have it. The results are infertility. It's estimated that probably as high as 75% of all cases of infertility in the United States may have resulted from chlamydia infection at one time or another. The problems facing us with teens, with the clinics, are great and I want to stress that of all the clients that we serve, (only about 12-15% of our clients are teens), the average client being seen in our family planning programs are extremely low-income. In Los Angeles County it's: 83% are below 100% of the federal poverty level which is extremely low income, do not have MediCal or Medicare and already have one child. And the average age of our client is between 22 and 24. The average client is also Hispanic, because 65% of our client's at this time happen to be Hispanic.

There are several things that we would like to see somebody do. A crisis facing the clinics right now is malpractice insurance. I know that it is not regulated by the city, it's not regulated by the county, and the state claims they don't regulate it either. We have clinics that last year paid \$4,000 for malpractice insurance, were cancelled with 30-day notice, have found new carriers where their bills are \$90-95,000. We have one clinic where we give them \$60,000 in federal funds and the latest insurance quote was \$90,000 for malpractice insurance. They will be closing. We have a major clinic in Santa Monica that will be closing Monday unless we advance them funds because they don't have malpractice insurance and can't get malpractice insurance. There's a tremendous crisis. We'll be calling a press conference shortly to discuss this. Without finding malpractice insurance, we'll see clinic after clinic close and the county will be forced to take over all services.

What can happen? I think what we would like to see the city do -- obviously we'd like to see money. We've received a couple of very small grants at our clinics from the community development funds. But I think more important than money -- which I realize the city doesn't have and the city doesn't grant money for health very often -- more important would be to see the city become actively involved in endorsing projects. I wish that the City Council were well aware of what's going on in teen projects. I'd like to see a Teen Pregnancy Task Force to look at what could happen. One thing simple that could happen that makes a big difference is endorsements. To have the City Council actually endorse a grant proposal to the Robert Wood Johnson Foundation. It may seem like a small thing to the city, but a clinic that's struggling to get that kind of endorsement on official stationery can mean a heck of a lot. Endorsements to the state. We have legislation which we'll be introducing relating to malpractice. We think the County Board of Supervisors will support us if the City Council would support the state getting involved. The main thing I could say is endorsements from the state, the federal government and the foundations. Somebody mentioned getting industry to give private money. It's basically using the clout of the City Council to encourage others to become involved and I think it's the most important thing the city can do for us.

**CHRISTOPHER McCaULEY:** Each of these topics is sort of fascinating to us so it's our temptation to keep everybody here for hours, but we'll refrain. I'd like to begin with questions from Nora Baladerian and then perhaps back to Adele and Paula Starr.

**NORA BALADERIAN:** I have a couple of questions. The first relates to the teen -- the peer counselors -- which seems to be a most effective way of dealing with it. You mentioned a couple of things about that, but one is the monies that I know were allocated a couple of years ago for promotion of abstinence and I'm wondering how effective that is.

**THOMAS KRING:** There is still federal money earmarked for abstinence promotion. I think it's important to give kids permission to say no. It's important to give kids permission to abstain. I don't think that's the answer. I was waiting for the President last night in the State of the Union speech to say, in relation to drugs and sex "Just say no." I'm not sure it works with drugs and I know it doesn't work with sex. In the heat of passion you don't say no. I think it's important but it's not the answer.

**NORA BALADERIAN:** Is it effective?

**THOMAS KRING:** There have been abstinence programs that have been effective. I don't want to say abstinence programs. There have been programs that have been effective and dealt with abstinence as one of the issues. There's a program called "teen talk" that's been an experimental program in Texas, basically kids who weren't sexually active, some of them



became sexually active, some didn't. There was only one kid in the entire program that was sexually active and decided to abstain. But what it did do was -- it gave kids permission to continue abstaining if they wanted to and encouraged kids to be responsible and use contraceptives if they didn't, or also have safe sex. I would recommend a good program coming up on the 8th of February, Valerie. It's going to deal with two teenagers trying to have sex and using contraceptives. It's a good approach by the media to try and deal with it. The media is obviously one thing that we need to deal with. One other thing the city could do is write letters to the legislature opposing the Governor's block grant program. With the block grant program every single teen program that we fund in Los Angeles County will be defunded.

**NORA BALADERIAN:** The other question that I have is, are we seeing an improvement in the rate of teen pregnancy reduction and what creates reduction?

**THOMAS KRING:** We're seeing a drop nationwide in teen pregnancy and it's hard to say why. Part of it may be a fear factor that's there. I don't think it's a moral change. I'm not sure we can take much credit ourselves for the drop. We see more and more teens in the clinics but there are more and more teens in society. Teen pregnancy rates have gone down, the numbers have stayed about the same. There's been a lot of argument that says that what family planning has done is not decreased the number of pregnancies, decreased the number of births -- and I have to say that there's probably truth in that -- the number of births has decreased because of abortion being available, obviously; and because of kids getting counseling where they're made aware of their options. So the number of births has gone down drastically in recent years. We're still the highest pregnancy rate among the developed nations of the world.

**PAULA STARR:** Do you see L.A. County taking the leading role in the development of minority-sensitive family life education curriculum throughout the state, and perhaps nationwide?

**THOMAS KRING:** There's a need for it. We've had for 2 or 3 years now the multicultural, multilingual program which the state has told us they don't want to fund anymore.

**PAULA STARR:** In your opinion, why does the state want to defund that?

**THOMAS KRING:** Sacramento is not very multiethnic I'm sorry to say, in the hierarchy or the structure, or the people. I think it's an insensitivity on their part -- where they said basically you've done training and you've done basic language skills, virtually everybody in the state has had the opportunity to be trained once in the past three years, we've done

our share of multilingual, multicultural programs, which is an absurdity because of the staff turnover, the continuing client turnover etc. We'll continue to fight it, we'll continue to offer programs even without state funding. We'll fund it with Federal funds and continue to push more and more available, more and more diverse. Irene's just been on a task force dealing with Southeast Asians. I'm looking at what we should be doing there because we haven't done what we should have in Family Planning for the Southeast Asian population either.

CHRISTOPHER McCAULEY: That's the best lead-in I've ever heard to the next witness. Thank you, Mr. Kring. Irene Kwan-Chu is here from the Chinatown Services Center which is a very large program and has a rich history behind it. She is here for a few minutes to speak with us about Asian/Pacific immigrant family needs, generally, with some suggestions, recommendations, and then we'll take questions.

**IRENE KWAN-CHU**

**Chinatown Services Center**

**Asian/Pacific Immigrant Family Needs**

IRENE KWAN-CHU: Thank you, Chris. I am Irene Chu and I'm here representing Chinatown Services Center, which is a community-based, comprehensive social service program. But also I'm here representing the Asian Pacific Planning Council, or APPCON which is a coalition of about 40 different organizations and individuals serving the human service needs of all the Asian Pacific community of all of Los Angeles County.

There are approximately 26 different groups that comprise the Asian Pacific population. I won't take 5 minutes times 26 to go into this testimony. But the complexity of the testimony I have today, includes all these groups, their problems, and their resolution to their problems. To further complicate matters the immigration pattern was quite different for all of these groups. Therefore there are wide different generational timing and that makes the identification of these problems also a problem. Also within each of these Asian Pacific groups there different age group, each with its characteristics and problems also. It's important to keep in mind that all the problems that we're addressing today, in terms of family diversity, exist in the Asian community. There are two major barriers, language and cultural adjustment, that supersede over the entire problem.

I would like to give you a little bit of a demographic background of these groups. The Asian Pacific population in Los Angeles grew from 338,000 in 1970, to 457,00 in the 1980's, which represented 92% increase in this 10 year period. Now, currently in 1985, the estimation of the Asian Pacific population for Los Angeles County is 792,000. Since the immigration pattern for the Asian Pacific population is again rising toward the high levels we had in the early period in U.S. history, it is safe to assume that this growth will continue. In fact, the Asian Pacific Rim profile put out by United Way has already estimated that the Asian population will be the largest growth population in Los Angeles County. That is not even taking into consideration since 1975, when a massive influx of Southeast Asian refugees started coming into Los Angeles County to further complicate many of the problems in Los Angeles County. With statistics such as 65% foreign born, 6% speaking absolutely no English and 21% not speaking English well in the Asian community, it really gives you a clear picture of the special characteristics.

In trying to identify some of the problems that exist in the community, since there are so many groups of us, I did telephone surveys to the various community organizations and I identified five major groups with the most population in Los Angeles County. They are Japanese, Chinese, Koreans, Philipinos, and Southeast Asian refugee population. Southeast Asia really includes Vietnamese, Laotians and Cambodians. While there are really very diverse differences among these groups, there are some common maladies and a lot of them have really to do with the problem that exists in the community. I came up with about eight that were identified by these five major groups.

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. Many have to learn a completely new language, adopt a new lifestyle, cope with pressing economic survival issues. Also, too many of the immigrants face discrimination both on an individual basis, and on a systematic level, that slows down their culturing process as well for their families.

The second problem that faces them are intergenerational conflicts. Many of the families -- with the children usually adopting the new values at a much faster rate than the parents -- they have conflict in communications, and adopting of the different values. Many of these problems result in the disengaging of the family unit. In the Asian Pacific family they traditionally value the extended family where there is a wide system of support. In America, they must face up to the fact that the nuclear family is really the norm. The traditional world where the parents demand complete obedience from the children, especially a father, oftentimes are impractical to practice in the U.S., therefore creating problems in generational communications. Where children are often more anxious to acculturate -- be accepted by their peers -- parents have conflicting feelings about abandoning traditional values and beliefs that can further split up 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. Because the immigrant families have to face so many different adjustment processes, a lot of these stresses are added on to the family acculturation process. The parents have to face problems such as role reversals, temporary or long-term setback in career goals and earning, loss of self-esteem and status. All of this creates a lot of marital problems that even extends to domestic violence. Where divorce and separation are still viewed as a shameful outcome of a marriage a lot of the abandoned wives are often isolated emotionally and financially, with themselves and their children. Just for your information, a third of the

Southeast Asian refugee families are headed by female households. Therefore are economically disadvantaged.

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 because the Asian Pacific value teaches children to respect their elders as well as taking care of elder parents. When they cannot do it because of circumstances in the U.S., it really puts a lot of guilt feelings on these children. To compound matters, these immigrant elderly usually are not well versed in the English language, do not have marketable skills; therefore they cannot work and support themselves. Many are not eligible for governmental assistance, medical aid or housing, so they really do become a burden to 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 and a lot of times the parents really don't understand the law that exists in the U. S. in regard to child neglect, child welfare and abuse law, so they oftentimes get into trouble because the definition from their homeland and the definition from the U.S. is very different.

The number seven problem arises from the number six problem, which is delinquency or youth gangs. Because many youngsters are in their haste to enter into the American culture and be like their American peers, they will overcompensate by being overly Americanized therefore creating more conflict between the parent and the children. Or they will band together with their own ethnic group for support and social acceptance, which can become gang related activities. Because parents are preoccupied with economic survival they often don't have the time or the energy or the understanding to deal with these kind of problems for their children.

The last problem I identified is substance abuse. From all the above-stated problems, a lot of times the youngsters take the easy way out, which is escape by going into the drugs. The Asian American Drug Abuse Program is only one agency currently available in Los Angeles County that can provide culturally relevant and sensitive services to deal with drug addiction. Because the parents are not very familiar with the American system, they do not know where to begin to get help.

There is a general consensus in the Asian Pacific community that there are not enough services available that are culturally relevant and sensitive to serving the Asian Pacific community. In my own view, the prevention really goes a long way. By interfering at the beginning stage where the immigrant family first comes into the country, a lot of the problems or potential problems could be averted and it would be much more cost-effective in terms of money as well as suffering in the long run.

I recommend the city should study the needs, and research available services currently in existence to deal with the immigrant family problems. Secondly, to document unmet needs by the city, private sources, and other concerned entities about the serious lack of services to the Asian Pacific community. Thirdly, encourage private/public partnership development to address these problems. Number four, using the community development block grant and other general revenue administered by the city to search for ways to fund organizations to serve the Asian Pacific groups. Five, to 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. To encourage the federal government to fund more low income and elderly housing in the various Asian Pacific concentrated areas. Number seven, to provide mandatory cultural awareness training to all the public service employees and encourage the same in the private sector to promote better understanding among the diverse groups that reside in Los Angeles and especially Asian Pacific communities. Lastly, to sponsor local legislation and encourage state and federal governments to develop the same to protect the immigrant rights -- and one of the ones that is being really threatened right now is the "English-Only Initiative" which can ultimately affect a lot of the services that are currently available to the Asian Pacific community.

CHRISTOPHER McCAULEY: Thank you. That was very focused testimony and we appreciate it. Let's go immediately to questions.

MARIO PEREZ: Currently is there a center where an immigrant, an Asian, for example, can report to and a center where he or she may be notified of all the available means and resources that they may have, or are these pretty much dispersed around the city of Los Angeles? Do you know of any?

IRENE KWAN-CHU: Well there are some agencies available and Chinatown Services Center in Chinatown is one. We serve mostly Chinese and the Indo-Chinese population. There is one in Little Tokyo serving the Japanese and usually elderly population. That's it. The Korean community has a Youth Service Center. There also is a Philippino Youth Service Center, but there is no widespread, comprehensive social service to serve these other groups. Also, there is no systematic way of identifying needs for the immigrant. If problems are serious enough, they will drop into the

service center, for a lot of Asians are not used to asking for assistance. So by the time they ask they are in crisis or they are chronically or severely in need, which is what I went back to in terms of cost effectiveness. We can catch this before it gets that far.

MARIO PEREZ: I think what you just said really accentuates the lack of existing preventive programs. My other question is, one of the things we understand in terms of the Asian community is that they do experience underemployment rather than unemployment, much greater than in other communities. What sort of programs are there to help these individuals integrate more into the economy and have them offer their resources? Do you know of any?

IRENE KWAN-CHU: Yes, there are several employment programs that are geared toward the Asian Pacific population. The Southeast Asian refugee money that has been coming in is targeted strictly for employment related services and there's no social service available for this group; it's only towards employment. I think that's the general direction of the Federal government is to make them self sufficient and independent at the earliest stage. The JAPAN Employment program and the TAB, and the Indo-Chinese funding coming from the State are dealing with employment, specific training, and employment services.

MARIO PEREZ: Do you know if any of these funds are coming from the City?

IRENE CHU: Well it's of Labor money channeled through the City and the County of Los Angeles. But as I said, there are only three programs serving all of Los Angeles County.

ELIZABETH CLARK: The problem that you mentioned of elderly parents at home while both of their children or in-law children are both working is of course also a problem for non-immigrant families as well, and I don't expect you to have a perfect solution, but have you thought of any ways to serve those elderly who are at home and who are perhaps frail and need meal services or other sorts of help? Are there any programs that you know of or any that you have thought of developing?

IRENE KWAN-CHU: To my knowledge there's no funded program to serve the elderly and my idea to resolve some of these problems is to perhaps do more day-care. There's no Asian Pacific senior day care program available in the community. A lot of these seniors are really isolated, therefore they become more burdensome to their family, but if they have somewhere to go for socialization, recreation, peer support, then it would eliminate some of that isolation and therefore potential problem for their families.

**ELIZABETH CLARK:** Are there no senior citizen centers within the areas like Korean town, or...?

**IRENE CHU:** There are Senior Services Centers but again they deal mostly with social services not into the caring or the day care of the elderly.

**MARIO PEREZ:** You mentioned earlier there is no systematic measure of identifying needs of immigrants. Can you give us some suggestions of what would be good ways of probably setting up those ways to identify those needs?

**IRENE KWAN-CHU:** Let me back up in terms of the problem. The immigrant, again, because they don't know how to search for services, or they traditionally do not like to search or receive services until it's very very crucial -- so the statistic may be misleading -- that not that many people are seeking services, therefore it's not necessary to provide more services so that's not accurate in the first place -- that is not accurate.

There needs to be on the city level -- I recommend some type of research or documentation -- that's why I said it has to be documented, and some way of pulling out the information. And the other, I know that United Way is in the process of trying to do a needs assessment of the different Asian communities. If the city can recognize the validity of this research and base its recommendation either in services or funding for the Asian Pacific community on such a needs assessment, then that would be a start.

**DIANE HIMES:** I was wondering if with the isolation, the family being away from home if you have a higher incidence in the Asian populace of suicide among the elderly?

**IRENE KWAN-CHU:** I really don't have statistics on that. My assumption is that there is not, not because the family will for better or worse, they will take care of the parents be it that they put such burden on themselves to do it. So I don't think there is any accuracy to a thing like that.

**CHRISTOPHER McCAULEY:** Thank you very much. Excellent. Professor Rosina Becerra is here. She is from the U.C.L.A. School of Social Welfare and she would like to speak to us on teen pregnancy and parenting with some emphasis particularly on Latina teen sexuality. Thank you for being here.



**ROSINA BECERRA**

**Professor, U.C.L.A. School of Social Welfare**

**Teen Pregnancy and Latina Teen Sexuality**

ROSINA BECERRA: Thank you. You have heard a great deal about teen pregnancy from providers of services throughout the county. What I'd like to share with you really is some work that I have been doing in research in the area of adolescent sexual behavior and mostly focused on Latina populations. I have currently been doing a large survey for the last five years of following a group of 13 to 19 year-old adolescents, looking at sexual behavior and sexual behavior outcomes. This is 1,000 adolescents chosen randomly from the county and I would like to share with you some of the things I've found, and perhaps some of ways that have been formed, programs and services, and what I have seen as the outcome of this.

I'd like to give you an overview of what we have been seeing. The adolescent birthrate among Latinas, as well as for the whole adolescent female population in Los Angeles, has increased; however there are some real distinguishing factors between Latina teens and white, non-Hispanic teenagers.

First, the Latina teen-pregnancy rate is higher and increasing faster than that of their white, non-Hispanic counterparts. The proportion of white, non-Hispanics who become sexually active in their adolescent years is almost twice that of Hispanic adolescents. I'll explain why those differences occur in just a moment. Among Latinas who do become sexually active, however, their pregnancy rate is twice that of white, non-Hispanics. So, while white adolescents may become sexually active sooner and more frequently in adolescent years, they are less likely than Hispanic teenagers to become pregnant. Then, taking the pregnancy rate, half of all of those who become pregnant, or most of those who become pregnant in the Latina population carry their children to term and result in live births. That is less true in the white, non-Hispanic population. In fact, only 2 of 3 adolescent white, non-Hispanic pregnancies result in live birth. As you can see proportionately, while Hispanic teenagers may for a variety of reasons not become sexually active early, when they do, they are very likely to become pregnant and much more likely to result in the birth of a child. So that outlines what the problem is in terms of the differences is in terms of the birthrates and why that occurs. The birthrate for Latinas is actually higher than for any other ethnic and racial group, except for the Black population.

Now, what might contribute to the differences in these pregnancy and birthrates? Some underlying differences, largely, can be contributed to culture. While premarital sexual intercourse is unacceptable in all families, it is particularly unacceptable in Latino families. Which probably contributes to the lower rate of adolescent sexual intercourse and the occurrence of a higher rate of single-partner interaction as opposed to white, non-Hispanic adolescents who are much more -- have a higher probability of multiple sex partners. This speaks to a variety of other possible health problems that may accompany multiple partners. However, when premarital sexual intercourse occurs between Hispanic adolescents, it is primarily attributed to their intention of marriage and family. Thus creating the situation where there is a greater belief that since the marriage is going to occur anyway then pregnancy occurs along with it, the children will become part of a marital unit. As we know, intentions are one thing, and actual outcomes are another.

Among the Hispanic adolescent population, marriage rates are much higher among adolescents than for any other groups. In part, this is a differential attitude of some of the male Hispanic adolescents who are more likely to accept paternity. So there is a much higher marriage rate among this group. The Latino family is very supportive. And while it is a circumstance they might not find acceptable initially, the family will, after the initial discomfort or anger, warmly welcome the new addition to the family. The family then becomes a strong unit in which the adolescent will remain with the child, or oftentimes the adolescent male also will live with the families. This creates economic problems for families as well as creating larger and more extended families. Often, the adolescents live out on their own which again is accompanied by a variety of other problems of parenting.

Parenting and parenting skills are an area that really needs to be addressed because most of these young people are uninformed about what parenting is about, and really are unprepared to take on this responsibility. So while I talk about cultural issues being one aspect of explaining the differential rates there is another which is very key and really is the central focus, I believe, where programs need to be.

For all teens, regardless of age or ethnicity, the key explanatory factor for adolescent, premarital pregnancy and higher birthrates is lack of knowledge and information about sexuality, reproduction, family planning methods, and parenting. The misinformation and the lack of any information is overwhelming. In interviewing over 1,000 adolescents 80% of them had either a great deal of misinformation or had no information whatsoever about sexuality, reproduction, and particularly about family planning methods. This was overwhelmingly true of the Latino adolescent, which really says something about where some of our resources need to be focused.

So, you think about what can be done. We've heard about some of the programming that is being done in this area. We have a progression of prevention and intervention responses to this problem. Many of our programs are geared at pregnancy prevention, which are those that are focused on groups that have never been sexually active, or those who are sexually active but never pregnant, or those which have previously been pregnant but are endeavoring to prevent additional children. The key to these programs has been the enhancing of knowledge and information and parental communication. What seems to be an issue here is the degree to which these programs are sensitive to the cultural issues accompanying working with Latinos. That is one problem that we need to look at carefully because we are dealing now with an adolescent population where there is often an acculturation gap between parents and the teenagers. But we still have a large proportion of adolescents in the Latino community who are highly Americanized and another proportion which are closer to traditional cultural values. It is that group that is closer to traditional cultural values that fall into the category of being more likely to carry until term, and to engage in early marriage.

We have programs for pregnant adolescents and these are programs that focus on adolescents that are currently pregnant and assist them in continuing their education and to finish their schooling and to provide them with prenatal, perinatal information and care, and to provide them with parenting skills which they need to raise the child.

Parenting skills is an area where there is great need and resources need to be focused. Many adolescents have a sense that they want children, that they want to provide them with all the things they never had but they really don't understand how you go about that and the general kinds of caring that really is part of parenting. I think there is oftentimes the attitude that these are like dolls, that this is not a very long term commitment to another individual. So parenting skill programs do exist for some single mothers and young couples, but these programs are few. They essentially focus on parenting techniques which range anywhere from physical care of children to psychosocial development of children. So there are a great variety of aspects of parenting that we have not really addressed. Perhaps for all of us it is hard to know exactly what are parenting skills and how do we transmit this information. So more work needs to be done in that area. We have these programs.

The question is, given a particular societal and cultural milieu which we currently live in and limited resources and political constraints, what can be done to address the issue of the high and increasing birthrate among Latina adolescents?

All the above programs can be used, and to insure this we can incorporate culturally sensitive programming and staffing. I think the key

recommendation would be to develop a widespread informational and educational network that teaches every aspect of the Latino community. This means reaching the media, church groups, schools, social organizations -- to transmit the information needed by adolescents and the message to the community of the detrimental effects to the community as a whole of losing some of our young people to early marriage, early parenting and losses of their contributions to society. So a way to go about doing that would be to develop a task force of Latinos who are well versed in Latino culture, from every aspect of the Latino community, to begin to address how we might be able to develop a extensive network of information and this information needs to come out to the community to inform them of this problem. As you know, this has been a problem particularly in developmental school-based clinics and in having the community really understand the extent of the problem and the necessity to combat it.

JAY KOHORN: I hesitate to ask a sensitive question but I'm going to ask it anyway, and that is -- Can the program you envision be supported in the Latino community in consonance with the Catholic Church?

ROSINA BECERRA: I don't have the answer. That's why, though, I think that it requires a task force of Latinos who need to address this issue of how do we go about providing this kind of knowledge and information and what mechanisms do we use. What kind of information can we broadly provide for the community that is sensitive to it as well as that can be incorporated?

NORA BALADERIAN: In terms of the Latina family, is there any change in how families prepare their teens for the onset of adolescence, sexuality -- in terms of instructing them in regard to birth control or pregnancy or other outcomes of sexual activity?

ROSINA BECERRA: Like many other families, and I found this more true in the Latina families, direct discussion around sexuality does not occur. To quote the numerous women I have interviewed, parents usually say, "Take care of yourself," and that is the message. What that may mean, means different things to different adolescents. Actual information about what to do, family planning methods and their use is not communicated.

NORA BALADERIAN: In my work with families, what I've found is that boys are taken on a long walk. They remember taking a long walk once and dad was real embarrassed. And girls remember a conversation about menstruation. That's it.

CHRISTOPHER McCAULEY: A clarification on your sampling, if you're following 1,000 Latinas?

ROSINA BECERRA: No, it's 700 Latinas, 300 white, non-Hispanics. All girls and women, ages 13 to 19. We are now in the second phase of the interviews so that 13-year-olds are now 15-year-olds.

JAY KOHORN: It occurs to me that unlike programs presented for sex education, which the city or some government agency could help fund and participate in and help develop, what I'm hearing you say is for the Latino community, because of the unique relationship between the culture and those issues, including the religious issues, that maybe that educational support has to come more from within the community and less imposed by government from without or outside, because government can't solve those problems. Does that answer it?

ROSINA BECERRA: Well, we certainly will need some government assistance, but I think it does have to come from within the community because only there can they best address the sensitivity of the subject.

ADELE STARR: Does the gay Latino teen issue ever come up?

ROSINA BECERRA: Not in this particular study.

DUNCAN DONOVAN: I wondered if in your study you've had any input that there may be a completely different sense of reality from a Latino community that's geared to the Catholic Church and perhaps say an English background which is perhaps more geared to thinking scientifically than to thinking emotionally. And, therefore, would their sense of reality be different in terms of how they approach problems and how they become involved with another human being?

ROSINA BECERRA: I'm not clear about what you are asking.

DUNCAN DONOVAN: If the sense of reality about what a man is has a high spiritual and a high macho content, his sense of reality might be different from the sense of reality of the young man taught to think in a clear-cut scientific way -- resulting in a different sense of responsibility.

ROSINA BECERRA: That's what seems to be true. Latino males tend for a variety of cultural reasons to feel a stronger sense of responsibility for fathering than seems to be true of those outside of the culture. I would not place it as scientific vs. non-scientific, although I would say these are values and belief systems.

CHRISTOPHER McCAULEY: Very good. Thank you very much for your testimony. We appreciate your coming today. We have Mr. Byron Gross, an attorney, from the Legal Aid Foundation of Los Angeles.

## **BYRON GROSS**

### **Legal Aid Foundation of Los Angeles**

#### **Homeless Families: The Hansen Case**

BYRON GROSS: I'm one of the attorneys for plaintiffs in the lawsuit of Hansen vs. McMahan which is a class-action suit against the State of California to require the state to provide emergency shelter for homeless families. Any who have been reading the paper or watching TV in the last couple of weeks know that the city has really taken unprecedented actions just recently to deal with the problem of homelessness. We are very encouraged by that and I hope that the momentum keeps up because we're a long way from solving the problems. Let me explain first why it was necessary for us to bring this lawsuit.

Until we did this, there had been no provision by the government on a guaranteed basis for emergency housing for homeless families. Ironically the situation is different for adults. In Los Angeles County, a single adult can walk into any welfare office, on any day, even if he has no identification and he is guaranteed to be given a hotel voucher for that night so he can get shelter for the night. This is a result of previous litigation that we did, and of course there are still lots of people homeless in the streets and there are a lot of reasons for that which are long and for separate discussion, but people are entitled to that right and they will be kept in a hotel room until their case is processed and they start getting general relief payments. The same situation is not true for families.

Families cannot get general relief. Their support comes from the AFDC Program, the Aid to Families with Dependent Children, and what they get on emergency basis is not shelter, but \$100. And that \$100 has to last until their case is processed which can take up to several weeks. Now \$100 doesn't go very far towards providing someone shelter; in fact it's maybe three nights in a hotel even on skid row or a Motel 6 somewhere. And the family is stuck. For families who are already on welfare who often become homeless also even if they are getting welfare payments, there is some special money provided by the welfare program. However until recently, the county and state were taking a very narrow interpretation of that and they would only give it to people if their housing was destroyed in a catastrophe. So that if your house burned down, you could get this extra money; but if your grandmother died and you were living with your grandmother and you were kicked out of the house you couldn't get anything, or if you were a battered woman and you had to flee your husband, you couldn't get anything.

The AFDC Program, of course, is the province in L.A. of the Department of Public Social Services. We also have the Department of Children's Services, and they're charged by law to give preventative services to prevent the breakup of families. One of the things they could do is give emergency shelter. But they don't do that. They don't deal with families per se; they only take children away from families in cases of abuse or extreme neglect and so they haven't been any help. In some counties, there were situations where families were actually giving up their children in order to get them shelter because that was the only way to get shelter from the County, but if they gave up the children, the children could be put in foster homes, the parents could go into a shelter.

Anyway, this was a serious problem and we've done a lot of work dealing with homeless individuals and we decided it was time to turn our attention to families. So we looked at the State Child Welfare Services Act and it seemed very clear to us the Act said this applies to all children including homeless children. It said that emergency shelter shall be provided if necessary, and it said one of the primary goals of the Act was to keep families together whenever possible. So we put those things together and said clearly this Act requires the state, through the counties to provide emergency shelter. So we filed our lawsuit last spring and we were successful in getting an injunction from Judge Dowds in Superior Court. He said that the State's regulations were too restrictive, that they couldn't give emergency shelter just to children, and not to children with their families because the law didn't say that. So we got an injunction, and then the state refused to follow the injunction so then we went back into court on a contempt proceeding and Judge Dowds sent the case away. He decided not to hear it and we were very discouraged. He sent it to Judge Cole who is not the most liberal judge in the Court. Judge Cole looked at the case, and again he was the second judge to hear the case -- he said this is absolutely clear, there is nothing here in this statute that restricts this only to children, taken from their families. So Judge Cole held the Department in contempt and the Department, in response to that sent out a memo to the county saying that you can't enforce this illegal regulation. But that's really all they told the counties. This is very discouraging, because you would think after two judges that looked at this and said this is clear, you would think after knowing how serious the problem is and how everyone recognizes it is serious, they would say - Hey, we'd better get our act together and start planning to do this. They haven't done that. What they've done is appealed the case. They are waiting for the case to be heard in the Court of Appeal and they are basically doing nothing in the meantime. So that's where we are with our lawsuit. They've told the counties to comply but they haven't given the counties any direction and they haven't given the counties any money. So we're fighting on an individual basis with the counties.

I don't think I need to convince you that there's a problem out there because you've all seen it on the television, but let me just tell you about my personal experience with this. Frankly, when we first started working on this I was a little skeptical because -- it wasn't that I didn't believe there was a problem out there, but -- I personally hadn't really seen the problem. I work in a legal aid office near downtown and we have streams of homeless adults come into our office every day and previous litigation I've worked on when we wanted to interview people you could go down to the soup lines on skid row and there's people lined around the block -- 200, 300 homeless people. Plenty of people to talk to, the problem is very visible. The same thing is not true with families. I'd seen one or two now and then but there were not people that would come into our office, there were not people that you saw out on the streets. They were much more hidden. Partly because they're not congregated on skid row in the same way. It's not a place where families wanted to be, partly because families often hide themselves, don't present themselves to the system because they are afraid that their children will be taken away from them. This is an enormous fear for a lot of families. We started working on our lawsuit despite my skepticism and it was difficult. We had some clients but we wanted to interview more people and present their stories to the court and it was difficult to find homeless families. We ended up finding a lot of people in shelters. We found people who had been homeless in previous weeks and had found their way to shelters and that's where we were able to get to them and get to their stories, which were quite moving.

What we've been doing recently in response to the lawsuit, I've been very concerned about whether the county is following the lawsuit and so we have not hooked up to Info-Line which is the county's referral system. All the homeless families they can't place in shelters, they've been referring a lot of them to us and we've been doing on the average of about one per day. The county is trying to prevent another confrontation in court, so basically what they're doing is they are coming up with money for people. They're either processing the welfare case immediately, or they've liberalized the requirements for this extra money.

Let me explain the situation when the homeless families contact our law office. They'd be in the office, they'd be on the phone, they'd be in the car and I didn't know where they were going to sleep that night and I knew it would take me days of arguing with county officials to get them some money, and we might scrounge around and get some charity to give them a hotel voucher for one night. It was very stressful. Now I know I can just call the Welfare Department, they'll say, "O.K., send them over; we'll give them \$250." So in the short run, it's been much better for the families that we've been dealing with, but of course there are a lot of families out there that aren't getting to us and in the long run they need to set up some sort of system to really deal with this.



What I've learned from doing this recently is that there are a lot of families out there. Clearly, I've seen a lot of them. The shelters for families are always full. It's impossible to get families into shelters, there just are not enough shelter beds for families. Some of them won't take families with teenage boys. If we can, if we can get emergency shelter, we can clear up, get a guarantee, that in three weeks they might have a bed for a family. It's far into the future. The short-term housing is very expensive. The hotels are incredibly expensive. It's not an efficient way to deal with the problem. We get them this extra money and it's used up in a couple weeks, and the transition to long-term housing is expensive because people have to pay security deposits, sometimes they have no furniture or anything and their welfare grants just don't give them enough to be able to do that.

Finally, I've found that people need an enormous amount of back up social services. Getting them the money for the housing is not enough and that's really all we've been able to do and that's very frustrating because people have to weave their way through the system. They have to get their children back into school and then the children don't have their inoculate and they have to get records from other counties and they have to get into the Welfare system and all the time they're worried about their children, trying to take care of them, they have to find housing and furniture. They really need someone to guide them through the system.

In regard to what the city can do, unfortunately I can't say what Virginia Uribe said, that these things don't take money. This area needs a lot of money. They need more shelters, because even though they are a short term solution they are really needed. Families need to be in a shelter for a couple of months until they can save up enough money to find housing, get their bearings again after the stress of being on the streets and be ready to deal with the other problems in their life. They need money for security deposits. Sometimes there's federal money, but it's very sporadic. One possibility is to set up some kind of revolving fund and loan the money to families for the security deposits. They can pay it back gradually out of their wages or welfare checks and the fund could be replenished. They need some program for case workers that can be hooked up with these families to guide them through the system because the Department of Children's Services does not do that at all. They go and look at the family. If they think the children are abused, they'll take the children away. If they don't think the children are abused, they won't do anything for these families. That's the Department that I think should be doing this. For whatever reason, they are not and I think this is going to have to come from somewhere else.

Also, there are going to be a number of bills presented to the Legislature. I have some written testimony -- some things that will come up that the city should put their weight behind -- welfare bills and housing

bills for some longer term strategies for increasing housing for low-income people.

CELIA MATA: You said that prior to the Hansen litigation the policy of the City and County of Los Angeles has been to remove children from the families who are homeless in order for the families to receive shelter. Now with this Hansen case in question, have these policies or practices changed in any way and are these results or changes -- are they temporary?

BYRON GROSS: Frankly it's difficult to say whether that's definitely the policy or not because what the county's position is, what they've told me when I took the deposition of the Department of Children's Services is that they won't let families give up their children. They don't have a voluntary program. Other counties definitely have that. Apparently Los Angeles used to and they say they don't have it anymore. They say they only take the kids away if there's abuse, but we believe there are lots of situations where it's more really an economic situation -- the family's in a car, the children are neglected. There's no per se bad acting on the part of the parents, it's just the situation. We believe there are situations like that where the kids are taken away. It's difficult to say because often other reasons will be put down in the Children's Services reports when the children are taken so without really investigating those cases it's hard to say how many times that was done. The situation will change. There was a bill in the Legislature that took effect January 1, 1987, that said that children could no longer be removed from their families just because they were homeless so on the books now it would be illegal for the Department of Children's Services or the departments in any other counties to do that.

CELIA MATA: Is there any current method for matching homeless families with available programs, funds, and services? And if not, what method would you suggest?

BYRON GROSS: The only method now is the county's Info-Line which I think is a pretty good program. Especially since just recently when I've been networking with them I've been pretty impressed with the way they've been working. I think in 1985 they gave about 18,000 referrals to emergency shelter and last year about 23,000 or something. They only provide referrals over the telephone and they will do some phone work to call around to different shelters or food pantries to find out whether there's free food. But there's no one now that will actually, once that beginning part is done, to go out and see the family and really intervene in the social work. There isn't anyone now and I think that's what should be developed.

CELIA MATA: Would you happen to know if there are any outreach programs that actually go and seek out these homeless families? You did mention that there is an Info-Line. Knowing homeless families don't have access to a telephone or media -- are there any programs?

BYRON GROSS: There aren't any outreach programs, there haven't been. One of the things that the Board of Supervisors did last week during the cold snap was tell some of their workers, or they said they were going to, I think it was Edelman's motion before the Board probably in response to the city taking action. There was some pressure on the Board of Supervisors to take some action so they said they were going to send some people out to look for homeless people and give them hotel vouchers but they gave out only 25 the first day and they were in the back of the shelter in Little Tokyo that was opened and it took them about 4 employees in 6 hours to give out 25 vouchers and they were only giving them vouchers for one night and then referring them to the Welfare Department the next day. They weren't looking for families, just the single adults downtown.

JAY KOHORN: Would you comment on two things. Number one, you've talked mainly about the county as the Department. What's the relationship between the county and the city, and what's the relationship between the city and the problem? Number two is, giving money for a few days to get settled is -- makes me nervous because it sounds like it could easily be a revolving door type of situation. I wonder if anyone to your knowledge is looking at this in a more holistic approach, meaning employment and entitlements, and the whole picture as opposed to simply focusing on the housing which it seems to me is just a stopgap measure.

BYRON GROSS: O.K. Your first question. It's the county that has the legal responsibility to support its indigent residents. Under state law the counties are mandated to do that so it's ultimately their responsibility and that's why the counties run the welfare programs. The city does not have that responsibility. The city has been involved. They've funded different shelter programs, food programs, and other things and I think to the extent it's their funds, it's their responsibility to deal with this problem. It's always been primarily the county's problem. Unfortunately, our county government does not see that as their first priority and neither does our state government. So to the extent the City Council is willing to do something, there is room for them to take the lead.

JAY KOHORN: So what I hear you saying is that sometimes the city has to step in when the county shirks its responsibility.

BYRON GROSS: Right. And there's always going to be holes in whatever programs are set up by the county and state so I think there's room for the city to complement what they're doing. In regard to your second question, obviously one thing is housing. I'm not real familiar with the housing stuff but there are people working on different housing bills like rehabilitation of boarded-up housing by nonprofits so they can create low-income housing stock that will stay permanently low income or other more long-term shelters that families can be put in analogous to Transition House, which is a place down on skid row for adults where they can stay for

90 days, get services, get hooked up with job training and get other things that can really get them back into society but that's very costly to do those things. To some extent families have to be sheltered before anything else can be done. They can't really benefit from other services until they have shelter.

THOMAS FRANK COLEMAN: Is it possible, or too late for the City Attorney's Office to file a friend-of-the-court brief in the Court of Appeal in the Hansen case?

BYRON GROSS: I think that would be terrific. I just don't know the timing since the brief is complete. But we could talk about that. Another part of the team is working on the appeal and I could link you up with that.

THOMAS FRANK COLEMAN: It sounds like something that may be headed for the Supreme Court of California. Since the city does have maybe the moral responsibility if not the legal responsibility, the city might be in the position to make some type of statements on behalf of its homeless residents.

JAY KOHORN: And the timing -- the Court of Appeal and the Supreme Court may waive all the timing requirements when the government entering as an advocate? amicus? They even allow filing of amicus briefs after all arguments sometimes.

ADELE STARR: I may have missed it, but at what rate are the numbers of homeless families increasing? We hear 30,000, 32,000 coming out of nowhere and I'm wondering do we know how many more families become homeless each day before we can even help them?

BYRON GROSS: I can't quote you definite figures. I can tell you what I read in the Los Angeles Times. There were statistics that were from the National Conference of Mayors that was held recently and it said there was a 30% increase in Los Angeles in requests for emergency by families with children in 1986. I understand one of the bills that is going to be proposed in Sacramento this year is to set up some sort of clearing house and data-gathering mechanism so that government can get a better handle on what the extent of the problem is because so many different figures are thrown around.

ADELE STARR: How long do the families remain homeless?

BYRON GROSS: Homelessness depends on how you define it. Some people are on the street for a few days and then they might find someone that will take them in, they sleep on someone's floor for a week until that person's landlord kicks them out and then they borrow money for a motel for a couple of nights. So there are a lot of people who bounce around for awhile.

**CHRISTOPHER McCAULEY:** There are a number of studies which seem to indicate that the stereotypical profile of homeless people is very accurate. For example, one particular demographic feature that seems to recur is -- in the last 3 or 4 years the numbers of people have increased. There is a stereotype of people who are in an indigent situation for years. These are frequently people who are displaced, came from colder areas and come here; there's also a dispersion from the historic point of entry.

**ADELE STARR:** What I'm trying to understand is this -- the numbers keep increasing -- are we helping the families who were there first and others are being added to it and it keeps increasing without really helping those who are homeless?

**CHRISTOPHER McCAULEY:** I'm not even sure that there are accurate figures about homeless individuals, much less homeless families.

**BYRON GROSS:** There are not. And we weren't really helping them before at all so it's not like we were helping them and then nothing's happening. We haven't been helping them. But I think what you're saying is right; with all the shutdowns in industry in the midwest, it's created a lot of people who are floating around the country.

**PAULA STARR:** You are only dealing with United States citizens, right? You're not dealing with undocumented?

**BYRON GROSS:** No, that's not true. The Child Welfare Services Act says nothing about alienage. In fact there are lots of undocumented children in the foster care system. There is no requirement on alienage. So it is our position that the state and the county have the same obligation to provide emergency shelter for undocumented people. However we have not pressed this yet. One step at a time. Of course, we're doing our lawsuit and the people we emphasize are not undocumented people. If we can establish their right to shelter and get a system set up, then the next step would be the undocumented. When you are presenting something like this to the court all they have to start thinking about is what am I opening up. So under the Welfare program, yes, you have to be a citizen, or you have to have certain alienage requirements to be a permanent resident or certain other people can get it. A lot of families are undocumented but their children are citizens because the children were born here. So those families can get welfare. They just get it for a lower number of persons.

**CHRISTOPHER McCAULEY:** Thank you very much, Byron. It's an important case and it's a very interesting one for us to follow. Moving along on our agenda, Susan Kerr is with us this afternoon from Adult Protective Services, Department of Public Social Services, County of Los Angeles. Her topic is elder abuse.

**SUSAN KERR**

**D.P.S.S., Adult Protective Services**

**Programs Dealing With Elder Abuse**

SUSAN KERR: I want to thank you for inviting me to testify today. Our Department has been working over the last fifteen months with four other Departments in the County, Department of Community and Senior Services, Department of Health Services, Department of Mental Health, and the Public Administrative-Public Guardian -- to work in the area of elder abuse. I'm going to share with you today some information about the activities that we've been pursuing over those last fifteen months.

First, I'd like to give a very brief overview of elder abuse. I passed out the brochure we developed which does give an overview of elder abuse and is the brochure we developed for the general public to disseminate some information.

Elder abuse is defined under state law as the abuse of an individual 65 or older. The definition of "elder" varies throughout the country, but in this state it's considered 65 and older. There are four main forms of abuse. There's physical abuse, which is beating, slapping, kicking, that kind of direct brutality. There's financial exploitation, which involves the mismanagement of an elder's money or the theft of their property. There's mental abuse, which can be things like verbal harassment, threats, intimidation; quite often it's things like threatening them with institutionalization if they don't shape up. Then there's neglect. Neglect is the failure to provide the elder with basic necessities of life, such as shelter, food, medical care, etc. Neglect can either be afflicted by another or self neglect.

According to a 1984 survey that was conducted by the State Department of Social Services, a typical elderly victim in this county is a 79-year-old white female who lives in suburbia with her family and is being abused by her child. In some cases it's a spouse, but generally it's a child that's doing the abusing. The abuse is taking place on a daily basis, generally. Stress has been identified as the key factor in incidents of abuse and the state is going to be conducting an even more comprehensive characteristic survey of the cases that we take in next month and we hope to glean a lot more information from that particular study.

It's true that elder abuse is the new focus. Originally it was child abuse, then it became spouse abuse and in the 80's there's more focus on elder abuse. A lot of research needs to be done. The statistics are not there. It's tremendously underreported and we're still in the beginning stages of discovering what the problem is.

In response to the identification of this problem, Supervisor Antonovich held a public hearing on October 30th of 1985. There was testimony from 38 individuals who represented the entire spectrum of senior citizens groups -- health and medical professionals, social workers and law enforcement. The testimony at that hearing showed some trends. One thing pointed out consistently was a need for improved coordination and communication between those agencies who deal with abused elders. There was also a need expressed for public education and awareness about elder abuse. A third most commonly mentioned need was prevention programs which would include such things as respite care, support groups for caregivers, volunteer services, and legislative changes.

As a result of that particular hearing, the Board of Supervisors adopted a Board order on November 19, 1985. This Board order called for several actions to be taken in regard to elder abuse. They included the development of a comprehensive public education and awareness program, the development of a toll-free hotline, a plan for the more effective use of volunteers to combat elder abuse, the development and implementation of a pilot project to serve as a program model providing better coordination, linkages and integration of services for at-risk elders, and finally the formation of a county Task Force to study and make recommendations for a long range plan on services for the at-risk and abused elders.

I want to talk briefly about what was done in each of those areas. First I'll talk about the public education and awareness program. We developed an implementation plan which has gone into effect; we haven't finished it, but we've started. The components of our program include brochures, educational materials for care givers, a media campaign, a speakers bureau, and billboards. As you can see we've got our poster done to advertise our hotline. We've got our first brochure out for the general public and that has been fairly widely disseminated. We will be developing a second brochure which is aimed at the mandated reporter. There is a mandatory elder abuse reporting law which has recently been combined in AB 3988 with a dependent abuse-reporting law. They're under the same piece of legislation now. So we're going to be developing a brochure to deal with those particular areas. We are developing, and we'll have it ready probably sometime next month a caregivers handbook. This is a handbook which discusses problems of the elderly, of the aging process, gives some helpful hints to caregivers on how to deal with the every day stress of caregiving and what I feel is the most beneficial thing is that it has a generic resource description. It discusses the kinds of resources that

are available in the community that most people don't even know about. So it gives the generic description of each of the particular resources like adult day health care, respite programs. My department is the In-Home Supportive Services Program, etc., and then it has a listing of information referral numbers that you can call to get linked to the appropriate programs. I'm really excited about that particular part of our campaign.

We've also submitted public service announcements to radio and television stations. I haven't heard a lot of them aired, but I did go to a Southern California Broadcasters Association meeting and there were hundreds of other people who had been submitting their PSA's so I do understand the crunch that the stations are under. But we have heard of few of them advertising our brochure. We are currently developing a video campaign, to advertise the hotline, which should be out to the stations in the next month or two.

We'll be putting up billboards with this picture on it to advertise the hotline, and we do have a speakers bureau currently in effect to have speakers go out and speak to public and private agencies about elder abuse.

In terms of the hotline, the hotline was developed and operation began on August 19, 1986. The phone number is on the poster: 1-800-992-1660. We contracted with a private information referral service to maintain a 24-hour free hotline. The features include two separate telephone lines. The information referral service has other lines for information and referral. We now have separate lines dealing solely with elder abuse hotline calls so they're answered on a priority basis and that phone rings independently. There is also a DPSS social worker involved and available 24 hours a day. This is a new concept to our program. It used to be that our social workers were only available during regular working hours. We now have an after-hours telephone response team composed of volunteers who have volunteered to be on call after hours to accept referrals from the elder abuse hotline. Basically, the elder abuse hotline works -- the hotline specialist gets the call, screens the call, and determines what the most appropriate course of action would be. Calls that are received during regular work hours are immediately referred to the appropriate Adult Protective Services office. Calls that come in after regular working hours are screened and if they involve something that can wait until the next regular working day the referral is made on that basis. If it's a call that needs to be dealt with immediately, it is immediately linked to a social worker who will handle the call. Calls which require emergency services such as law enforcement, paramedics, or the PET team are linked immediately to the 911 number. After that particular aspect is taken care of then an APS referral is made for follow up. Some of the specific services -- activities that our APS workers provide for hotline callers -- are counseling, accepting reports of elder abuse and neglect, advocating on behalf of the client in situations where he cannot effectively act on his own behalf, and making cross-reports of physical abuse to law enforcement.



The third aspect of the Board order was volunteers. We worked closely with the Department of Community and Senior Citizens Services on that aspect. They have created a speakers bureau composed of volunteers, many of whom are retired county employees or city employees who have expressed an interest in going out to the community and talking about elder abuse. They've received training from our agency on the topic and they are available to go out and speak to any organization that would like to hear from them. DPSS also has a senior companion program that is established. They have been very successful in recruiting volunteers to go out and act as companions for isolated senior citizens.

A fourth component is the pilot project. It is called the ASSIST Pilot Project. ASSIST is an acronym for the Adult and Senior Services Inter-agency Support Team. This was created in response to a 1984-85 Grand Jury report which called for a team to be set up to look at coordination among the various agencies dealing with adult services. The pilot project was established in the Glendale area as a pilot. It went into operation in May of 1986 and its objectives are to insure maximum accessibility of services to the at risk and abused elders and to serve as a clearinghouse for referrals, and finally, the coordination of county departments and community resources to facilitate the delivery of services to at risk and abused elders. The referrals are received from a variety of sources. They come from the participating departments, from the elder abuse hotline, and from local agencies who are familiar with the program. So we're monitoring that pilot project with an eye toward extending into other areas of the county at some point.

Finally, there's the county task force which convened. It's made up of representatives from each of the five county departments that I mentioned, representatives nominated by each of the Supervisors to represent senior groups, and finally representatives from the USC and UCLA Schools of Social Welfare. They submitted their final report on June 2nd of last year. I've given a copy of their final report to your task force.

In their final report, they discuss some of their findings and make recommendations. They made 16 recommendations. I'm not going to take the time to go into them, as you have the material available to you. One of their major findings was that any response system has to be capable of intervening in a variety of ways because elder abuse does involve different kinds of abuse. It needs to provide such services as counseling, physical and mental assessment, respite for caregivers, and access to various long-term care services, as well as prosecution of verified abusers. Their recommendations include (and this is just a very brief summary of the 16) the development of legislative proposals to provide for more consistent and steady funding to cope with the problem and to encourage local input and control into the planning of state and federal programs that do impact upon the at-risk and abused elders. They also recommended the implementation

of a public education and awareness program which we already had in focus. But that's certainly a need that could be handled by any number of agencies or groups. Thirdly, they recommended the use of senior citizens groups to disseminate information. They also recommended the development of a plan to provide for long term case management services to at risk elders throughout Los Angeles County, and, finally, the recommendation for the development of a master plan for the local coordination of adult services throughout Los Angeles County.

Their findings deal basically with the need for coordination of services among community agencies, which would certainly impact upon the city. In terms of prosecution, it would impact upon the City Attorney's Office. I'm currently involved with liaisons with L.A.P.D. to try and set up some kind of effective networking in the area of elder abuse. And then the public education is always a great need.

LISA PORCHE-BURKE: The city as of today has no inter-agency task force on elder abuse?

SUSAN KERR: There are a number of task forces that have been created within this county and the interesting thing to me is that some of them don't know about each other. I suspect that they don't now but there is a San Gabriel Valley Task Force which has representation from a number of agencies including city agencies. There is also an elder abuse and dependent adult Task Force that's being staffed by the Department of Community and Senior Citizens Services and has the area agency on aging involvement which would include the city. The Domestic Violence Council, of which I'm a member, is also looking into elder abuse and it does have the cross-city and county representation as well as private representation. So, yes, there are a number of groups that are looking into it, but it's probably more a matter of effectively networking within those groups to make sure that they're not duplicating their efforts and that everybody can focus on a particular area.

LISA PORCHE-BURKE: What has been the response of the Los Angeles Police Department?

SUSAN KERR: The Los Angeles Police Department has indicated that they are interested in developing programs to deal with elder abuse. They have been wonderful in the area of spouse abuse, some of it in response to lawsuits, but some of it just in terms of the general responsiveness of the Agency and that particular goodwill seems to spill over into the area of elder abuse. They've been very accessible.

LISA PORCHE-BURKE: If you were to make some type of recommendation with regard to the Los Angeles Police Department what would that be?

SUSAN KERR: At this particular point, because the research is so sketchy -- and we're not really aware of the problem in the full totality of it -- the main thing right now is the public education and awareness -- to get the word out to the community that this is elder abuse and this is what you can do. You can call the hotline and you will get a response so that we can get some feel for the extent of the problem, but certainly law enforcement would need to be responsive in terms of responding to calls about elder abuse, intervening in terms of taking the abuser away -- whatever they need to do. I would expect that will follow in the same path as what they've done with battered women. There's tremendous need for additional resources. Stress is, to my mind, the main cause of much of the elder abuse that occurs. Particularly respite care programs to give the caregiver some kind of relief from that 24-hour, 7-day-a-week involvement with that particular frail elder. Anybody is going to crack after a certain period of time if they are never free to leave the house, to do anything themselves. My own pet is respite care. Adult day health care can serve that purpose by allowing the elder person to go into that care. We do have an I.H.S.S. program, an In-Home Supportive Services Program which is funded through the state and federal government and you can get services for frail elders or even for disabled individuals if they're SSI-eligible, meet the requirements except for the income. That particular program is available and also is available for respite care to a mild degree.

CHRISTOPHER McCAULEY: There seems to be a need for better articulation of information between County and the City Department of Aging, even as specifically as the abuse hotline, even though as these are new programs. Even in the last 30 days we have spoken to people in the City Department who are not aware that there was a program already developed, let alone about to come on line. It seems like those two principal agencies among these many kinds of inter-agencies ought to be informed and that will be a question as we come to that specific department. The Council will be asking, I'm sure, well what is their response, how closely they're working with you I guess there needs to be some coming together there. Second, is on the L.A.P.D. There are a number of reports and suggestions from people that some of us have spoken to that simply calling the Police Department to report a suspected abuse of an elder, a next-door neighbor or something leads to suggestions like, "Well, have you spoken directly with this person?" -- "Have you asked the primary caregiver whether they're beating up on the grandfather or grandmother?" -- things that are not likely for most folks to do -- intervening in your neighbor's problem. So the referral question is the specific one, the hotline. But the issue is where is an available shelter or shelters and some training for those policing agencies? If there is an interest in working cooperatively from the L.A.P.D. on this issue it still seems to me that it falls into the area of another taboo family subject that policing agencies don't really want to get involved in. So it may not be the responsibility of your department to do that training, but we may be able to make a recommendation of some kind.

SUSAN KERR: Right. And when I said that it seemed to be following the path of the domestic violence, the battered spouse thing, the police department does have an intensive training program in that area and my own feeling is that this would follow logically from that, they would then extend it into the elder abuse area. That certainly is the focus of the Domestic Violence Council and any impetus from your Task Force would certainly be of assistance.

The area of shelters is something I should mention. There was a bill passed through the state legislature, AB 57, which called for a demonstration project to be set up for shelters for abused elders and this county was given one of the grants to set up that particular kind of program. It's not a vast program at this point. We have three beds in the county to deal with abused elders, but it is a start. Every bed is better than none. So we do have available -- and this can be linked through the hotline because those kinds of referrals go through the hotline to our after hours response team, and to our regular staff during regular work hours -- and they are definitely aware of the availability of those beds and they do have the capability of sheltering an abused elder.

THOMAS FRANK COLEMAN: This comes out of a student paper on elder abuse where the student contacted a number of agencies including the L.A.P.D., the City Attorney's Office in their City Attorney Hearing Section as well as the prosecutors and the Domestic Violence Unit and so on. It appeared that there was no coordinated effort in the city dealing specifically with elder abuse and that no one was keeping statistics. Cases get handed from one prosecutor to another, not the way child-abuse cases are handled, vertically. There was no specific training in the City Attorney's Office or the L.A.P.D. on elder abuse and there was no way of tracking misdemeanor referrals within the city which are within the City Attorney's jurisdiction to prosecute, not the District Attorney's jurisdiction.

When your office contacts the D.A.'s office -- do they in fact refer to the city attorney's office or the L.A.P.D.? If they refer to the L.A.P.D. it may go to the City Attorney Hearing Section and then do they refer for prosecution or drop it?

What we found from a student paper was that agencies are not coordinating their efforts. The suggestion has come up, and I'd like your response to this -- whether you feel it would be helpful to have possibly the City Attorney's office convene a 10-member task force for a 6-month period of time, a short-term task force under the city's jurisdiction where the city takes a look at its responsibilities and its connection with others and how it could improve in coordination. Would that be something that would be helpful or do you think that would be duplicating what's going on or what?

SUSAN KERR: Any efforts to improve coordination are going to be helpful. It is my understanding that the City Attorney recently got a grant for a special unit on domestic violence, and to my mind, elder abuse is a component of domestic violence so I would certainly think that that would be an area that that particular unit could focus on. In fact I know they got the grant because the woman who is heading it comes to the Domestic Violence Council. So that would probably be an appropriate liaison point for anything dealing with elder abuse.

Elder abuse is now at the beginning stages of what happened with child abuse before it was exhaustively studied and people gave a lot of attention to it. We're just in the very beginning stages and because I'm basically an optimistic individual, I expect things to follow basically the same path that those two particular things did, and that we will develop the same kinds of programs and efforts that were developed for those two areas. But anything that will improve coordination and networking is going to be a valuable service.

ELAINE SIEGEL: Since the start of the hotline, how frequently is it used and who are the people using it primarily -- or is there any particular group?

SUSAN KERR: I just got my first report on the hotline which kind of astonished me since it did go into effect five months ago. We're not getting a tremendous volume of calls because it's not known. If you're telling me the City Department of Aging doesn't know about it -- and they should because I go to meetings with them and I know it's been mentioned to certain individuals who work there -- so if they're not communicating it upward there is certainly a serious problem. We have sent the posters out to each city within the county of Los Angeles, to the City Library, to all of the city departments. We had a cover letter explaining what it was and talking about the hotline, so we've at least made that attempt to get the word out. The billboards should go out soon. I don't know how effective a billboard is going to be. I think when the video PSA's -- when they go up -- if no one knows it exists it's not going to be very effective. I don't know how many of you have dealt with bureaucracy but it's little things like getting it listed with 411 which is a time consuming problem. I've had people call me up and say, "I've called 411 asking what's the number of the elder abuse hotline and they didn't know about it." That all takes time. And once we get the word out to the community about the availability and the number is well known and well published, then I expect more calls to come in. What I've noticed at this particular point is that we're getting calls from interested neighbors, etc. reporting cases. But we are set up to deal with calls from the abusers, counseling to the abusers, counseling to the victims, etc., and accepting the mandated reports. I have found in going around through the county and talking about the elder abuse reporting law. that law has been in effect now for three years and there are a number

of mandated reporters that don't know about it. Again, education is a tremendous key to any effort that's going to improve the situation. It's all just building on top of other efforts that are being made.

ELAINE SIEGEL: Another question has to do with financial abuse. That was given second billing. I'm wondering how that is dealt with and how you are even aware of that unless the victim reports that and very often they're intimidated, embarrassed, threatened.

SUSAN KERR: Relatives or neighbors will call and report it and a plus right now is that we have just talked to the Public Administrator-Public Guardian about prioritizing the referrals that we make to them. They are unable to accept the vast majority of referrals they get because of constraints about the number of employees, etc., etc. They have agreed to give top priority to referrals we make dealing with financial exploitation, so that's going to be a definite improvement in the system. We do get calls from concerned people. A son will call and say I think my brother is stealing my mother's money. Or a neighbor will call up and notice the bills aren't being paid or whatever.

JEFF VOPAL: In what languages are your services provided -- particularly your hotline and your information line?

SUSAN KERR: Right now, English and Spanish immediately, but the information service does have the capability of getting interpreters for several other languages. They have a referral system because they use them for their regular information services, so you can get translation in various languages.

JEFF VOPAL: Secondly, what can you do legally in the case of self neglect?

SUSAN KERR: Our Adult Protective Services workers are under tremendous constraints legally. We don't have any legal authority to go in and force our services on anybody. That's one of the things that was addressed in a County Task Force recommendation with an effort toward beefing up the legal authority of the Adult Protective Services workers. It's tremendously frustrating when they go out there and they really want to do their job and they'll go out to this victim to offer services and the victim will say no. If the victim is not mentally incompetent, they must accept the no and leave. If they are found mentally incompetent and incapable of making that kind of determination then we call in the PET team, Public Guardian, etc. and we can take some effective action. But in terms of legal authority we basically have none.

NORA BALADERIAN: Where is the construction of the shelters that you are planning?

SUSAN KERR: They're in board and care homes. The beds are already available, but not for long term. It's supposed to be a five-day maximum although there is flexibility built in. If you can't make another plan within those five days you can extend it on for other days, but it really is geared to short term program so that it can work for more people. You can't be using up the beds for the same person for six months and be letting others sleep on the street. That gives the social worker enough time to find alternate resources.

CHRISTOPHER McCAULEY: Thank you very much, Susan. Our next witness is Barbara Rosenkrantz who has patiently waited for her turn to address us. She comes to us as the parent of a gay son to speak experientially and also as a member of the Parents and Friends of Lesbians and Gays, a subject that is close to the heart of certain members of our Task Force if not all. We're delighted, Barbara, that you're here.

## **BARBARA ROSENKRANTZ**

### **Parents and Friends of Lesbians and Gays**

#### **A Personal Experience and the Need for Education**

**BARBARA ROSENKRANTZ:** My name is Barbara Rosenkrantz, I'm here to speak to you about the effect that ignorance has had upon the history of two families and to demonstrate how community education could have easily saved the life of a young man.

When my father died 20 years ago, more than anything I wanted a child to carry his name. Robbie was born in 1967 with beautiful, large, intelligent eyes, and a sensitivity to the world around him that would have made his grandfather very proud. We loved him very much and we still do.

By the time Robert reached 13, he had strong feelings of being different from the children around him. With two brothers in the house, he decided to withdraw to his room, feeling that they would guess his secret. As time went on, the secret became the focus of his adolescent life. He was homosexual. It seemed to Robert that everything that he saw on television concerning gays, every disgusting gay joke, every experience that he had in his life contributed to his feelings of isolation and loneliness. After school, Rob sat in his room by himself for weeks and then months. People said to me, "He'll grow out of it, they're all that way."

One day when at last he began to develop the courage to be with friends after so many years of self-imposed isolation -- graduation night from high school -- my 17-year-old son, Joey, and his best friend, Steve, exposed Robert's homosexuality so harshly, so painfully, that Robert begged his brother and Steven to rescind their expose, to save the family's unity.

Robert, my child who used to bring home orphan birds as a little boy, who wished to become a lawyer like his father and his grandfather before him, shot and killed his friend Steven in his rage at a world that he feared would only see him as a faggot; not as a human being.

The subsequent trial and continuing incarceration are very fresh in my mind. His pain is my pain, his prison cell my own. But the one thing that saved my whole family from self destruction was the kindness, love, and patient education given to Robert and the rest of my family by the gay community. And by parents and friends who gently guided us through our confusion and ignorance.



Robbie told me when I visited him in prison that had he found even one book, one book in his school library that reassured him that he was normal, that he would have had the strength to ride out the inevitable storm when my husband and I were told of his sexual preferences. I had no doubt that had Joey and Steven understood through an educational process that Robert was not a freak, that the horror and anguish that followed could have been avoided.

If you believe in your heart that we are the exceptional family in today's society, then look again. One in 10 children is gay. Robert has received thousands, literally thousands of letters from adolescents, adults, and heads of families who are crying out for release.

I learned of organizations that existed after this, but it was late for us. We didn't know. We who sit smugly in our homes forget about the stresses that come about in adolescent years -- where every event seems like life or death. But the cries of our youth for love and for acceptance into the human family must be addressed sooner or later. Ignoring these children is the same as throwing them out in the trash. This is a tragic and unnecessary waste of lives, of resources. A grievous loss to parents, brothers, sisters, and the community at large. We cannot bring the many children back to life who have committed suicide, or who have been beaten or killed in the name of morality. But perhaps the lesson of the loss of Steven Redman and my son Robert Rosenkrantz will help bring about strong programs to educate parents, teachers, and students in our high schools so that the next generation of adolescents needn't cry alone. Thank you.

DIANE HIMES: I just want to say I realize this must have been difficult for you and I think this testimony is very important.

BARBARA ROSENKRANTZ: I think it's very important too and I'm pleased that I was asked.

CHRISTOPHER McCAULEY: I have to say that it was very moving, and I know that you have made a number of presentations and I know it's very difficult and we are appreciative that you were willing to come forward and talk to us as well.

DIANE HIMES: I wonder if you have made any outreach or have written Bill Honig, the Supervisor of Schools. He is in the midst of trying to keep a homosexual neutral wording in material coming down to the schools. He's suffering a tremendous attack right now. If there is any way I can assist you in carrying that message to him or whatever, or I could represent you, or if you wish to talk, I'm on the Task Force representing gay and lesbian couples, and if there's any way I could help, certainly, I'll give you my card.

BARBARA ROSENKRANTZ: That would be very nice. I'd be happy to. I don't think that I really had the strength up until quite recently to do any sort of public speaking or political advocacy of any kind because we're just reeling from the pain of the event and the publicity has been horrendous. My husband particularly has been in terrible pain, in addition to my other children. We've really tried to keep a low profile.

DIANE HIMES: The only reason I would ask you to even participate in the political basis at this point is the state is in the process of making a decision which is what you're pleading for. And that is the issue, homosexual neutral literature, that your boy could have used.

BARBARA ROSENKRANTZ: I know. There's absolutely no doubt in my mind that had literature been available, that's probably all he would have needed. Someone to say to him, "You're O.K., you're really normal and you're going to be fine." It's just that he didn't know, so we were ignorant, and so probably we made things really difficult for him unknowingly. But the biggest problem that he faced was in the schools. See, they were very, very hard on each other, and there was violence in the schools. The boys that were pointed out as gay in the school were really abused, not just verbally. Robbie actually stopped a boy from being beaten with a stick. Someone had picked up a piece of wood and was after him in a parking lot at school because the boy was gay. And it was for nothing. So it has to be addressed. You can't pretend that it's not there.

ADELE STARR: Having a husband that is a lawyer, and just the experience that you have, how did you find the legal system reacting to your son and the whole process? Did you find the system to be helpful in any way?

BARBARA ROSENKRANTZ: Well we paid for our legal help. However, through the Gay and Lesbian Center we were offered legal help immediately, and had we needed it I'm sure we could have availed ourselves of it. I can't complain about that aspect of it.

CHRISTOPHER McCAULEY: The logical follow-up is during this period of incarceration. Have you found in your interactions with those authorities -- is there sensitivity there? Or is that continuing to be difficult?

BARBARA ROSENKRANTZ: Well, the jails are horrendous. The experience of waiting to get in to visit someone in the part of the jail set aside for gays is an experience. The Sheriff comes out, they are usually these young men who are just getting involved in the system and you have people quite often, at least in my case who are quite traumatized who are not inside the jail, who are outside coming to visit and they yell out, "All the gays, line up over here, and all the others, line up over here." We put a stop to it. You have to do it extremely carefully because the people who

are in that system you have to treat with great care. You don't want any possibility of whoever is on the inside to be the brunt of their hostility.

It would be nice if there were some sort of educational process for these men who are in charge of taking care of the men in prison. The jail system takes care of -- usually there are young boys in there generally who are involved with drug and prostitution-type of crimes. They're very young men and I think a little bit of kindness among the men who are there, jailers, probably would go a long way. I would love to see something done to educate them as well.

DUNCAN DONOVAN: The American Civil Liberties Union has several ongoing lawsuits that are open-ended relating to safety in the jail system and if at any time you have some harassment problem, Adele Starr has my phone number, please call me.

BARBARA ROSENKRANTZ: I think that the problem now that he's actually in the state prison system is not really a problem anymore. It's the city and county jails that I think need a little work. The day before Robert was transferred to Chino, the boy that was his cell mate, well his head was bashed in by a group of policemen who came in. I don't know what their reasoning was but that's what they did and Robbie was really shocked by it. So there's no doubt that there is a problem in that system. There are boys in there who did nothing more than jaywalk.

CHRISTOPHER McCAULEY: Thank you so much. We have several presentations. I believe Gary Yates is here. He is from the High Risk Youth Program at Children's Hospital of Los Angeles and he is here to spend a few minutes with us on the subject of runaways and homeless youth.

**GARY YATES**

**Children's Hospital, High Risk Youth Program**

Runaways and Homeless Teenagers

**GARY YATES:** Thank you for the opportunity to come and talk with you today. I'll try to keep my comments brief and answer any questions that you have.

People are always concerned with statistics when it comes to runaway and homeless youth. In 1983 there was a study done by the Department of Health and Human Services. Their estimate is: anywhere between 750,000 and 1,500,000 young people run away from home every year in the United States. They also estimate that approximately 60% of those go home within 72 hours, but that 25% of those young people are called chronic street youth and make their living on the streets of the major urban centers of the country.

In 1981, United Way did a study here in L.A. that estimated that in the county there were approximately 10,000 young people on the streets any given day. And in Hollywood alone they thought it was around 4,000. No one knows for sure about those numbers, but one thing that is certain is the number of shelter beds that are available for young people in Los Angeles County and that is 24. They are short-term shelter beds. Eighteen of them are for two weeks, six are for 30 days in the Aviva Center Shelter which houses only young women who are homeless. That's the system of care that existed up until recently.

Now I've worked at Children's Hospital, Division of Adolescent Medicine for the last five years directing the high-risk youth program. Basically, we provide outpatient medical and psychotherapy services to young people 12 through 24 for a program we run at the Los Angeles Free Clinic. We see approximately 2,000 young people every year, about 10%-15% of those are kids living on the streets here in Hollywood.

We conducted a study, seeing how we're an academic set-up, looked at those young people to see, because our clinical judgment was they were quite more at risk of just about everything than their counterparts who had not run away from home. The study confirmed that both in the medical and in the psychological areas these young people are at very, very high risk. To look at their history one begins to see that one of the reasons is they are a very abused group of young people. Just to give you an example of

the young people we looked at in that particular study one out of five in their first visit to a doctor indicated that the first time they had sex was before the age of 10. That's obviously sexual abuse. Many of them have run from situations like that. In our work with them, both on the psychotherapy and social work as well as medical, one of the biggest problems we had was finding a place to let them get stable. Being that these are the chronic street variety two weeks is not enough time to turn around lives that have been broken all the way along.

We worked very hard with the State Legislature and helped lobby through a bill called AB 1596 that was authored by Art Agnos of San Francisco. Roberti here, Russ, and a number of L.A. people at the state level co-sponsored the bill. It got the Governor's signature last year and it's funding two pilot projects, one in San Francisco and one in Los Angeles. Children's Hospital does have this pilot project. It's entitled "Homeless Youth." I want to tell you what it's doing and what we've found because I think we're going to know a whole lot more about what's happening to these young people than we have before because of this project.

The major emphasis of the project is to create a more coordinated system of care for these youth. One of the things I've certainly noticed and I'm sure you've heard all day is that the system of care in about every area in Los Angeles is very fragmented. When you're talking about young people who are transient and not very stable anyway, any kind of barrier for them getting from one place to another to receive the help they need ends up with them not getting what they need. What we've done is convene a coordinating council for homeless youth services. There are 24 agencies represented -- it's everything from the Los Angeles Police Department to Children of the Night and we meet on a bimonthly basis to network with one another and close down the gaps that exist in the system of care here in Los Angeles. In addition, there are 12 service delivery agencies in that coordinating council who are reporting to the hospital on a monthly basis, building a data base, looking at what's really happening. Anytime you talk homeless, it's very difficult to count.

In the first three months of our operation, October, November, December, the six shelter agencies that we have in Los Angeles sheltered 357 young people and turned away 1,166 youngsters. The new project Homeless Youth has a shelter so that's increased the number of beds actually to 44, because we have a 20 bed here in Hollywood. I really feel like question about the number is really a moot one. The point is we do not have enough services to meet the demand of the kids who are asking for help.

I think it's important to recognize that I would guess that the majority of kids that live on the street, unless it's cold, do not ask for shelter. One of the reasons for that is they recognize it's only for two

weeks and there's no point really unless they're tired and need a place to stay, take a shower. There really isn't much point in going to a two week shelter. At the core of this project with the umbrella of the coordinating council is a 20 bed shelter. We call it an emergency overnight shelter. It's run by the Los Angeles Youth Network through a subcontract from us and it's housed at the Hollywood Y.M.C.A. There's a hall about half this size, a big social hall and at night it's converted into a shelter for youth with futons. Kids get showers, fed, and they can stay there overnight. Then, during the day, they move up to the counseling or case management center where they're worked on a plan to attempt to get off the street. Once again as testimony to the demand, that shelter opened October 6th, and it's been full ever since. So they've sheltered 93 kids in the first three months and turned away 98. In looking at the young people that have used that we're breaking down who they are. Are they situational runaways? This is one of the problems -- the public image of runaway young people is that it is the kid who runs away over the telephone bill and goes back home in a couple days. That's certainly true, but in the young people that we're seeing right now, over 50% of them are chronic homeless street kids. They're not going home. Many of them have been abused, many have been abandoned and don't know where their parents are. We have a lot of people in Los Angeles and Orange Counties who live in motels because they can't make a first and last. We consistently hear stories of young people who go home to the motel and no one's home. They've all left.

One of the unique things we have in the project Homeless Youth is a very good working relationship with the Hollywood Division L.A.P.D. I want to recognize Lt. Ed Hocking because he's done a great deal to try to make the program work. What they're doing is running a pilot project where the police, when they pick up a homeless youth, instead of arresting them and putting them in a probation bed are giving them the option of going to the shelter instead. Using that mechanism the first couple of months they referred 13 young people to the shelter program. The agreement with the young person is that they will be arrested if they're picked up on the street again without the passport that's given that they're working a program to get off the streets and none of those young people have been arrested since. That either means that they're working their program or that they're too good for the police to catch them. It is a unique program and it's being looked at by law enforcement around the state. Ten years ago we arrested these kids and put them in juvenile hall, then they were out on the streets. There is a strong push to do that again in this state but its a bit ludicrous as our juvenile halls are running at double capacity right now. And these young people don't belong in juvenile hall. And one of the interesting points of 1976 which was the last year we incarcerated what are called status offenders which is breaking the law because you're a minor, and wouldn't be a law violation if you were not -- is that in juvenile halls in this state we put more kids that were status offenders than kids who had actually broken the law.

You should know that the Little Hoover Commission, which is a state commission out of the Governor's Office, is studying this problem *right now* throughout the state and is going to come out with a policy recommendation for legislation in the area next fall. I'm on the advisory committee, as are a number of people from the Los Angeles Area. I think that opens up the issue enough for you. I have some recommendations for you as the Task Force is considering this with other areas of family diversity.

The first recommendation I would say is for you to ask for a summary report from us of the information that we're collecting right now so that you can, as you prepare your report in June, have something to take a hard look at, that will give you some information that you won't find anywhere else in the county or in the state. And we'd be happy to do that for you.

The second thing is something more practical that you can look into right now and that is that one of the real barriers to care for these people is transportation. We have a van now that operates for project Homeless Youth and takes these young people to medical and psychotherapy appointments and they tend to make it now. But without that, giving people like this a bus voucher to make it to a medical exam that they can trade on the street for money or drugs is a little ridiculous. What is possible is that a city could look at a van service. There are a number of them, about a half-dozen runaway adolescent homeless service agencies here in the Hollywood area that try to access a system of care for young people. This is probably true for anybody that lives in the County of Los Angeles who is indigent. If you've ever ridden a bus you know how difficult it is to get from one place to another. That would be something to take a hard look at. It wouldn't be a great expense to the city and it would be greatly helpful to the system of care.

Many of these young people are not going home. I think one of these days the people in this state, in this city are going to have to sit up and recognize that it's a false assumption that the best course of action for many of these youth is to be unified with their parents. That's the way all these programs focus right now. We have a mythical belief in the family in this country that people are really Ozzie and Harriet; they are not ... or Little Beaver, or whoever he is, and it's not the truth and we're going to have to recognize that foster care is not an option either. If there's one thing we lack in the County of L.A. it's appropriate foster care and we're not going to get it and I think the people think that we're going to have campaigns and raise funds -- just looking to the past for answers -- and you don't find answers in the past. What really is going to need to happen is that we're going to have to recognize that the young kids who are 16 and 17 who are really independent of their parents need to be helped out through general relief as if they were emancipated. They need to be connected with a program, but they have to get that relief much easier than they can now. Right now, in order for the court to give them that

relief, they have to show that they've been stable for six months and I assert to you that's impossible when there's no place for you to stay. You can't show you're stable at 16; whereas, if we would just emancipate them on cause -- they have no place to stay, they want to work on independent living -- monitor them, make sure they are getting job training, but provide them that \$400 a month that could help them pay for apartment living. We have to divert them from the street prostitution and the drug they're on now to survive. And until we do that we're going to have a lot of difficulty working with this kind of young person and help them get back off the street.

One last point. Just to demonstrate graphically for all of us why it may be important -- I mean maybe they're just all a mess and they're going to be the homeless of tomorrow and we shouldn't bother with them -- but just to graphically demonstrate why we might want to there's a recent study out of George Washington University called "All One System" and it looks at a lot of things in the economy. One of the things it looks at is Social Security, and the number of people in the work force. This statistic is the reason there is nervousness about social security which has a lot of money in it today, and that is that in 1952 there were 18 people in the workforce for every person drawing SSI and in 1992 that ratio will drop to 3 to 1, one of the three will be on welfare. I would assert to you that that's a very good reason to get kids off the street and back into the workforce, especially for those of us who in the year 2000 might be looking at drawing SSI.

PAULA STARR: I really want to substantiate what you just stated because yesterday I had a situation with one young (one 18, one 23 year old) gay couple, they're homeless; we did our best to get them assistance, then we found out that they were Canadian Indians; the Jay Treaty wasn't recognized anywhere. I couldn't get them general relief, I couldn't get them temporary housing, I couldn't get them anything yesterday. They're still on the streets right now. I gave them bus money to go get certain things done. They said they couldn't go to the appointment. I know they didn't go to the appointment. So I really wish I had a solution for this.

CELIA MATA: A question on the pilot program. Could you qualify whether or not the pilot program does assist any youth in emancipation either through skill development or otherwise?

GARY YATES: Yes, we do. As a matter of fact, the pilot project (it's a two-year pilot) started last July, but operations actually started in October. About one-third of the kids that come in are working toward some sort of independent living and the kind of assistance they get is either job training, or actual jobs. Sixteen of the 33 kids that opted for independent living have gotten jobs in the program. Now these are tougher kids to work with for jobs because they're seventeen and under at this particular shelter.



The state law mandates you can't shelter minors with adults. It's probably a good idea but, yes, they work on getting things that you and I might not think about like birth certificates, like social security numbers that most of these kids don't have. They keep no I.D. on them. That way if they're picked up it's hard to tell who they are. So those kinds of basic things, and there are what are called Life Skills Training Groups that go on during the day at the case management center for them. So the answer is yes.

In addition, I don't want to make it sound like all the kids are independent living candidates. About 1 out of 5 of the young people who have access to this particular program today have been reunified with their parents. Nobody's going to keep them away from their parents if their parents want them back and they want to go. But what we see is the kids that are harder to work with, the kids that are staying the full 60 days, are the kids that are going on to independent living.

**CELIA MATA:** What role would you like to see L.A. City take in this particular pilot program or for future recommendations?

**GARY YATES:** Well, I guess the two things that I said -- well, all three. I'd like you to wait a little while. I'd like to give you some information. Not just the first three months, but I think the first six months so you have something to look at about what's happening in the whole city. I think a lot of times we go into things prior to knowing exactly. You know we'll go build a new shelter and that may not be what's necessary so I'd like to find out and I think we will find out so the first time we've been able to do this the agencies are being so cooperative I just want to acknowledge them all. We have 12 agencies reporting. We got all their reports in and they're not getting a penny for that. For them to be willing to do that shows their interest. That's one thing.

I really would like you to look into the possibility of a city van to transport these kids by appointment from place to place in groups. I think it could be done at a very cheap cost to the city and it would be a very big step in the right direction of bridging some of the fragmentation.

The other thing is that we will be working with the county to try to shift some of the ways that the juvenile court judges approach these kids as far as emancipation. If there's any role the City Task Force can take in supporting that sort of stance we would appreciate it.

**PAULA STARR:** Have you worked with the L.A. Job Corps?

**GARY YATES:** Yes, Children's Hospital. I work with the Division of Adolescent Medicine and we do all the medical care for the Job Corps so we're closely connected with them. And yes, we're working some of these kids into the Job Corps -- that's another option that we're looking at.

MARIO PEREZ: Approximately how many of these runaways are over the age of 21?

GARY YATES: Well, at this particular shelter not very many because they're 17 and under to get the shelter we have here, but on the high risk youth program which offers health care up through 24 a substantial number of the young people we've seen. I can't give you an accurate percentage, but my gut level is -- around 20% are between 20 and 24, the kids we've seen medically over the last four or five years. You have to understand that living on the street is not always just being on the street. It can be living in a motel, or living with a friend who trades sex for a place to stay. So they're not all out on the street. But of the kids we saw in that one year, that we looked at their profiles. One out of 10 were actually living on the street. About 20% of the medical patients we see are homeless. They ran away years ago, they've actually been living here or transversing back and forth between San Francisco, San Diego and here -- for -- the longest I've seen a kid out there -- I saw a kid that hit the streets at 12. When he turned 21 and he was still on them.

NORA BALADERIAN: Can you give us a breakdown basically of the boys and girls -- how many are disabled, non-disabled and what kind of races are represented?

GARY YATES: Disabled and non-disabled may be difficult. I don't think we're capturing that kind of data. I can give you a breakdown of ethnicity and I can give you a breakdown of male/female.

In this whole system of care that we're collecting data from it's about 50-50 with a few more males than it is females. When you look at the Project Homeless Youth Shelter, it's 3 to 2, males to females. When you look at the whole system of care it's about 56%-57% Caucasian, then about 25% Black and about 10-11% Hispanic, and you have a smattering of American Indian, like that. This appears to be a Caucasian issue. It is across the country and it is here too. The other thing is, because of the Canadian citizenship, that you mentioned, the kids who live on the streets in Hollywood, and therefore in the City of Los Angeles, many of them are not from the City of Los Angeles. This is a gathering point for homelessness in the country and it has been for a long time, just like the Tenderloin area in San Francisco is. And in our statistics about one-half the kids we see are either from out of county around the state or from other states. In the four years we've had the High Risk Youth Project we have seen kids from 42 other states that are homeless on the streets here.

Then the barrier comes up with bus tickets back home but no other care. Our personal bias is that this is a poor waste of taxpayer dollars. We might as well give them the care. They're here. They're in a sense residents they just don't have a street address.

CHRISTOPHER McCAULEY. Thank you, Gary. That was very interesting and we especially appreciate the offer of data -- very useful to us later, so follow through on that. Lora Weinroth is here. She is the directing attorney for the Battered Women's Legal Counseling Clinic and she is speaking to us on the subject of domestic violence, areas for improving city services. We've had a couple of presentations today on that and we're very interested in this topic.

**LORA WEINROTH**

**Directing Attorney, Battered Women's Legal Counseling Clinic**

**Domestic Violence: Improving City Services**

LORA WEINROTH: You gave my name and title, I am also co-counsel for plaintiffs on a suit against the city of Los Angeles, more specifically the Los Angeles Police Department because of their refusal to provide non-discriminatory law enforcement to the victims of domestic violence. The case was settled with a consent decree but the court retained jurisdiction until December 31, 1989 so we're not out of court yet.

The topic in general is domestic violence and I would like to define my terms to be sure we all know what we mean. I mean physical violence between adults who are presently at war who have formerly cohabited whether married to each other or not. They may be parents of a child without ever having cohabited or they may be in or have been in what the California Legislature calls a dating relationship. Don't ask me what that means -- I have no idea, but that is a term invented by the Legislature, so I'm going to use it.

I would also like to distinguish between what are generally called family disputes on one hand and family violence on the other. Family disputes are extremely disruptive, not only to the family but particularly to the children. But I think they're disruptive to the social fabric and tend on the whole not to be the kind of conduct which is criminally cognizable or with which society deals in a way other than permitting the people to get out of the relationship. I therefore address myself to physical violence between adults. Child abuse and elder abuse about both of which we have heard, and you will hear -- these are of separate treatment.

Domestic violence is considered to be the singlemost underreported crime in the country. I'll give you some very brief and I'm afraid dull statistics I think are essential. The first thing to note, and forgive me for making a personal remark, I'm likely to quote the F.B.I. a number of times in my presentation. This does not mean I'm overly fond of the F.B.I, it simply means that for purposes of these discussions they represent I think relatively authoritative statistical work. Ninety-eight plus per cent of the victims of domestic violence are women. Between 50% and 80% of women will be victims of domestic violence at least one time during their lifetimes. Seven out of 10 assaults against women are perpetrated by spouse, boyfriend, or ex-boyfriend. Most incidents of domestic violence take place

in front of the children. Domestic violence seems to escalate over time in both seriousness and frequency. Much domestic violence seems to be learned behavior transmitted generationally, particularly between fathers and sons. Lastly, domestic violence seems to cut across most usual demographic categories, that is to say, it seems to be independent of socioeconomic status, of occupation, of the number of children in the home, and of ethnicity.

I had a choice to make, which was whether or not to confront the Committee with the catalog of horrors or to speak in relatively general terms. I tend to be something of a coward and I've decided to speak in relatively general terms. If you're interested in the catalog of horrors, you can go to Department 59 at 111 N. Hill St. which is our Superior Court and read the declarations submitted by plaintiffs in the class action suit against the Los Angeles Police Department. The case number is on the papers I've given to you so you won't have to bother jotting it down.

I thought it might be interesting to again look at this a little bit statistically. A study was published by the Department of Justice in 1986 and it looked at what law enforcement personnel did with incidents of domestic violence. They found that among the cases of domestic violence that came to the attention of law enforcement personnel and on which record were kept (which is not necessarily saying the same thing), half of the assaults that law enforcement agencies classified as misdemeanors were in fact the cause of injuries, such that had it been stranger violence, the law enforcement agencies by their very own guidelines would have classified them as felonies. Another slightly different way of looking at the same sort of analysis was also published by the Justice Department in 1986. Their analysis revealed that more than two-thirds of the victims of non-stranger violence sustained injuries. Twenty-five per cent of the victims required medical attention and over 25% of the incidents involved guns, knives, bludgeons or other weapons. You can see that the problem is endemic and of the utmost seriousness.

The question I was asked to address is, "What can the city of Los Angeles do about it?"

Well, I have lots of ideas, all of which are going to cost money, naturally. I would like to take them in the order in which I think they ought to be prioritized and it happens that my first suggestion is I think probably going to be the one that you're going to get the most bang for the bucks, and that is law enforcement.

Without putting too fine a point on it, I think I would like to see the city become very active indeed in supervising at all levels of the Los Angeles Police Department -- both in policy and in the field -- to insure that law enforcement personnel obeys the law just like anybody else has to

who walks down the street. I cannot complain about California legislation with respect to domestic violence. We have lots of good laws on the books. We have domestic violence restraining orders. We have harassment restraining orders, I cannot speak for the entire state. I can speak for the Los Angeles County Superior Courts and I must say on the whole the judges and commissioners who sit in Superior Court in the county are very sympathetic, very understanding. I do not mean that they are not fair, but they do not go out of their way to make women who appear before them with restraining orders feel in any way that it is their fault, that they are guilty of something. They treat them properly and that's what I call being fair. We do have enforcement problems, and as you know, the suit was settled and theoretically I'm not supposed to say this but everybody knows that when a suit is settled the people who walk away with what they want won, even though the other side never will admit that they lost. It is extremely difficult -- I realize that -- to supervise 7,000+ police officers in the field, but what we need is some strict attention paid at the policy making level to having the Los Angeles Police Department do what they are supposed to, both under state law and under the terms of the consent decree. So I would like to see monitoring and supervision preferably from the outside of Los Angeles Police Department policies and field practices. I'm one of the few lawyers who voted for public administration of attorney discipline so I'm perfectly happy to have outside agencies look at me and I think the Police Department ought to share my views on that.

I would like to see expanded and professional training in the laws, the statutes, and the consent decree in the general dynamics of domestic violence given both at the police academy and repeatedly at periodic roll call training. I don't think it's enough to have a sergeant who may be, has been or still is a wonderful field sergeant be put in charge of crisis intervention and domestic violence training at the police academy after perhaps sitting through one or two -- I don't know how they run it -- quarters, or semesters and then be qualified to choose material, to instruct instructors, to supervise trainers etc. I think we need independent and professional training in those areas. That training must include, and when I say "must" I put that in quotation marks. It means that I very much hope that it will include training in undoing what has been a myth in the law enforcement community for a very, very long time. I again rely on F.B.I. statistics. The myth is that domestic violence calls are the single most dangerous call for a police officer to make as far as his or her life and limb are concerned. F.B.I. statistics, and the bibliography is in the paper that I gave to Tom, so if you don't believe me you can go read it for yourself -- F.B.I. statistics have revised this. They have analyzed data on police fatalities and police injuries from 1973 to 1984 and I quote, "Domestic disturbances are one of the least frequent types of incidents involved in police homicide and low assault and injury rates, anywhere from 2% to 8% are associated with domestic disturbances in general." It's very difficult to get police officers to be, forget enthusiastic, let it be willing, to do what

they're supposed to when they're called to the scene of an incident of domestic violence if they think that this is the singlemost dangerous call for them. Well we can reassure them it isn't.

I would like also to have some input from the city into appropriate prioritizing of police dispatching and I won't go into that until I get to one of the other suggestions that I have for the city.

I would like also, if possible, either through the City Attorney's Office or the Police Department to see continuous and extensive funding of some kind of a handout, preferably multilingual, and I think Spanish in Los Angeles is no longer multilingual enough to give women an idea of the kind of resources that are available in the community and the kind of legal rights that women enjoy.

My second large subheading would be data collecting. The Los Angeles Police Department did not collect data; by that I mean they did not segregate domestic violence from any other kind of assault or battery until they were mandated to do so by state law. And that was very recently. I would like to urge the city to support this very strongly because that is the only way in which we can get an idea of how much resources to put into that kind of law enforcement presence.

The next large item that I would like to address is what I will call the prosecution of domestic violence offenders and I address myself first of all primarily to the City Attorney's Office which is under control of the City. Whatever influence the City can exert over the District Attorney would be, I'm sure, extremely welcome but it's the City Attorney that is primarily under the control of the City. I was very happy to hear from one of the earlier speakers that the City Attorney's Office had reinstated their domestic violence program. They had one quite awhile ago and I thought that it was sort of dormant. It turns out it was actually terminated in 1983 because federal funds ran out. Well I think the City might try to find a little bit of money to make sure that at least one or two warm bodies sit around in a domestic violence Task Force in the City Attorney's Office. I would also like to urge after appropriate data gathering has taken place that prosecutions be prioritized. I am going to express my outrage at the fact that the City Attorney's Office holds so-called Office Hearings which are presumably the first cut to decide on prosecutions that are staffed by non-attorneys -- never mind already non-deputies -- but non-attorneys. And I can by that horrifying bit of information if I may get anecdotal, when I had an occasion to read Los Angeles Magazine which I ordinarily do not, but we were looking for a restaurant to take out-of-town guests to and my husband saw the article and he screeched and said, "You'll love this!" But I do think that that is not proper. I would like to see, if possible, written policies establishing criteria and procedures for prosecutors. I would urge the City Attorney to think very seriously even though we all know about

the First Amendment to train their prosecutors in how to talk to complaining witnesses so that the complaining witness does not feel intimidated and discouraged by the system. I would like to see, if possible, an avoidance of outright dismissals in favor of deferred prosecution with conditions of probation such as counseling, for example. The City Attorney, to the best of my knowledge never, ever asks for criminal stay-away orders. Never! They say "oh, go get a restraining order". Well that's fine, but the City Attorney has the ability as part of deferred prosecution probation, what have you, to ask for criminal stay away orders that would make life a lot easier for a lot of the battered women. I think finally the City Attorney or a task force that would coordinate needs to do some community outreach, again in multilingual form. We should let people know, particularly women, what their rights are, what the resources are and where in the city they can go to find some assistance when in fact they are out of their homes, hungry, injured and with children.

The last think I would like to say is that if the city could exercise its influence to try and get Saturday or night Family Law Court sessions going and not just muni-court for traffic offenses it would be wonderful, because there are large numbers of women out there who cannot literally afford to give up a day's pay to go to court. That's about all I have to say. I thank you for your time and I will be very happy to take questions.

**CHRISTOPHER McCAULEY:** Thank you.

**DUNCAN DONOVAN:** I was somewhat startled by your figure that about 50% are for misdemeanors that would have been classified as felonies if the episode had occurred between strangers. I don't know if you are competent to respond to what I'm curious about. I wonder how much of this problem, since most of these things are viewed by men as the officers, and the attorney's offices -- I wonder how much of this could be put to a sexist attitude by men on what the role of a man is in the family.

**LORA WEINROTH:** Do you know where the expression "rule of thumb" comes from? It comes from an old British law which said that a man might chastise his wife provided he did it with a stick no thicker than his thumb.

Let me now give you some details. When I said demographically there seem to be no distinct categories, I would like to take that back just a little bit. There seems to be slight overrepresentation among batterers occupationally speaking, lawyers and police officers. There seem to be slight overrepresentation. In the ethnicity category of Irish. There seems to be a slight overrepresentation if you divide it between religious affiliation of Catholics. So to answer your question, if you have an Irish Catholic cop called to the scene of a domestic violence incident I doubt that anything short of homicide is going to impress him very much.



JAY KOHORN: I've had a lot of experience with the City Attorney's Office Hearing process and I've found it to be extraordinarily helpful because it mediates often instead of creating adversarial situations. Sometimes it's appropriate to have that sort of situation and sometimes it's not. So they start out with it not being and if they based on their conclusions which are then submitted to an attorney who evaluates those conclusions, if they come to the conclusion that they want to put it into the adversarial system, they do. But I have never in my years of working with the City Attorney Office Hearings process had any occasion to be upset with the fact that I wasn't with the actual attorney, that I was dealing with hearing officers who were non-attorneys. There has never been any problem for me.

LORA WEINROTH: There hasn't been any problem for me, either, because I've never been in one. If I were the victim of a crime and women who have been assaulted and battered are victims of a crime and I have talked to a number of them on the topic, they feel very upset that the system is not paying even so much attention to them as to provide them with at least an attorney to listen to their side of the case. I also feel very strongly about mediation. I suspect in my particular field I'm inevitably drawn to feeling about, in a very different way than you do. I think mediation is fine if you're dealing between parties who are approximately equal in power. By definition the man and the woman who have been, I don't want to say involved, the man who has been the perpetrator of a criminal act and the woman who has been the victim of his physical assault are not dealing on an approximate peer level. And I think in that situation mediation is absolutely inappropriate.

NORA BALADERIAN: My experience is that there is a great deal of what we would call domestic violence among teenagers who are dating in their high school years. They don't live together, they date but there's a serious injury. Could you comment on that?

LORA WEINROTH: I think that's probably what the Legislature meant by dating relationship. I don't think they really meant to exclude sexual relationships necessarily. I think they meant to include very young people or people who for other reasons were not really living in a domestic or quasi-domestic context but did have intimate contact. I was horrified to read that apparently violence of that sort -- dating violence -- is pervasive and very serious, as I was equally horrified to read that apparently date rape at a very young age is also very pervasive and can be extremely violent.

We tend to see a very surprisingly large number of very young women in our city (question: How young?) I don't ask - and let me tell you what I mean by that theoretically. If they are under 18 they cannot bring a case in their own name. They would have to have a guardian ad litem appointed.

If they can pass, and if nobody asks them silly questions in court, then I'm not going to ask. I'm not going to ask. We get a number that are in high school, we get a number that are barely beginning junior college and where the relationship -- and it doesn't make any difference to our purposes whether or not actual sex was involved, the relationship -- is clearly a dating one. Large numbers.

NORA BALADERIAN: My experience is they don't tell anybody. That's the way the relationship is. Is there any indication that you know of in terms of high school level that getting beat up is a part of the relationship?

LORA WEINROTH: I think the Southern California Coalition on Battered Women put out a book, I forget what its called, it's a paperback. I looked at it once a long time ago. I wasn't very happy with some aspects of it so I suppressed all memories of it and I can't tell you to what level it is directed. I thought it was grammar and junior high but it might perfectly well be usable at a high school level.

CHRISTOPHER McCAULEY: I need to thank you very much for excellent testimony. Very interesting testimony. I'd like to ask Ann Finger to please come forward. She is with the California Association of the Physically Handicapped and she is here to speak about some of those factors that relate to the problems and challenges of disabled in families. We're delighted that you are here with us today.

## **ANN FINGER**

### **California Association of the Physically Handicapped**

#### **Problems Impeding the Disabled in Family Living**

**ANN FINGER:** I'm speaking today not only out of my experience of knowing many people who are disabled parents but of being a disabled mother myself. I think one of the biggest problems that disabled parents face is that it's been assumed up to the recent past that disabled people should not have children. And it's still the prevailing assumption that we do not. This assumption is reflected in a lack of services available to us, and social prejudices, and a world that's designed as if we did not exist. I'd like to remind the members of the Task Force that disability cuts across all social lines, ethnic lines, class lines. Thus, disabled people, and families with a disabled member, are to be found among all the other groups that you have heard about today.

When you talk about teenagers and undocumented persons, when you talk about lesbians and gay men, when you talk about homeless people, old people, runaways, and victims of domestic violence, you must remember that disabled people are among all those groups. In fact, in some cases, old people and homeless people are the first two that first spring to mind. They form a very large percentage of those groups. In addition, members of the Task Force need to know that disabled people are twice as likely to be poor as the general population. Even when we are not officially below the poverty line, we tend to have far less money than non-disabled people -- those with similar education and background -- often accompanied by greater financial needs due to our disabilities.

Access is usually thought of as physical ability to enter a building, or take part in a program. It's been the big issue that disabled people have fought for for the last 15 years. It's that, but it's much more than that. I want to give you an example of a situation where a hospital was physically accessible but not truly accessible. My son was born at Santa Monica Hospital. And a few months later, another friend of mine who is also a disabled mother -- her son was hospitalized there. She went up to the maternity ward, she was breastfeeding and she went up to use the breast pump up there and everybody said, "Oh, how's your baby doing?" And she said, "Well, he's O.K. but I don't know you" and they said, "Oh, but we know you, your baby was born here a few months ago", and she said, "No, that wasn't me" -- and consistently staff member after staff member took this woman for me who is a foot taller than I am, has different colored hair than

I do, and who looks nothing like me. People kept insisting to her and she kept saying, "No, my baby was born in Cedars" and they kept saying, "No, your baby was born here. We remember." That's an example where there was physical access but there was not in fact access. People could not literally see us as individual people. So that when we talk about services being accessible, we need to be sure that they're not just physically accessible. We're not just talking about sign language interpreters although we are talking about that; we're not just talking about taped or Brailled material, but we're talking about services that are truly sensitive to the needs and concerns of disabled parents. The best way to provide those services is to have disabled people on staff, which some see as an impossible task.

We are 10% of the population. I forget what the unemployment rates are, I know for disabled women who are ready and able to work the unemployment rate is close to 60%. The city needs to have an affirmative action program for disabled people. The other way to have programs that are truly accessible is to have people be trained -- the whole staff be trained in the needs and concerns of disabled people. Childcare centers, information lines for parents, schools, hospital and parenting groups are just a few of the places that need that training. And that training should be done by disabled people. Another point of view where a building or service is inaccessible to one member of a disabled family, it's frequently inaccessible to the whole family. For instance, if an R.T.D. bus doesn't have a lift, or if that lift doesn't work, then not just the disabled member of the family is shut out from that bus, but the whole family is. If a family with a disabled member seeks counseling and cannot find a counseling center that is aware of the concerns of disabled people, then that whole family has been effectively shut out from counseling.

I'm going to touch on four areas which are of key concern to disabled parents: support services, schooling, housing and health care.

In-home support services is a program which provides attendant care to disabled people. But it does not provide care to the children of those needing attendant care. Thus parents who cannot bathe or feed or dress themselves can get attendant care to provide for their own needs but not to provide for the needs of their children. This obviously needs to be changed. Frequently, foster care is the only alternative available to disabled families who have difficulty coping with parenting. In Kenneth Therman's "Children of Handicapped Parents," he reports that particularly with parents who are developmentally disabled, courts tend to take custody of the children rather than providing parents with support services and education. This often results in children being taken from homes which, although they may be lacking in intellectual stimulation, are not at all lacking in love. The children are then placed in a series of foster homes with all the problems inherent in foster care. And, ironically, such care usually is far more

expensive than the provision of support and parental education would have been in the first place.

When we think of accessible schooling we usually assume we are talking about schoolrooms and programs accessible to disabled students. Yet physically disabled parents of students frequently find themselves unable to enter inaccessible buildings for parent-teacher conferences. Deaf parents may find themselves unable to communicate with their children's teachers if sign language interpreters are not provided. Blind parents cannot read a child's report card if it is not put in Braille or taped. In short, we are often unable to take a full role in our children's education. The definition of accessible education must be expanded to include access for parents and other significant caregivers.

The designers of housing built specifically for disabled people usually assume that we live alone or at most with one other person. Housing must be built with the needs of disabled parents in mind. This situation is even more pressing for the disabled woman or family with a disabled member in need of temporary housing. Shelters for the homeless and battered women shelters must also be accessible.

Finally, I want to address the problem of accessible health care especially in regard to pregnancy and childbirth. Disabled women seeking information about becoming pregnant can find their concerns not even taken seriously. I've heard of a pregnant woman in a wheelchair who encountered a nurse who roared with laughter and said, "You're pregnant? Now I've heard everything!" Disabled women are sometimes urged to have abortions. Frequently our pregnancies are seen to be high risk. I don't know any of the statistics on the prevalence of C-section births among disabled women but I do know that among disabled women I know personally the C-section rate is startlingly high. I question whether many of these were medically necessary. It seems they were due more to doctor distress than any other factor and I would remind you the maternal mortality rate from C-sections is at least twice as high as it is with a vaginal birth. Disabled women like all women have the right to family centered maternity care with no unwanted interventions. The growth of court ordered C-sections poses a special threat to disabled women. These are just a few of the issues that we need to see addressed, but I'm very glad to see this Task Force making a start on addressing them. Thank you.

CHRISTOPHER McCAULEY: Thank you very much. Are there any questions?

LOUIS VERDUGO: I'm with the Attorney General's Office and I'm in the Civil Rights Enforcement Unit and we deal with the issues of enforcement of the accessibility laws, and I have not a question, but maybe a comment for the group here today. Currently our office has received

numerous complaints about the Los Angeles City Building and Safety Department not enforcing the accessibility laws and regulations that are applicable here in Los Angeles and we are encountering numerous complaints about a lot of new construction especially where the buildings are being put up and not even close to being in conformance with the requirements. It is my understanding that the building department has already met with a committee of the City Council regarding what the city can do to insure that the requirements are met. So I think it would be something that this group would be particularly interested in getting to, say, Councilman Woo's attention, that this proposal which basically I think will address two major issues of lack of staff, lack of training for inspectors to insure that the standards are followed. I think it's something that we as a group should consider in making a recommendation because the city is the primary agency, the building department that is, that is going to be responsible for enforcing these laws. And when the Office of the Attorney General gets it, it's after the fact -- the building is up, concrete's been poured, steel has been put up and it's much more difficult to remedy the problem.

CHRISTOPHER McCAULEY: Can you get that data for us? (Yes.) Thank you very much. Very interesting. Finally, Jay Westbrook is here. He's the Media Coordinator for the American Society on Aging for a very interesting issue the portrayal of seniors and family on television and in other media.

**JAY WESTBROOK**

**Media Coordinator, American Society on Aging**

**Portrayal of Seniors and Families on Television**

**JAY WESTBROOK:** I'm sure you're all happy to see me as the last speaker. In addition to what you just said, I am also an instructor at U.C.L.A. Extension, a national columnist, a member of the L.A. County Elder Abuse and Long Term Care Task Forces, and a private gerontological consultant.

I'm here today to talk to you about the portrayal of families and the elderly on television and in other mass media. There's basically a four-fold rationale for this presentation.

First our society is graying; that is, the numbers and the proportion of those over 65 is increasing as never before. Further, the 85+ age group is now the fastest-growing segment within our society. These aged people often encounter barriers, be they transportation barriers, or access barriers to health and social services. Or they may even be unaware that health and social services are available to them.

Secondly, our society is changing from one of traditional families to non-traditional families, be that single and divorced parents raising children or unmarried couples living together with or without children. Further, Los Angeles has replaced New York City as the melting pot of the United States; that is, within our city here there's more cultural diversity than in any other city in the United States. And these families often encounter other barriers, time barriers, cultural, language barriers or transportation barriers to the same social and health services and may also be unaware of those services.

Third, Los Angeles is the mass media capital of the country, if not the world, and as such it should certainly lead the way in addressing the information needs and providing the positive role models for both families and aging persons.

Fourth, the mass media in general and television specifically are very, very powerful and pervasive forces. In terms of power, they have the power to report, reflect, and reinforce societal changes; to conform or create status. There was certainly no status to being half shaved until Don Johnson of "Miami Vice" was that way. They can mold viewers' perceptions

of reality, color attitudes, and establish or validate ideas, values, and social behavior. It can motivate viewers to action such as writing letters to legislators; it can disseminate information, entertain, and provide a window to the world or be a means of relaxation. It provides a way to structure time, an opportunity to learn, to stimulate and to provide information. Television may provide companionship, provide topics for conversation and also a basis for shared experience. The pervasiveness, on the other hand, of television can be documented by the following few facts. These are for the United States. They are probably higher in Los Angeles. Ninety-six per cent of all households have a television. Eighty-nine per cent of all households have color television. Each television in the United States is on 6.5 hours a day on the average. There are 1,100 stations on the air not including any of the cable stations. Eighty per cent of the households in the United States get seven or more stations and although a single year contains only 8,760, hours there are 5.5 million hours of programming broadcast annually.

Let me address the presence and portrayals of families and the elderly, and this part of my testimony will focus specifically on television and I will later address in a very brief manner the other mass media.

In the beginning there were family shows such as "Leave it to Beaver," "The Adventures of Ozzie and Harriet," in which wives stayed home and cleaned house in their heels and hose and pearls and the man either went to work or vaguely alluded to it. The issues addressed in these shows weren't issues, they were problems like what you do when you break a neighbor's window with a baseball or what you do when you realize you have two dates for the dance on Saturday night. The characters were unidimensional, and storylines were certainly trivial. It was also interesting that while sons were very plentiful, daughters were very frugally inserted.

In the beginning, the elderly were not present in very many T.V. shows and when they were present, they were traditionally depicted, in a stereotypical manner, as slow, one-dimensional, sick, dependent, less intelligent, rigid or closed minded, senile, sexless, useless, incompetent, and lacking dignity and a range of depth of emotion. As with the children of families, females were cast far less often than were males. As few elderly as were shown, even fewer were shown in a role of significance and the standard measure for a role of significance is that it's indicated by a role portrayal lasting two or more minutes. Further, in many of the roles in which the elderly did appear they were cast as victims.

In the transition period of the 1970's, we saw family shows in which families were portrayed in a manner closer to reality and the issues they confronted were more truly issues. This is the period which gave us "All in the Family" and "Mash," "Alice," "Maud," "Mary Hartman, Mary Hartman," "Soap," "Taxi," "Mork and Mindy" and "One Day at a Time" -- all of which



were pioneers in their own way in that they blazed a trail out of the land of bubble gum and into the realities of the 1970's. Even Mork and Mindy did some excellent shows on aging.

The aged, during the same period of the 70's, were seen with greater frequency and greater regularity and to some degree they were shown as richer and more multi-dimensional characters. Particularly in shows like "Taxi," "Mork and Mindy" or "The Walton's." In other shows, such as "Barney Miller," elderly characters like Fish -- for those of you that know the show -- appeared regularly but were still treated in a most stereotypical manner. In some cases, as with shows like "Real People" or "That's Incredible," we witnessed a form of what is called reverse stereotyping, that is showing the elderly who were the antithesis of the traditional elderly stereotype. These are the shows that present the 90 year old marathoner or motorcyclist or the 90 year old couple that climbs a mountain and makes love at the top of the mountain -- again, hardly reflective of what most people experience as they age in our society.

However, by the Fall of 1986 television season, I can say we've come a long way, baby. Families on television finally reflect reality at least in some situations. We now see numerous single-parent families in shows like "Kate and Allie," "Heart of the City," "Dads," and "Who's the Boss?" For the first time since "The Walton's" we are seeing many multigenerational families, both the three and four generation variety. Examples of this include the new "Life with Lucy" show, the "Ellen Burstyn" show, the new "Leave it to Beaver" show -- I think all three of which have been cancelled-- and the absolutely marvelous "Our House," which is cursed with the burden of being against "60 Minutes," but is still holding it's own as an absolutely excellent show. Even the one category of television show which has been most negligent in portraying either elderly persons or intergenerational family, that is, Saturday morning children's programming, even that has come forward into the 1980's. "The Smurfs" now have introduced Grandpa Smurf who lives with the family. They are now a three generation family. There are other shows, fine shows like "The Cosby Show" where there may not be more than two generations under a single roof and yet those episodes which have Cliff's parents, or the children's grandparents in the show are among some of the best episodes aired.

The elderly are also being seen more frequently and in far more realistic roles in which they are complex individuals with emotions, romantic interests, dignity, health and power. The daytime soap operas such as "General Hospital" or "All My Children" and many of the others have always and even now continue to frequently incorporate older individuals as major characters. Even commercials are using older and older actors as spokespeople to target an aging market. You've all seen Harry Morgan, I'm sure, selling insurance. You've all seen a number of people like that. It's interesting that the T.V. Guide of several months ago which talked about

the 10 most handsome and desirable men on television identified John Forsyth as one of those men. When L.A. Magazine a few months ago talked about the 10 most beautiful women in America. When it got to Bo Derreck it was interesting that it said Bo Derreck at 29 is the youngest of our 10 most beautiful women, while 10 years ago 29 would have been the oldest of our 10 most beautiful women.

Many of the made-for-T.V. specials, be it the ABC "After School Special," or the CBS "School Break Special" and numerous made-for-television movies have addresses aging and age related issues, including elder abuse, mandatory retirement, mercy killing and Alzheimer's Disease, as well as addressing family and family related issues including domestic violence, latchkey children, single parenting, drugs, sex, and diseases such as AIDS. For the most part the subjects have been handled with sensitivity and have been devoid of saccharine or sensationalism.

Perhaps the singlemost significant television event in terms of the elderly was created and aired by ABC in May of 1986 and kudos must go to them for producing the news close up "Growing Old in America." ABC took an unprecedented step; the presentation of a three-hour prime-time network news special that examined what it means to grow old in America. Even if the show had not been high quality its airing would have been a landmark, that is, the dedication of three hours of prime time television to aging. However, I am pleased to report that "Growing Old in America" was an excellent, timely, and in-depth exploration of the graying American society.

Now, briefly addressing the other mass media other than television I would say that most of the mass media other than television has responded in much the same manner that television has to the changing nature of families and to the graying of America. There are an increased number of books, scientific journals, magazines, newspapers, the movies and radio programs dealing specifically with family issues or with the elderly and age related issues. On the one hand, they have for the most part done so without sensationalism. On the other hand, select issues do lend themselves to sensationalism -- and the media has bought in hook, line, and sinker, particularly the area of abuses -- elder abuse, child abuse, spousal abuse. As fine as the concept behind the movie "Amos" was, it was so unrealistic that if you know anything about elder abuse it took away credibility from the issue rather than adding it. The one thing it did do was bring attention to the matter, but it brought it in a sensationalistic way.

It is clear then that the media are paying quantitatively more attention to aging and to families than they have in the past and, further, the quality of that attention seems to be improving. It may not be altruism that motivates these changes but rather, for example, a growing awareness on the part of the mass media, the shrinking group of younger viewers, and a quickly expanding group of older viewers with significant time to invest in

viewing and significant dollars to invest in consumer products. However, given that most of the mass media are private, free enterprise businesses with a need to show a profit, I don't believe it appropriate for us to question their motives. Rather it is appropriate for us to monitor the quality of their products.

To that end, I urge the City Council to recognize, by proclamation, when appropriate, those media works which are of exceptional quality in addressing family issues, or age-related issues.

Another step the City Council might take would be to offer to representatives of mass media the opportunity to either interview city employees, such as Adult Protective Services workers, or to allow those people or have those people available to review script prior to publication or production for accuracy. When I was a research consultant at the gerontology center at USC, Norman Lear always used to send his "All in the Family" scripts to us if they dealt with a nursing home or an age related issue. He did not necessarily follow all of our suggestions but he got that expert feedback, and I think the city, offering to open up certain employees and what they might offer to make a show richer and have more depth would be an important step.

Finally, and most importantly, the city should work with various forms of media, various stations on PSA's -- public service announcements -- about health and social services trying to eliminate the kinds of barriers I spoke of earlier -- cultural barriers, language barriers, transportation or access barriers, time barriers. Are the clinics open at time when a working person can get to them? And finally, to work with the stations to make sure that any PSA's that are put on the air are put on in a time slot surrounding or during a show which is watched by that group which you are targeting with that PSA. I thank you for allowing me to testify and if there are any questions I would be glad to take them.

THOMAS FRANK COLEMAN: I have a comment, number one, and look forward to getting your written remarks to put in the record. Secondly, another compliment: I was really wondering, given the City's limited jurisdiction what you would come up with in terms of recommendations and I think your recommendations are right on target. I think there are things the city can do, that we can help implement those recommendations so its the most insightful presentation as far as what the city can do that I can imagine..

JAY WESTBROOK: Thank you. It is a ticklish area because, as I said, those are businesses and as little as we like to admit it, they're there for one reason and that's to make money.

THOMAS FRANK COLEMAN: One thing that does fall in the City's jurisdiction also is the cable franchise area and most of your remarks were on commercial television.

JAY WESTBROOK: I think cable is doing a wonderful job. There are shows on health, public television has "Modern Maturity," "WISE," which is Westside Independent Services to the Elderly, and Santa Monica has a show on cable. There are many, many shows, interview shows that have guests dealing with aging or age related issues and I think that cable has just brought that many more stations to the forefront and you will see a greater diversity of programming.

JAY KOHORN: Just one comment: it occurred to me while you were speaking that the media and the arts are the educators to the mass general public which gives support and direction to what government and business ultimately do, so I think that its important that the media and the arts are slightly ahead of where government and politics are. And the point is that so often these lawyers try to get the courts and the legislators to do things that the public doesn't support yet and the courts are slow to respond because we haven't worked to get that groundswell of support and that's where the media comes into play.

JAY WESTBROOK: I understand what you're saying. As long as it's done properly, for example, if you sensationalize elder abuse and the knee jerk reaction -- that of the public -- is to outcry, and the knee jerk reaction of Sacramento is to pass mandatory reporting laws, do those really do any good if there isn't money for counseling and prosecution. Or do they steal dollars from what otherwise may be applied to counseling or prosecutory programs?

CAROL GILL: This is mostly a comment: I was interested in what you said about being a consultant and a researcher for gerontology centers because it reminded me of the kind of consultation that is done on films and other media presentations about disability. One of the possible problems of that, with all due respect, is that the ultimate experts are the people who are old or the people who are disabled.

JAY WESTBROOK: I disagree. I absolutely disagree 100%. You can be as uninformed about aging, 100% uninformed about aging, and be 90 years old and not have any idea what is involved in the aging process, what programs are out there to make that process smoother, or harder. They know it does not make you an expert in gerontology any more than being disabled makes you an expert on access. It depends in fact on what you have done with your life and how much you have educated yourself. A Black person, by virtue of being black, is not an expert on racial relations.

CAROL GILL: I absolutely agree with you that there are uninformed or nonconsiderate people in those groups, but the truth is that's true of experts as well and I have encountered a great many experts who have no insight into the experience of the people with whom they work and the people that they've studied.

JAY WESTBROOK: That's true. At U.S.C., when Norman Lear's scripts came in, they were reviewed by people such as myself who are experts in gerontology, in communication and media, and by the Andrus Volunteers, the group of elderly persons involved at the gerontology center.

CAROL GILL: My point is that the consumer is often overlooked when media go out and ask for consultants. And I think that's probably the problem that we share -- those in the aging community and those in the disability community. So, although I'm glad that you are there to do consulting, my concern is -- let's not leave it there.

JAY WESTBROOK: It was a team of consultants, not an individual process.

CHRISTOPHER McCAULEY: Thank you to the witnesses who are still in the room. We appreciate it. Thank you to all the Task Force members who survived with lasting enthusiasm through a long afternoon of testimony,

**PUBLIC HEARING: February 19, 1987**

**CHRISTOPHER McCAULEY**

**Task Force Co-Chair**

**Opening Remarks**

**CHRISTOPHER McCAULEY:** My name is Christopher McCauley. I am the co-chair of the L.A. City Task Force on Family Diversity. Next to me is our other co-chair, Dr. Nora Baladerian.

This is the second in a series of four public hearings being conducted by the Task Force. All our meetings are open but we have set aside four meetings for the express purpose of inviting witnesses to provide expert testimony on select topics of interest to the Task Force to be included in our report.

Again, for those who are guests, the Task Force was created by Councilman Michael Woo on May 1st, of 1986 and it was designed in a four-phase process. Part of that process was an organizational phase in which 38 of us from all different parts of the city came together on this enormous topic of family diversity and contemporary family change and sorted ourselves out into various topical areas. The second phase was involved in a significant amount of student research for about three months, which ended in December. We are in phase three which includes these four months of hearings, and our next few phases will be devoted to preparing the team reports, drafting the final report, voting on recommendations, and then submitting those to the Councilman, and ultimately to the Council.

We're very happy to have Councilman Michael Woo with us this afternoon. Most of you have had an opportunity to meet with him individually to discuss research from your teams at City Hall, but we welcome any opportunity to have some interaction with him and to hear his comments about the Task Force and its future role.

**MICHAEL WOO**

**Los Angeles City Councilman**

**The Changing Family in Los Angeles**

**MICHAEL WOO:** Thank you very much. The last time that I spoke here in Hollywood was a week ago today. I was at a press conference for the announcement of the new museum in the area. As I was sitting there about a minute before the press conference was about to begin, a pigeon flew overhead and literally relieved itself right on the front of my jacket. It gave me this feeling of dismay, on the one hand, that the front of my jacket had been stained, but on the other hand I also had this feeling of relief that it missed my head, missed my face, missed my tie, missed my shirt. In some ways that's an analogy for the political process, I think. You can't always get everything you want, but nevertheless life goes on.

I wanted to take this opportunity to first of all welcome you to my district. I appreciate all the time that members of the Task Force have put into all the meetings which have taken place up to this time. The research, and, I think, the product, in terms of the recommendations which will be coming out of your deliberations and the public hearings here, will be a very exciting package of proposals coming forward.

It's very clear that the face of Los Angeles is changing very rapidly in terms of physical signs of change such as the change in the urban environment, the kinds of buildings that are going up, the physical change in terms of the ethnic mixture of our city. But what is I think equally important but less visible is the changing face of Los Angeles in terms of the changing definition of the family. It's very appropriate that this Task Force is called together to deal with some issues which I think are on the cutting edge of our society.

There are some questions which I think are going to be very controversial which I think that city government needs to face up to. And it's because of your efforts that I think that we will be coming forward with some proposals that will be forcing city government and, hopefully, institutions, whether in the private sector or in the public sector, to start to face up in connection with the changing reality of life in Los Angeles.

I've met many of you in the meetings that I've had with research teams and I'm very impressed with the broad array of subjects which you've chosen to delve into. I want to emphasize that I think it's important for

you to come up with recommendations which are not necessarily non-controversial but which are politically practical to the extent that I and other allies on the City Council can push them through the City Council and to use that political process to try to bring some of these proposals into reality.

I will pledge to you today that I will do everything I can to apply every political muscle I have to get the ultimate package of recommendations through the Council, but I'll need your help in terms of your wisdom and your sense of political reality to help me come up with some proposals which we will be able to move through the City Council. This is not necessarily a simple task, but referring back to my initial story -- sometimes if you can't get everything you want, you can get some movement to take place and my reading of the situation is that I think you are basically in the middle of the process now and you are going through the essential part of the process, bouncing ideas off of each other, trying to solicit recommendations from the public; but ultimately you as members of the Task Force -- and you represent a lot of the diversity as well -- you need to filter through the recommendations coming forward to bring forward to the Council a package which I hope will see the light of day. I'm confident you have the ability to do that and I'm looking forward to seeing your report in the next few months. Beyond that, I don't have any specific recommendations to you beyond imploring you to keep up the good work.

I appreciate the fact, especially on weekdays like this when you have more profitable ventures to give your time to, that you are willing to spend your time on this activity. I think it will pay off, I think that we're going to succeed in showing the City Council and other observers that it is possible for a task force of this type to grapple with some of the most difficult subjects, whether it's domestic violence, or domestic partnership, or teenage pregnancy or a lot of other issues that a lot of people prefer to sweep under the rug. But I think we'll be able to show that we're not only not ignoring them, but we're coming forward with some realistic proposals to deal with them. So with that let me say thank you for the time and I can see from the agenda you have a whole afternoon of exciting testimony ahead so I don't want to keep you from that. Thank you for all your work and I'm looking forward to working with you on getting these recommendations into real policy. Thank you.

CHRISTOPHER McCAULEY: Thank you very much. Our first special guest is here and I'm delighted to be able to introduce Wallace Albertson, who is a longtime friend of progressive causes. She's a trustee with the Los Angeles Community College District. She was involved along with Tom Coleman and others with the State Privacy Commission and we've asked her to come this afternoon to spend a few minutes with you talking about some of the definitions of family.



**WALLACE ALBERTSON**

**Trustee, Los Angeles Community Colleges**

Defining "Family"

WALLACE ALBERTSON: It's true that I spend a good bit of time these days as a trustee of the Los Angeles Community College Board of Trustees, of which I'm president this year, but I'm really here today as a Commissioner on Governor Brown's Commission on Personal Privacy which sat for 18 months in 1982 and we took testimony, heard witnesses, much as you are doing today. I was assigned to a subcommittee on family relationships so it's from that report that I'm going to be extracting some material for your consideration.

I would like to give a little background on the Commission. The Commission on Personal Privacy's specific charge was to study the problem of discrimination based on sexual orientation and the invasion of rights of personal privacy in both the public and private sectors, documenting the extent of such problems, exploring in what forms the problems are manifested, noting existing remedies, and making recommendations as appropriate. The purpose of the report was to establish the meaning and examine the effects that the invasions had to the right of personal privacy and how they occurred in the family context.

In looking over this material, and it's been a couple of years since I have looked at it specifically, I don't see that it has changed very much -- either as to the problem or as to the recommendations that were made. If anything, the need is that much greater for us to redefine the term "family," what that means to us, and to be concerned about the diversities that one finds in family relationships -- and possibly to encourage other municipalities as well as you sitting here for the City of Los Angeles in this district -- have others look at the problem as well -- possibly in the same way as the State Commission did.

For the purpose of this report, "personal privacy" is defined as the right of an individual to determine for himself or herself the manner in which his/her intimate associations are formed, and the right to continue those associations free from intrusion, scrutiny, and/or discrimination by government or the private sector. An invasion of this right of personal privacy would occur when individuals are prevented or deterred from forming intimate associations, when discrimination against citizens occurs as a result of an intimate association, or when information about the nature of

a person's private life is gathered and/or disseminated without a compelling need to do so in order to protect the health and safety of others.

So the focus of the report is on the diversity of family forms and the unique problems which arise from a presumption of the commonality of the traditional nuclear family, which is defined by the U.S. Census Bureau as a married couple with one or several children. It does not take into consideration single-parent families, same-sex relationships, elderly people who are not related by blood who form a family unit, and so forth.

Ivan Toffler wrote in his book, The Third Wave, that the new third-wave family system is coalescing based on a diversity of family forms and more varied individual roles. The decision to live outside a nuclear family framework should be made easier. Values change more slowly as a rule than social reality. Thus we have not developed the ethic of tolerance for diversity that a demassified society will both require and engender; in other words, that demassified society of the future. Raised under second wave conditions, firmly taught that one kind of family is normal and the other suspect, if not deviant, vast numbers remain intolerant of the new variety of family styles. Until this changes, he projected that there will be much pain during the transition, that individuals finally cannot enjoy the benefits of widened family options so long as laws, tax codes, welfare practices, school arrangements, housing codes, insurance practices, and even architectural forms remain implicitly biased toward the second-wave families.

Let me get immediately to the recommendations. At the conclusion of the Committee's work, six points were advanced:

\* One, that a dilemma surrounding the meaning of the word "family" exists both in a sociological/theoretical context and in social work practices.

\* Two, the presumption that "family" means a married, heterosexual couple with children no longer applies to most of the population. In fact, the results of the 1980 Census showed that while there was a 21%-25% increase in so-called family relationships that there was a 538% increase in non-family relationships, non-family meaning any relationship that's not the twosome heterosexual family that went onto the ark.

\* Three, persons whose family forms do not fit this presumed model suffer from exclusion from legal, tax and services protections.

\* Four, the nature and variety of family forms in current society warrants definitions that are inclusive rather than exclusive of non-traditional family forms.

\* Five, the right of personal privacy involves the right of an individual to choose intimate and familial associations without intrusion upon information related to the nature of the relationship and without legally or governmentally imposed limits upon such choices.

\* Six, any consideration of definition or any definition of "family" put forth should consider the following elements: continuity of commitment, mutuality of obligation, economic and/or domestic interdependence, and, certainly, love and caring.

In the past, definitions of "family" have been predicated upon two moral dimensions: (1) religious perspectives, and (2) legalistic constructions. Although they form the basis of the formulation and execution of social policy these versions of what the family is about speak to ideals of what the family should be rather than what families may be in terms of observable social conduct and social organization. Without a firm construct as to what constitutes a "family," the nuclear family ideal is presumed and other forms of family lose the critical services and legal supports for the familial bonds they've formed, whether these bonds are formed in biological or in chosen families.

I would like to give a few examples. The Privacy Commission heard interesting and even heartrending cases -- and I know you even in this room are familiar in your own friendships and circles of similar ones. Take the case of two young people, both physically disabled, who could not get married although they wanted to very much because if they did they would lose all of their benefits. This also of course happens in the case of older people who wish to marry for a second time, both being widowed, they would lose their survivor benefits. In the case of a married couple of the same sex -- and I use the term as something that has meaning to me -- who have lived together for many years, one of them becomes ill. The spouse in this situation has no rights at the hospital, with the medical profession to make any decisions, in the event of death has no rights with the blood family or with the law in terms of claiming what would rightfully be his or hers built up over a period of years as to equity in the home or any other possessions that may have belonged to the loved one. We heard testimony of repeated cases of couples where the spouse, legally married or not, would not be covered under insurance benefits that the working member of the relationship exercised. And on and on, in cases of custody, there have been many instances where you have two adults in a household, whether same sex or opposite sex, who are not married, but nonetheless have offered a great deal of support, sustenance and training even of the young person in the household, who have no rights at all in the event of the illness or death of the parent, the blood parent.

There is a tremendous incidence of the increase in these alternate lifestyles. Women, for instance, between the ages of 20-24 tend to remain

single much longer, and particularly in California this is a trend when even into their late twenties they may choose not to marry and increasingly we see incidents of young people of childbearing age who wish to have children and do not want to be married. There are sanctions leveled against these people as single parents. In data from the March 1981 Population Survey of the Census Bureau, it was found that 22.1 million were "nonfamily" households, maintained by persons living alone or with other unrelated persons. Since 1970 the total number of the households has increased by 30% -- family households by 17% and non-family households by 85%. Of the 8.9 million increase in all family households between 1970 and 1981 almost one half was due to the increase in the family households maintained by a man or woman with no spouse present. Of the 2.8 million unmarried couple households specified in one study, these households could not get family medical insurance, nor could the future be secured by one partner for the other in times of disability or death under current laws and policies regarding what constitutes a "family." Another case I might add is a case of several elderly people who agreed to form a home together and not only ran into the problems I've mentioned, but a zoning fight which developed because there were too many in the home and residents in the area protested that they were violating the zoning.

One other interesting bit of testimony that came before us was from Los Angeles attorney Steven T. Kelber who dealt in a large part with estate planning and probate cases. He represented nontraditional families, in many instances to plan for a partner in the event of some loss in the relationship. One option that he suggested to his clients is that they adopt one another. According to him, if this was to be done, the entire family -- that is the blood families of the two people involved -- would be notified and he noted that clients will often wait until the death of their parents in order to maintain privacy about their adult adoptions. In this case protecting the privacy of information regarding family choice was not possible under the current law in practice. That about sums up the report. One other bit of testimony from Mina Robinson who is a gerontologist in this area. She testified about caring friends who became each others beneficiaries of their estates. Friends doing this are taxed at a higher rate than nonmarried people. The state is confiscating funds that could provide for people's old age. In these days, and we are increasingly told we must not look to government for help in social security, and social security itself is in danger of collapse, it would seem we should be encouraged and even be given incentives by the state for taking care of each other instead of being penalized for doing so.

So, to repeat a bit from the recommendations that I mentioned at the outset, the bases that we feel should be considered in defining family should really be three things: (1) continuity of commitment over a significant amount of time -- not as roommates who may come and go; (2) mutuality of obligation that members of families are mutually bound by their

commitments whether the commitments are formed by contract or by implied mutual agreement; and (3) economic or domestic interdependence, that is, that the members of the family units depend upon each other to perform the functions of everyday life, including the breadwinning and/or household activities necessary for consumption and survival. To underline all of this, that sense of loving and caring for another human being. So I think that completes my report and I would be glad to answer any questions.

JAY KOHORN: Can the material that you have be found in the Supplements to the Report of the Commission on Personal Privacy?

WALLACE ALBERTSON: Yes. This one, the Report of the Committee on Family Relationships, and about six others are in "Supplement One" to the Report. I'm going to leave two copies of this with you today, but I think Tom Coleman would have access to the complete file.

THOMAS FRANK COLEMAN: I would like to comment on an issue when I was involved with the Privacy Commission as the Executive Director. I felt very frustrated that we weren't really able to complete more in the area of family relationships. We had so much to do with individual rights. Family was an area we were not able to deal with too much and I very much appreciate the significance of the report of your committee. And in the course of teaching a class at USC on the rights of domestic partners, I had a need to review many existing legal definitions on family and it's interesting that what I discovered besides blood, marriage, and adoption as a legal definition, in California there is the option under existing law of creating a family besides blood, marriage, and adoption, and generally the criteria for the fourth type of family is very close to what you're saying -- the continuity of commitment that something over a period of time, you have a mutuality of obligation, and economic interdependence.

What your committee report suggested as the touchstones for defining family indeed is found in California law although it hasn't permeated the system in all the various manifestations. So I just wanted to acknowledge that, that you have hit the keystones.

WALLACE ALBERTSON: That's certainly good news. I am delighted to be here. Thank you for inviting me, and I applaud you in all your good work. I hope it's going to make some changes in our particular community.

CHRISTOPHER McCAULEY: I want to again thank Wallace Albertson for being here. Our next speaker is Kelly Brydon, Coordinator for the Fair Housing Council of the San Fernando Valley. She will discuss housing and some specific kinds of elements that may create problems for contemporary families and some of the proposed resolutions. Kelly, welcome.

**KELLY BRYDON**

**Coordinator, Fair Housing Council  
of the San Fernando Valley**

Housing Problems for Families

**KELLY BRYDON:** The main points I want to raise come from a consensus of all the fair housing groups in this city and include Orange County as well.

The number one problem that we perceive for families, traditional and otherwise, is the lack of adequate affordable housing. For larger families and those on a stricter budget, we perceive that as the number one problem. I'll come back to the solutions we've thrown around.

The second area of concern is very specific. It's that income requirements are frequently set very high for those that are going into the rental market which effectively shuts out the families that are receiving governmental assistance even when their financial obligations are so low that the major financial obligation in their life would be their monthly rent payment and they can afford to pay that. The standard that we see being applied, and this is strictly an arbitrary standard with no guidance in law, being that they use generally three times the amount of the rent, sometimes four so as we all know what the rental market is -- \$500.00, \$600.00 and up for multiperson families to get in any type of unit at all -- then we're looking at a significant requirement of income. This is gross, rather than net, but those on assistance frequently don't have the credit obligations that those of us who are fortunate not to be on assistance have.

The third area of concern is also very specific in reference to arbitrarily applied occupancy limitation standards. They are currently governed by whatever the owner's preference is. Whatever an apartment owner or houseowner chooses to set as a limit is acceptable. There is no guideline under state law or city law for L.A. The Rent Stabilization Department is also conducting a public hearing today because we are experiencing a great overcrowding problem in the rental housing market, but there is also a problem of undercrowding. By undercrowding, I mean that some of these owners, rather than go ahead and live with the new child laws and the lack of being able to discriminate, they're setting occupancy limitation standards that not only aren't reasonable, in our opinion they would be clearly discriminatory. For example, they set a one-person-per-bedroom occupancy standard. So let's take the classic example

of a married couple with no children. That would mean they'd have to have two bedrooms. So as we can see that's really not very reasonable. A second example to clarify that is there's a landlord right now that's involved in a lawsuit. His occupancy limitation is one person per bedroom. He had a three-bedroom apartment available and we had a family with two children and they didn't qualify. Having an adequate income, and meeting all other criteria, they would have qualified for the apartment but because they had two kids instead of one he disqualified them from the unit. So that's definitely an area we need to look at.

The fourth area of concern, and again a very specific one, is the lack of safe play facilities or areas for children in the rental housing market. In single dwellings of course there's usually a backyard, but in rental housing, as most of us are aware, there's a lot of these units with the underground parking structures. We see all the amenities in terms of a pool, a spa, a gym, etc., but there's never a slide -- it is mostly focused towards adults. So while we've tackled the problem of allowing children to be recognized as a class of people and they have the freedom under law to live in the dwelling of their choice in this state, there are still some very real problems.

The points that I've made today, the first, second, and fourth point could be addressed by bond incentives, which is providing enough low income, adequate housing, maybe we could get some type of bond incentives going. Also, maybe we could re-establish some zoning laws where we could get some incentive to not only renovate some of the older housing and convert it maybe to adequate, low-income housing, we could also get some incentives for them to put in playgrounds or set aside play areas which might really address this problem.

In my everyday activities on my job, the most frequent complaint I get is restriction of the use of facilities for children. They can't use the pool area, they can't use the spa, they can't use the common walkways to play. They'll make restrictions like "no skateboards in the walkway" or "no trucks in the walkway." While this is probably on very many levels a safety consideration, we can also see where it would prohibit children from experiencing the freedom they need to play and just to be a kid.

The occupancy limitation standards could be solved with an ordinance, something that sets minimal standards saying, "No less than two people per bedroom." So that if two people wanted to rent a one bedroom apartment they would have the freedom to do so and share it accordingly.

Those are the major points that I wanted to make today and I'd like to take any questions you have for me.

CHRISTOPHER McCAULEY: Thank you very much, Kelly. Are

there questions?

DAVID LINK: What sorts of rationales do landlords use for one occupant per bedroom?

KELLY BRYDON: They want to avoid overcrowding, number one rationale.

DAVID LINK: That seems it could be used very easily as a guise for any sort of discrimination, ethnic or otherwise.

KELLY BRYDON: That's a very real consideration. Another segment of the population that we're seeing increasingly is single parents -- especially single mothers, minority mothers -- at least in my service area. In the Valley we're seeing an increase in that population segment. So they're being shut out of a lot of the rental market because of that. Overcrowding is the number one rationale they use.

JAY KOHORN: In those cases where there's a one-person-per-bedroom rule, do you find it's applied selectively at the discretion of the owner as opposed to across the board?

KELLY BRYDON: Well usually the argument they give when I apply just that point, when I ask "Do you apply this to every one of your apartments?" They say, "Well, we didn't used to but now we have an overcrowding problem." Many times the owners will back down when confronted by an agency such as ours. But, for example, this one owner that is being sued at the moment didn't back down. Normally we can get them to turn around but it's a lot of work and effort, where if all we had to do was show an ordinance and say, "You can't do this," perhaps that problem would be alleviated.

LOUIS VERDUGO: I have a comment. I think your idea of a city ordinance to deal with the overcrowding issue is quite the best way to approach it. Alternatively, in a given situation I think the occupancy standard is nothing more than a subterfuge to discriminate on people with children. Then you have a violation of the Unruh Civil Rights Act and we do have the City Attorney who has jurisdiction for a pattern of practice, so in a situation where this is an ongoing policy of a particular owner of a building I think it would be something that could be brought to the attention of the City Attorney's Office.

Likewise, the situation that you talk about dealing with the restrictions on recreational facilities for children, again, in that incident, I think that's a pretty blatant example of discrimination on people with children. Again, that would probably constitute a violation of the Unruh Civil Rights Act. And it's something we can think about as far as recommendation is concerned to the City Attorney's Office.



KELLY BRYDON: That's usually the argument I use is that it violates the Unruh Civil Rights Act. We have a standard form letter that we send out in researching the use of facilities and occupancy limitation standards but we're dealing with a volume of 300 cases a year in the Valley. These are just discrimination complaints and we have a staff of 4 1/2, so as our population is increasing I don't know that we're going to have adequate staff to cover that. So maybe an ordinance or an addition to city law would help.

LEE CAMPBELL: One thing you didn't mention, and I hope you didn't mention it because you don't run across it much, is the use by landlords of restrictive definitions of family and who has priority or who can rent in terms of relationships among the people. I've seen these sorts of things litigated in court cases which have been reported. This is a good way, for example, to eliminate extended families, immigrant families and that sort of thing. Do you find any of that being done by rental landlords?

KELLY BRYDON: Marital status discrimination is the third highest form of discrimination in the Valley. Race is first, children are second, marital status is third. So there is still some conception out there that a married couple without children is the most -- meaning man and wife -- is still the most desirable so there is still a problem.

LEE CAMPBELL: How does that work? Do they ask on the form, "Are you married?" Do they take your word for it, or how do they know?

KELLY BRYDON: Usually they'll come out and ask, and more times than not the discrimination will go undetected. This is strictly guesswork on my part given by the cases that I detected. They'll say, "Are you married?" And they'll ask it, because they'll say we need your social security number to access your husband's or your wife's credit -- strictly for credit purposes -- and then they'll find another reason to eliminate those people.

JEFF VOPAL: Occupancy considerations aside, I mean you may be able to take care of that by virtue of an ordinance. I guess my concern is more with the point you raised about income requirements. What suggestions do you have or proposals for getting around that do you have given the fact that landlords are always going to say, "We've got to insure that these people are going to be able to pay their rent." It seems to me that is the major impediment for a good number of minorities and lower-income families to be able to rent. They simply can't come up with four times the rent per month.

KELLY BRYDON: I don't have any answer to that. Usually I suggest when they hit a situation like that is to try to get the landlord to look at the overall credit obligations. But a lot of times they'll say to me. "Our

restriction is three times the amount of the monthly rent -- sorry we can't make any exceptions." And I can't argue that in law. There isn't any.

**TERRY GOCK:** My understanding is that in the San Fernando Valley especially there is an increasing population of Southeast Asian refugees and Indochinese refugees. I was wondering if you have come across any specific problems in terms of housing with refugees as well as with immigrant families?

**KELLY BRYDON:** You mean by placement? Getting adequate housing? (Yes). They don't come forward. I hear very little complaint from Southeast Asian immigrants. Hardly any. And I think that they: (a) have a language barrier, (b) there's cultural prohibitive factors. Maybe you could tell me, I think there's a tendency among many ethnic groups that aren't as verbally open as Americans are, for example -- they have a tendency to just take it and not say a word and some of them live in very poor, substandard conditions.

**FRANK RICCHIAZZI:** In mentioning some of the areas that landlords or providers of housing are giving in the San Fernando Valley you were mentioning that they were placing a lot of different kinds of possible restrictions on who they're renting to. There might be more affordable housing if we would create incentives for developers to construct. You know, in the early 60's we had a tremendous vacancy factor because we had overbuilt. If we could remove the hurdles so that developers would feel comfortable to come back into Los Angeles and begin to oversupply, which is the case in many cities in the United States, do you think that a lot of these problems would probably subside to a large degree?

**KELLY BRYDON:** If you're in reference to the income requirements, no, unless there's definite incentives for the builders. But we have an overabundance in the Valley right now of available units. The vacancy level is incredible. I don't know what it is offhand but there's all kinds of vacant apartments in the Valley.

**FRANK RICCHIAZZI:** So the owners would prefer to keep them vacant rather than to rent?

**KELLY BRYDON:** You mean for children?

**FRANK RICCHIAZZI:** For whatever the cases are. In other words, many mama and papa landlords who really could not afford a vacancy because of their debt service and operating expenses are individuals who pretty much would run at the first possible ability to rent that apartment and if there's an oversupply then are they saying, "We're still not going to rent."?

**KELLY BRYDON:** I guess so, because I'm still seeing a lot of discrimination complaints in the Valley and I know there's a high vacancy level. Some feelings run real deep. I think if they get in too much trouble, it's going to be the warm body theory -- they will get over some of their prejudices and discriminatory practices because they do need to pay their bills. I don't know the answer to that one because there is a high vacancy rate in the Valley right now.

**FRANK RICCHIAZZI:** There has been a tremendous increase of almost 300% on insurance where an apartment complex, where it was \$10,000 is now \$35,000 a year on insurance. Do you know if the insurance companies are basically going to these landlords and asking them if they have children and then using some kind of a scale which raises that insurance?

**KELLY BRYDON:** They're not supposed to ask that under law. I've had some landlords argue with me that it's because of their insurance problems, but I always offer to talk to their insurance companies and try to get them to understand and as yet I've never talked to an insurance company so I can't guess that it's too much of a problem.

Another point that I thought of while you were speaking -- there's a large property management company that's currently under investigation -- they're probably the second or third biggest and they use a policy that they need to see children's report cards and see whether or not they get satisfactory marks in conduct. There's a problem with that so obviously there must be some motivation to continue keeping children out. They also apply stricter criteria to those unmarried -- that aren't husband and wife.

**ELIZABETH CLARK:** I have one question and one idea building on what Frank was saying and I can imagine that a landlord would say "We can't have skateboards in the halls because someone might trip over them and we'll have a lawsuit," which is certainly true. Is there any way to use such devices like the Quimby Funds, which exists for developing new buildings, that may possibly make something like that retroactive in the form of an incentive so that landlords would be forced or persuaded to give funds toward recreational facilities for children in the closest area park? Is there anything like that in the works, or could that be built onto one of the others?

The second question is, in terms of discrimination there was some mention made about unrelated families or unrelated family members. Do you have many cases of discrimination against elderly, where like a brother and sister or two first cousins over 65 want to move in. Are elderly discriminated against?

**KELLY BRYDON:** No. I'm sure it happens, but in 4 years in this position I've only had two cases, so maybe they're not getting here. I

know there's a problem with the Indochinese or Southeast Asian refugees I don't know about the elderly -- if the same would apply. They frequently make their phone calls. Senior citizens are aware they have the multipurpose centers available to them, but they make their phone calls about substandard living situations so it seems if they were discriminated against they would get here too.

ELIZABETH CLARK: You have very few cases at all of elderly?

KELLY BRYDON: We've only had two in over 1,000 cases that I've handled.

CHRISTOPHER McCAULEY: In many cases the elderly may be preferred renters.

ELIZABETH CLARK: But they're not. In many cases they're tossed out.

CHRISTOPHER McCAULEY: Well, as opposed to her experience it's certainly what I've read or heard experienced -- the elderly are preferred as opposed to children.

NORA BALADERIAN: The question I have has to do with information related to me from people who have disabilities, about kids who are disabled or in terms of the landlord not wanting wheelchairs around, etc. Have you heard of these cases?

KELLY BRYDON: I haven't had anything with a home for disabled children, but we have had cerebral palsy, a blind mother with two kids. There have been off and on, physically handicapped people who have been discriminated against. They are probably the easiest cases to conciliate because the owner would feel pretty bad going to court with that one and usually I hit hard with that.

THOMAS FRANK COLEMAN: I had a few thoughts on possible recommendations that I'd like to share and see what your reaction is to them.

On occupancy limits, the criteria, one person per bedroom or whatever is the standard right now, possibly we could ask the City Attorney for an opinion as to whether this is arbitrary discrimination under the Unruh Civil Rights Act. Is it arbitrary for the landlord to use stricter occupancy requirements than the city law now set under its recently adopted ordinance on occupancy standards for housing?

KELLY BRYDON: It would be terrific, but this is a problem statewide. It's not just the city.

THOMAS FRANK COLEMAN: So if we could start with that, and maybe also ask the Attorney General for an opinion about the illegality under state law of a landlord severely limiting the number of people who can live in a housing unit, especially when the landlord's criteria is contrary to local health and safety codes.

Also, I would like to reaffirm Elizabeth Clark's comment about incentives for developers to create recreational facilities in spaces that are not strictly geared for adults. I think we have a gap between previous law and practice where it was not illegal to discriminate against children and current law where it is illegal to discriminate against children. We might want to create incentives for landlords to catch up with current law. Possibly that's the kind of issue that should be referred to a City Housing Advisory Board or the Rent Stabilization Board, or some existing city agency that has housing jurisdiction, to study this over a period of several months -- to hear from the landlords, to hear from developers, to hear from families and focus on that one issue for several months and come up with some recommendation because I don't think it's a real clear-cut case and maybe getting input from the City Attorney's Office so maybe we can recommend that one of those agencies conduct a more in-depth study on that issue.

Then, as far as the discrimination against children, I'm just wondering, has the Department of Fair Employment and Housing gotten with the program? I know they resisted taking such cases. Are they accepting cases for processing now? (Yes). O.K. So they've gotten results.

I've appreciated your being here today. It seems like we've hit a raw nerve or whatever because in my experience at these hearings we've had more interaction on the issues that you've presented than any other witness, so that must mean that there's something here that we need to follow up on.

KELLY BRYDON: Great. Thank you.

CHRISTOPHER McCAULEY: Thank you very much, Kelly. We appreciate it. I'd like to ask Sgt. Robert Canfield to come forward please. He is with the domestic violence unit of the Los Angeles Police Department and is here to speak about family violence issues and particularly some of the training services I believe that the department's involved in. This is obviously a very serious and delicate area and we're delighted that you've come here this afternoon to talk to us about it.

**SGT. ROBERT CANFIELD**

**Los Angeles Police Department  
Domestic Violence Unit**

Police Response to Domestic Violence

**SGT. ROBERT CANFIELD:** My name is Bob Canfield and I supervise and coordinate the training in the area of domestic violence with the Los Angeles Police Department. I also was a member of a state task force that spent seven months drafting the guidelines for the entire state's implementation of domestic violence laws.

If you think about family violence and violence in the home and how that has impacted law enforcement historically, you probably realize that traditionally the police officer often came to the home and said, "Gee, he hasn't hit you yet, has he? Well, when he does, call us and we'll come back and maybe we can do something about that for you. Hopefully you'll still be breathing." You have to look at our society -- I don't want you to blame that on law enforcement. If you look at our society historically, our society has not treated violence in the home the same way it treated violence between strangers. If you go back far enough, I'm sure most of you realize that our society treated women differently than they did men. And it's only been in the last 15-20 years that there's been a turnaround in this area. So when law enforcement historically came to a home where there had been some kind of a family fight -- even those that included injuries to the people involved -- often the officers -- one, they would reflect the feelings of society, that meant juries and prosecutors, and judges, and they also were frustrated with victims who often didn't feel that they were victims. Often the spouse in a marital situation is reluctant to put the other spouse into jail. So we were dealing with a two-fold problem; (1) the attitude of the society, and (2) the attitude of the victim.

You have to think about violence in the home a little differently than you think about having your car stolen. If your car is stolen, even if you live in Beverly Hills you're probably going to call the police and report that your Rolls Royce or your BMW or whatever was stolen. But often that person who has the wherewithall -- either because of financial or family support or church support, the wherewithall -- to deal with problems in the home, they often don't turn to law enforcement. But there are a lot of people in our society that don't have that type of support financially or otherwise and often the first responder to violence and dispute in the home is law enforcement -- police officers, deputy sheriffs.

Historically, going back 15-20 years ago, officers were taught to mediate and somehow try and reconcile this, but really we were not well equipped to do that. We were not trained family counselors, and you're dealing with a behavior problem on the part of the batterer if there is the violence there and you're not going to be able to change that person's behavior in 20 minutes, or even 20 days. So that didn't work too well.

Recently, we've got a lot of research primarily coming out of Minneapolis where there's been an ongoing study since 1981 that has demonstrated quite conclusively that the most effective means of stopping violence in the home is to arrest the batterer. Arrest the batterer. This research is continuing today. The study has followed up on people who have been tracked for many years now who were in battering situations. The research is very consistent and it shows that we can change behavior by arrest. The arrest itself is not what changes the behavior. It's only the beginning of the process that forces the batterer into some professional intervention. And not unlike the person who has a drinking problem or drug problem, the batterer is often a person who doesn't want to admit that the problem is there and they are often supported in that belief by the person they're battering, as the drinker is often supported by other family members. So what we've learned is that the way we can force the person with a drug problem, or the batterer into some professional intervention by people who can work with them over long periods of time, is by getting them into the court system. And the only way you can do that is to arrest them.

So in 1984 the California Legislature enacted a sweeping series of laws that changed how law enforcement was to respond to acts of domestic violence. And I want to differentiate domestic violence from a family dispute. We still train officers on what to do when they go out to a family dispute. My wife and I have been married 23 years and she's a very successful businesslady with her own American Express account, and if I ever slapped her she'd probably throw me out and call her attorney. She wouldn't call the police though. She has the means to deal with it otherwise and make it more painful for me.

What you're going to experience today as a result of the legislation that was passed in 1974 is an officer or deputy sheriff who will come to the scene. I say this not just for the L.A.P.D. I'm speaking of state law so it applies to every law enforcement agency in the state. You're going to see an officer who's going to come to the scene and if it qualifies as a domestic violence incident -- that is one where a crime has been committed against someone in the household, an adult or an emancipated minor within the household -- we will exclude juveniles for a moment -- and if any crime has been committed against any of them by another, that's a reportable incident. Also the Legislature threw in there that if I put my wife in fear, for example, or if she puts me in fear, then that could be a reportable

incident. Even if there isn't a crime -- she had never seen him this way, he came home drunk tonight; he's threatening me; he's threatening the children; I'm fearful, officer, that when you leave something might happen, can you please do something about it? -- Well, today under those types of circumstances instead of just saying, "Well just call us when he kills somebody," we would take a report, or document that incident on a retrievable-type report that would be available to use subsequent to that incident. We would have that available should this violence unfortunately escalate or if this was a continuing problem. This may only be the beginning of something that's going to go on for a long period of time. So there's a big change there.

In 1985, the Legislature took another step in this area to say that people who live together as husband and wife, or men and women who live together whether they're married or not can't hit each other and hurt each other -- they said if you do hit and hurt each other that's a felony, not a misdemeanor. A felony! And the reason they took that step, was -- what the whole emphasis of this domestic violence effort is, to take the decisionmaking away from the victim, because the victim often doesn't realize they're a victim. Often the battered individual is not going to say, "Yeah I want you to throw him in jail." There goes the paycheck. There goes the person they've had all their children with. There goes the person they've lived with for 20 years. There goes the person who's going to be back later to get back in bed with them. And so there's a lot of different issues weighing on the mind of that victim, and the Legislature's effort is to take that decision away from the victim and leave it with law enforcement. And they're asking law enforcement to make a reasonable decision for the victim, even if the victim says "I don't want you to take him to jail." If the elements of the crime are there today, since it's a felony, we're going to make an arrest.

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. Now those are felony arrests which require a tremendous amount of effort as far as the officer's time, detective time, prosecutor's time and so on. And people always want to say to me, "Well we didn't get this case in court, so on and so forth." All I can tell you is, just putting somebody in jail has an impact on their behavior, and all you have to do is look at how law works historically -- whether it's the civil rights movement or any kind of other movement -- and the way you get people to change behavior is by enforcing law. If you don't enforce it, then you might as well not have it. So clearly today we're enforcing this law.

In 1986, we documented over 21,000 domestic violence incidents in the city. That 21,000 includes the roughly 5,000 arrests that I mentioned.



I would expect, because we were missing a lot of the data in 1986, that you'll see 1987 at about 32,000-35,000. That doesn't mean that we had a tremendous increase, it means we're doing a better job of capturing the data that is coming through us. This is fairly new to us. I don't look for a quick fix. What we're trying to do is mess with peoples' minds and change how they've acted for 200-300 years, or actually 2,000-3,000 years. And I think what you're going to have to wait and see is 10, 15, 20, 30 years down the road as you can make a comparison between behavior in the South as to who goes to what school today as compared to 30 years ago. I think as you see us enforce laws you'll see a modification of behavior, if we are willing to stick with it long enough. Once we can get that behavior modified and get those who are not behaving properly to the right kind of counseling and intervention, I think a long term benefit to that is not only good for the batterer, but think of the children who are raised in this environment who previously saw the police come out, after Daddy beat up Mommy, and they saw the police do nothing. And the young man in that environment goes away thinking, "You know it's O.K. when I'm mad to lash out at Mommy," and Mommy grows up thinking that's part of being married. My mom went through it and I'm going through it and so on. What we're trying to do is change behavior, not only the behavior of the batterer, but of the future generations. So that's the kind of program we have going as the result of the changes in the law. We've also been sued in this city so we're probably even more sensitive than some other places might be.

I've been responsible for this program since its onset and I can tell you that we're in very good faith very aggressively, trying to not only comply with the letter of the law, but the spirit of what's going on. We're very active in the state. I speak annually before the Governor's Conference on Victims, and we're very aggressively involved with the prosecution, trying to get that part of the system on board now.

I know I've gone on and talked quite a bit, I've brought copies of all our policies and laws, and I will leave a copy with the Committee. And I would take any questions.

**CHRISTOPHER McCAULEY:** Thank you. Questions for Sgt. Canfield?

**JULIE MORTON:** Just a quick question. You spoke about reportable incidents or documented incidents. My question kind of came from a concern that , although intervention is great, something is being done in the area of prevention? My question really is this: when an officer goes to a home in response to something like that and does take a report of an incident, is there any formal requirement of any kind of follow up be done by the Department itself or by that specific officer?

**SGT. ROBERT CANFIELD:** No, and you have to understand how law works. If there's no crime committed we have no legal authority to do

anything. In fact some people question whether we have the authority to take the report, but the Legislature tells us to do it. Law enforcement derives its authority to stop or take action when someone commits a crime. So, in those situations where there's no crime, just a threatening situation, we document that, but there is no procedure for follow up and that would be very difficult. In other words, if I argue with my wife every other day but I don't threaten her, that's not even reportable. If I threaten her, but I never do anything but threaten her, that is reportable under the law if she's fearful, but they can't come in and tell me to stop threatening her.

Now every time we go to the scene and deal with one of these incidents we have a legal requirement imposed by the state that we provide the victim a written notice of various types of intervention available to her, the ability to get restraining orders, the ability to go to shelters, and we have a preprinted form that we use in this city that is both in Spanish and English that we provide to these individuals when we go out to the scene. And the officers in the field have those with them so that anytime they encounter this they can give that to them.

**JULIE MORTON:** I think the fact that they bring the forms does provide some of the follow up that I was thinking about. So I appreciate your answer.

**SGT. ROBERT CANFIELD:** That's the step the state has taken to this time.

**LISA PORCHE-BURKE:** What are the provisions for same-sex partners under the current law?

**SGT. ROBERT CANFIELD:** As far as a domestic violence incident being reportable there's no distinction. The only time that the homosexual relationship would enter into an officer's thinking process is, there is that one section I referred to, that the Legislature made it into a felony to inflict a minor injury. Only that section of the law says if they are not spouses then they must be of the opposite sex and currently living together, or that they must currently be spouses.

Now, otherwise, if you had two gay men who shared an apartment who became involved in a violent incident that maybe resulted in minor injury, we would still respond, we would still take a report. We would offer if the victim had only suffered minor injuries. In this case we would offer the ability to take a private person's arrest and it would still be labeled as a domestic violence incident because they would qualify under the legal definition of what a domestic violence incident is. If the injuries were more serious, let's say serious injuries as the result of a battery, then it could be a felony battery, or if a weapon had been used it might qualify as an ADW that would be a felony. But if they legislate, there is some caselaw which

means appellate courts have reviewed some of these decisions and the Legislature and the appellate courts have ruled that in the case of 273.5 which is the section I refer to, that it was the Legislature's intent to give special protection to men and women or spouses in this living ... marriage relationship against even small amounts of harm. But they haven't extended that to any other groups.

**LISA PORCHE-BURKE:** Are the officers specifically trained to deal with same-sex domestic violence?

**SGT. ROBERT CANFIELD:** Yes, they are. These issues are discussed. Each officer, both new officer and every officer on the department including the Chief of Police, is under a state requirement, required to undergo a specific course of training in domestic violence as a result of the laws passed in 1984. And I coordinate that training and make sure that it gets provided. We've already trained, of the 7,000 officers in the department, our department has already trained over 5,000 of them and that's an eight-hour course given at the academy.

**ELAINE WOOD:** Many of the residents of this city are recent immigrants from other cultures in other countries where views on domestic violence are different from our own. How are your police trained and what problems do you face in situations of domestic violence with recent immigrants who may not even recognize that what they're doing is against the law?

**SGT. ROBERT CANFIELD:** It doesn't change the facts. What we do first to address the issue of cultures and the diversity of people that live in Southern California -- we provide training both at the basic level and at the in-service level on human relations and inter-personal communications and training in cultural diversity. We provide quite a bit of it. As is the experience in child abuse -- just because in their culture it's OK to do this or that, to a particular individual -- it doesn't mean that it's OK here. And, consequently when we encounter something like this, we're still going to take the appropriate enforcement action. That doesn't mean we can't try and be sensitive in our dealing with the people, and understand the fact that they may not perceive themselves as much as a criminal as we do. But, it does mean that in order to change their behavior, and make them able to function in our society, they have to understand that what we say is correct.

When you talk about cultural diversity, there are an awful lot of people in this country that don't believe hitting their wife is illegal. So we're dealing with our own culture here. And changing its attitudes.

**LEE CAMPBELL:** I have a two-part question. First of all, is it true, assuming a crime has been committed in one of these instances, that

diversion to treatment or other sorts of programs for both parties separately or together, is a big part of this increased involvement by the police? If the answer to that is yes, if diversion and treatment and therapy are a part of this, do you find that there are adequate resources available in the City of Los Angeles and elsewhere to keep pace with the increased supply of arrestees that the arrest procedures are producing?

SGT. ROBERT CANFIELD: The answers are yes, no and no. (Laughter.) The answers are that yes, we understand the need for the diversion, but it is not our responsibility. We have no authority. Law enforcement at the level of police officer or deputy sheriff has no authority. The court system is the only one. Yes, we recognize its importance, and we encourage it when we teach and train the officers, so that they will in turn deal with the people in that manner. But, unless this issue gets to the court level -- not the prosecutor level -- no one can force the batterer to have treatment. The second point is, there are not enough services.

I was just this morning at a three hour meeting with a representative of the City Attorney's Office who heads a new unit that was formed there to specifically deal with domestic violence and the City Attorney's policies. They have a federal grant, and they are trying to develop programs. But, we don't have adequate Victim-Witness Programs in this county. The City and County of San Francisco, for example, conducts what they call vertical prosecution, so that when there's a victim, the prosecutor who gets that case stays with it all through the process until it's concluded. In our system, the person who might eventually try the case, may have seen it ten minutes beforehand and know nothing about it. And, so, you need programs, both at the City Attorney and District Attorney level, where you can address these issues. But there is not sufficient funding for these.

LEE CAMPBELL: A quick follow up question. I understand from your response that of course the police do not refer or push people into diversion programs, I was really asking whether it's your observation that this is becoming an important part of the prosecution of the process, even though you yourself are not involved.

SGT. ROBERT CANFIELD: We think it's an important part, yes. Right now, though, I don't want to be critical of other governmental agencies. Let me put it this way. The Legislature has imposed very strict guidelines on law enforcement and how it shall act, given certain facts. It has not imposed anything on prosecutors or judges. And, consequently, I was in a meeting Tuesday with the Los Angeles County Domestic Violence Council where some of the prosecutors in the room -- the actual trial prosecutors -- were relating experiences in the last couple months, where they had judges yelling at them, "Why did you bring this case in here, she's not hurt bad enough, she only had a broken nose?" So, until you address the attitude of all of the other levels, you'll find us arresting five or six thousand people a year, but nothing happening.

DIANE HIMES: San Francisco has a new arbitration process where they are using community arbitration. Has there been any connection with the police department in Los Angeles in this?

SGT. ROBERT CANFIELD: Are you talking about for family violence, or for disputes? There's a difference between a dispute, a neighbor dispute a family dispute, and violence. And, we would not, based on all of the research and all of the current thinking, we would not advocate arbitration as opposed to prosecution if there is actual crime committed. We do not negotiate, we train our officers very specifically. We don't negotiate settlements of criminal situations. We prosecute. As opposed to disputes.

DIANE HIMES: I just thought that might be partial collusion, with the judge saying, "You only slapped her twice, why is she in here?"

SGT. ROBERT CANFIELD: Well, here's my concern with that. You haven't addressed the issue of changing the behavior of the batterer. And arbitration doesn't mean counseling for the batterer. What I'm trying to say is that you have to address the behavior. That's what law is there for. Laws are created to modify or control behavior. And if we're trying to modify the behavior of a society that believes it's OK to batter its children and batter its spouses, then you have to address that very directly, just like we have to for alcohol and drugs. If you're dealing with family disputes, neighbor disputes, where there's no criminal acts, then I would agree with the arbitration method. And we teach that to our officers. But not for criminal situations.

DIANE HIMES: ... reportable offense where there's not a felony. It is reportable?

SGT. ROBERT CANFIELD: No, that isn't a crime. But we believe that's a precursor of the crime. All of the data tells us that if you have violence, threats -- people who love each other shouldn't be threatening to kill each other.

DIANE HIMES: So, if you have a reportable incident -- there is a threat -- do you do any liaisoning with any other groups that do arbitration, or do you just attempt to do temporary arbitration while you're there?

SGT. ROBERT CANFIELD: No, we don't attempt to do anything except refer them to other groups. But we don't get involved personally.

ELIZABETH CLARK: Can you just briefly talk about the incidence and the response to senior abuse?

SGT. ROBERT CANFIELD: Elder abuse is, by many, labeled part of the domestic violence problem. A lot of people hang a lot of things under the domestic violence umbrella, including child abuse, and I'm not saying that's incorrect, but you have to understand that from our perspective, we in law enforcement already have a lot of laws on the books for child abuse, and the Legislature in passing all of its recent domestic violence legislation has completely excluded child abuse from that.

In the area of elder abuse, the Legislature has passed recent laws that increases our responsibility to report elder abuse to the county. And, I currently am involved with the county agency that is responsible to receive that data, to try and make sure that we are going to meet that responsibility. I also have a representative from my unit in the training division, an officer who attends various meetings involving elder abuse, and we see that to be a real problem. But that is not where the Legislature's intent was with its recent passage of laws. But, if there was, that would also be a reportable incident. If a 40-year-old son or daughter were to batter or threaten, place an elder parent in fear, that would be a reportable domestic violence incident under the legal definition, and we do discuss that in class.

THOMAS FRANK COLEMAN: On the reportable ones where you go to the scene and take the report but don't make an arrest, where there is a fear situation? Or if it is a misdemeanor but they don't want to make the citizen's arrest, and it's just maybe a fear situation or that misdemeanor situation, do you give information to the victim of options available to them?

SGT. ROBERT CANFIELD: We discuss with each party both the batterer's programs and victim's programs. Our officers are trained on understanding. We have a couple very good video tapes, if you are interested, on batterer's programs. One of them is a series that was run by NBC on the "Today" program last summer, which goes into some batterer's counseling programs and it's a very effective tape. Some of you may be familiar with the Los Angeles County Domestic Violence Council, and I work with that very closely. And all of these resources are available if you approach me through that Council.

CHRISTOPHER McCAULEY: Thank you. That was very interesting testimony. I assume you have left some materials for Tom Coleman. Does it reference the research -- the Minneapolis or Minnesota research that you cited?

ROBERT CANFIELD: Yes. And one last point I would like to make. This is an example of some brochures that some of the Council people put out through their offices, that list available services in the community. Believe it or not, we find these to be extremely useful. We've distributed

about 4,000 copies of these types of brochures through our police officers. Often, in the case of family situations, they are not criminal situations, and officers are just like a lot of other people, they get frustrated on where can I turn, or where can I send this person. If your Council district has this type of brochure, I would suggest that you try and get one from them. Make sure that they include in there, sections on the issues that you're concerned about: family violence, alcoholism, elderly. All of these samples do that, and they're very effective and useful.

Question: Where did that one come from?

ROBERT CANFIELD: This one happens to come from Councilwoman Picus. Many other Councilmembers have similar brochures. It's a big job to update these every year. But I believe it's well worth the money. You might advocate that your Councilperson develop such a brochure. And have them print an extra 3 or 4,000 extra copies for us when they do it.

CHRISTOPHER McCAULEY: Actually, your comment's well taken. Although the Task Force is convened by Councilman Woo, there are representatives from all across the city. Thank you very much.

Detective James Brown is here from the Child Abuse Unit of the L.A.P.D. Our scheduling of witnesses, as you know, is episodic, depending on availability. The topics certainly jump around. So it's interesting that two of these very closely related ones are back to back. We are delighted that Detective Brown is here, and we welcome you.

**DETECTIVE JAMES BROWN**

**Los Angeles Police Department**

**Child Abuse: The Need to Fund Project C.A.P.E.**

**DETECTIVE JAMES BROWN:** I'm Jim Brown. I've been an officer with the L.A.P.D. for thirteen and a half years. The majority of that has been in juvenile work. The last five and a half years, I've been a detective in the Abused Child Unit.

I want to briefly give you a definition of what our unit does, because it will help you understand what I'm going to lead into and why I'm here today.

We have very specific investigative responsibilities. We only investigate physical and sexual abuse by a parent or legal guardian. We deal specifically with the family. We will include in that category a live-in -- someone who has come into the home, and assumed the role of a parent. We also investigate the death of a child under the age of eleven when the parent or legal guardian is suspected of being responsible for that death.

Our unit was founded in 1974. In that year we handled 927 cases. In 1984, the same unit with two additional detectives handled 3,346 cases. And the numbers continue to rise on us. In 1985: 3,855 cases; and in 1986: 4,788 cases.

In response to this problem, in 1985, Chief Gates assigned seven additional officers to the Abused Child Unit. He also commissioned a task force of which I was a member to research the cyclical problem of child abuse, and propose a way the L.A.P.D. could attempt to break that cycle of child abuse in the City of Los Angeles.

And that is specifically what I am here to talk to you about today. The proposal that we came up with is called CAPE, which stands for Child Abuse Prevention and Education. We recommended a new section in Juvenile Division, headed up by a lieutenant and broken into two units. You'll see those on the chalkboard. You'll also find the exact same information on the sheet that I have given you. Very, very quickly, I will go through these with you.

First, a field referral unit would consist of a 24-hour desk, to receive incoming calls of suspected child abuse. Presently we only do that function



Monday through Friday on daywatch. Field detectives respond to all child abuse calls in the City of Los Angeles on two watches. Basically we're talking from about seven in the morning to about eleven in the evening. Most of the advice that we give now is done over the telephone, with the person calling. We would like to be able to give advice with a hands-on experience, and to view the situation ourselves. If we determine that no crime has been committed but there is an excessive discipline problem, a referral to a selected group of referral agencies in the city and county would be made. These are families that have been identified as at-risk of abuse, but no specific identifiable crime has yet to occur.

We would conduct a six-week follow-up with every family, to determine: (1) Has abuse continued to occur? or (2) Has the problem resolved itself? We would also ask the family to assess the assistance that they received from the referral agency.

We would assist in the criminal investigation at the preliminary stage. We would assist the patrol officers when it's obvious a crime has occurred, and get them started on the right reports and the right action. We would notify the referral agency when a referral was coming to them, so they would be aware and prepared for it, and we would continue to develop referral agencies throughout the county to handle these very specific types of referrals.

The second unit in this, is called the Education Unit. This would become the primary catalyst for public and private agency child abuse prevention programs. We just don't feel that there is enough education out there on child abuse and how to prevent it. We feel the police department can take a very active role in coordinating this effort.

The real bulk of this unit, though, is under number two there, in a program similar to DARE, which is so popular and successful right now in the elementary schools. We would place police officers in the high schools at the tenth grade health education required class, and speak to them about family violence and about child abuse and prevention. There would also be, this was the start of the program, we would extend that on into private schools and junior colleges and colleges in the Los Angeles City area. The whole purpose of the education program is to contact the future parents. And, by the way, we would also include the teen parents in this. But we understand that, and all of the research will tell you, that the cyclical problem of child abuse must be addressed at the very young age with a new parent, so that they do not carry on the learned responses and continue to abuse their children. We also would get involved in some legislation, primarily under the Education Unit. We would like to see a state-mandated high-school graduation course in family parenting/planning, the whole arena that would include this family conflict curriculum.

This program, as I said, was about a year project, and it incorporated the six essential elements of a successful program. These are: (1) early interdiction -- when we identify the problem at an early stage -- we must get involved and then the family would be referred to an agency to do the necessary follow-up and counseling with the family; (2) an advisement desk -- a local place for everyone to call in and get consistent sound advice, to make their child abuse report, and for us to respond to the problem; (3) a personal and family conflict resolution education program, targeting young adults; (4) legislative proposals; (5) public and media exposure; and, (6) resource coordination.

The problem, ladies and gentlemen, is that it costs money. What you see before you is what we presented early in 1986. This was designed to begin with half the city. I've updated some figures; they're not on this chart, but we are looking at approximately, to do the same original start-up program, about \$1.25 million in personnel and equipment. To go city-wide, to get all of the personnel our proposal asks for, we're looking at slightly over \$2 million. Our proposal and program was endorsed by the Los Angeles Police Commission. It was then sent to the City Council and was tabled by the City Administrative Officer. I have included in my information some comments that we prepared in response to that. They felt that police officers would be doing social services work, and we responded to that and you'll find that in the last two or three pages.

What you can do for us, ladies and gentlemen, is not let this die. Do whatever is necessary to bring this before the Council for us. We feel it is an outstanding program. It is finally a chance for the police department, who so often these days does nothing but respond to crime, actually to get involved in prevention. And that is the whole crux of this program.

CHRISTOPHER McCAULEY: Thank you for a concise presentation. Would you just clarify on about page four of this you have the letters "DCS vs. CAPE" program. "DCS" means...?

DETECTIVE BROWN: "DCS" means Department of Children's Services.

CHRISTOPHER McCAULEY: Okay, thank you. And that's county?

DETECTIVE BROWN: Yes. Los Angeles County Department of Children's Services.

CHRISTOPHER McCAULEY: And clearly the question was how does your program differ from some jurisdiction or program they have?

DETECTIVE BROWN: That's correct.

CHRISTOPHER McCAULEY: Thank you. Let's begin with Paula Starr.

PAULA STARR: I'm curious. Within your department, do you recognize the Indian Child Welfare Act? Many of our Indian children, when they are child abused, are placed in non-Indian programs, and we're just curious whether or not agencies like yourself are aware of this Act.

DETECTIVE BROWN: I am not, not personally.

PAULA STARR: I'll be sure you get the information.

TERRY GOCK: I'm just wondering how the CAPE program plans to respond to the diversity of ethnic groups that you might have to respond to with the referral program.

DETECTIVE BROWN: All of the documentation we did includes a whole section on selection and training. We would see to it that the proper officers were selected with the proper ethnic background, and there would be an attempt to see that those officers are deployed in the areas where they would most be needed. It does become a severe problem in the City, with the diverse culture that we are getting. One advantage we have, though, this program is, and you will find on the last few pages there, different from what social service workers do, but we are so closely united in what we do, it is sometimes hard to see the difference. And, there are a tremendous number of resources through them as well that we can use to assist the family.

ADELE STARR: I'd like to know what happens, who takes care of child abuse of children past the age of eleven.

DETECTIVE BROWN: Okay. We investigate all physical and sexual abuse of minors by a parent or guardian regardless of age -- that would be 17 and under.

ADELE STARR: I have another question. Have you any cases, in your work, where there has been child abuse because the child is lesbian or gay?

DETECTIVE BROWN: There have been a few where it has become aware -- the parent becomes aware of it, and there is some physical assault on the child, but it is not very often.

ADELE STARR: When that happens, what is done?

DETECTIVE BROWN: It would be handled the same way as if the child had brought home a bad report card. It's going to depend on the degree of injury, age of the child, severity, instrumentation. We look at each case individually, to see how we need to respond.

ELAINE WOOD: I take it you know that child abuse will occur in the same families. Could your program be easily expanded to train high school students about domestic violence, i.e., battering between spouses, as well as child abuse -- because we are trying to break the cycle of violence?

DETECTIVE BROWN: Yes, absolutely. That was one of the interesting things. When we approached the school district, we approached it from the law-enforcement side as just a very narrow child-abuse-type information. When we got to the school district, they said, "Great idea, but listen to this," and that's when we said, "Let's do a whole family conflict resolution class, not only dealing with the parents abusing the children, but the whole thing of what do you do when you see the violence between your parents, how do you deal with acquaintance rape, the theory that teenagers are having sex just because they should, the social pressure to do it, etc." They opened up a whole new arena, and we said, "Wonderful, let's do it." And so, yes, it would include a whole family violence situation.

ELAINE WOOD: So you're saying the project could almost be re-entitled the Family Violence Prevention Education Project.

DETECTIVE BROWN: We never did get around to identifying the name of the class. We kicked around a few. One of our favorites was LIFE -- Living in the Family Environment. The one thing that the school district really wanted to stay away from was identifying any instruction as "abuse." They really wanted to stay away from that word, and I can see why they wanted to enter into this whole area. The use of officers, though, gives the program some credibility -- that has made the DARE program so successful, and made the former police role in government programs so successful. We had officers teaching a semester course in the high schools on law and police and the whole law enforcement arena. Very, very successful. There's something about the officer standing there in uniform talking about real cases -- real life experiences -- responding to these types of calls and saying, "I was at a house, and here's what happened," and you can see three or four heads going nodding up and down. They can relate.

NORA BALADERIAN: I'm involved with child abuse, and one of the things that I've heard in some seminars I've recently attended is that homicide is not considered child abuse under child abuse laws, so we don't count how many kids are murdered as a result of abuse, but that this is seen as another category. Is there any room to include homicide in child abuse reporting?

DETECTIVE BROWN: Well, the only time I've heard that mentioned is when the death of a child is reported medically as some other cause of death -- a disease, or something, that was probably there because of neglect or abuse. But it's not reported medically because of that. Presently, the death of a child is reportable under the mandatory reporting law. If somebody isn't doing that then there's a problem.

DIANE HIMES: It's reported but in a different statistical section. It's not reported with or under abuse. It's a homicide.

NORA BALADERIAN: Right. So the child abuse people can't figure out how many children are murdered per year or per day.

DETECTIVE BROWN: Well, we can sure tell you that. Out of our unit we can tell you every day how many homicides we've had -- child homicides. Part of your problem may be because it's such a specialized area of investigation. You need to call the specialized unit to get to the numbers. But they're all reported.

NORA BALADERIAN: So, we could get a count for all of Los Angeles City? How many kids were murdered in January, for example.

DETECTIVE BROWN: Yes.

THOMAS FRANK COLEMAN: It might be more feasible, or practical, or politically expedient, or however you want to put it, if the start-up program were scaled down so that the word "million" wasn't used? And, if so, could the department draw up that type of a start up proposal in the first instance?

CHRISTOPHER McCAULEY: Are you talking about a demonstration project?

THOMAS FRANK COLEMAN: Well, something less than half the city.

DETECTIVE BROWN: It was done. We were told to stop it because that was not politically correct, that if we attempted to start a pilot program in a very small area of the city, we would be stepping on some toes. So we would be happy to do anything to start this program at any level you would like.

THOMAS FRANK COLEMAN: If it was a third of the city, instead of half that might be workable. I understand the point of not having just one or two precincts or divisions, and then people are going to say, "Well, that's not in my division so I don't want to vote for it." Somehow I feel that if you could get it started, and demonstrate maybe in the areas that have the worst child abuse problems that it actually is having an impact two or three years down the road, that maybe one could expand it.

DETECTIVE BROWN: I couldn't agree with you more. We would love to start any smaller area just to get started -- and get the justification we're looking for.

THOMAS FRANK COLEMAN: So, if Councilman Woo's office asked you for a proposal that would be scaled down for start up -- and its something we could take a look at and maybe endorse in our report that would then go on to the Council members -- could you do that or would you be able to get something like that?

DETECTIVE BROWN: It's done. Our original document contains just that, and its a public document.

DETECTIVE BROWN: Look at it this way. Some years ago there was a study done at one of the state prisons, and of the population there, upwards of 90% of the inmates had been a victim of abuse of some kind during their childhood. Now, expand this out a little bit, and imagine 20 years from now if we can impact the problem the effect we could have on crime over the entire spectrum. And, I can see some real cost advantages. Absolutely. But, as the Sergeant said earlier, we are dealing with behavioral changes here. No one really teaches you how to raise your children. You apply what you learned from your parents. And so, we are going in and saying, "That may not be the right way to do it. Here is a better way. Here is an alternative." Or to the parent, to the young female who was sexually molested by her father, she may not turn into a sexually abusive parent, but she will in all probability turn into a physically abusive parent. We've got to break that cycle, or we'll just continue on and on.

CHRISTOPHER McCAULEY: Leonard Graff is here. He is the legal director of the National Gay Rights Advocates, that many of your are familiar with, that has done some outstanding pioneering work. He's here to discuss insurance discrimination, including specific illegal practices, and some of the legal recourse available. He also will make some recommendations to you.

**LEONARD GRAFF**

**Legal Director, National Gay Rights Advocates**

Lifestyle Discrimination by Insurance Companies

LEONARD GRAFF: Well, National Gay Rights Advocates is a public interest lawfirm, and we have been doing more and more work in recent years for lesbian and gay couples. And some of the questions we get frequently have to do with access to insurance and problems arising in various kinds of insurance products. We have found a lot of questions concerning automobile insurance, homeowners' or renters' policies, umbrella policies, and health insurance, primarily in the context of employers' group plans.

To back up for a minute, because I know some people don't know what an umbrella policy is, this is a policy that is often called excess liability as well, and what it does is provide excess limits of personal liability insurance. Generally the minimum amount of this kind of policy that one could buy would be about a million dollars. To have this policy, you must also first have an underlying policy, either a homeowners' or automobile policy that provides some basic limits of liability, usually \$300,000 or so. Standards vary from insurance company to insurance company.

And the types of questions that we get vary. Some have to do with access; in other words, actually being able to get the policy. The greater number of calls have to do with the pricing policies of insurance companies, and the discounts that they give. The nature of the problem is what I call the lack of the talisman. In this case the talisman is the marriage license. This marriage license, which lesbian couples and gay couples cannot get, shuts them out from discount programs. And, with the talisman -- the marriage certificate -- a couples married for only one day, can get insurance coverage, and they can get discounts on their insurance policy, that are not available to a gay couple who might have been together for as long as twenty years.

Part of our program at NGRA is to investigate ways of remedying the kind of discrimination that occurs because of the lack of the talisman. And these would include lawsuits to redress the grievances of our clients, but part of what we have to do, of course, is examine the basis for the discounts, and how they arose and why, what is so special about the talisman, what is the insurance company's rationale for giving the discount.

What I'd like to do is talk to you briefly about three cases that have come before our organization in recent years, and how those cases, at least in one instance were resolved, and our experience.

One of those is with the Automobile Club of them Automobile Club of Southern California, known as "AAA." In California, AAA is divided into two chapters; a northern chapter and southern chapter. Our organization was approached by a gay male couple who lived in San Diego. This couple had been together nine years, they had joint credit, joint savings, jointly owned automobiles. Their relationship in every way mimicked a married relationship, except of course they didn't have the talisman. They wanted to get a 20% discount that AAA offered to married couples; it was called a spousal discount. At least that's how AAA originally presented or entitled the discount, it was a spousal discount. What we later learned was that it was not just a spousal discount, but a spousal discount that was given when there were two or more cars involved. In this instance, what happened was, we began our conversation, if you will, with the insurance company by writing a demand letter, essentially threatening to sue them, if they did not offer the discount on the same basis to our clients. This opened up the dialog.

We did indeed get their attention. Over a period of the next year, myself with the help of a local attorney in Los Angeles, Bill Weinberger -- we helped to negotiate a settlement with AAA without actually having to file the suit. And I think that we were very pleased, because at the end, what we got was everything that we wanted, and that is that a lesbian or gay couple can now get this discount on the same basis as a married couple. And, what we did was in examining the policy and why it existed, is what we realized is that AAA didn't so much want to offer a discount to married couples, that is a multi-person discount, as it did a multi-car discount. And this is what we were getting at, what is the rationality for the discount, does it have to do with people, was there some relationship to the risk or the product or the service being offered? And as it turned out, it was in fact related to the automobiles, themselves. And so a part of the dialog included a complete spelling out to the insurance company of what our cause of action would be based on if we did sue them, what their possible defenses might be, and why they would likely not succeed.

Part of the dialog that also was convincing to the counsel of AAA, and I think should be and probably is a major factor for insurance companies, is what most profitmaking companies are about, is the bottom line, what is the financial impact? I think that in our correspondence we convinced AAA that they were on the verge of being able to take advantage of an enormously profitable situation, because I cited to them statistics and economic studies that had been done -- showing the amount of disposable income available to the gay community, and services that we find from studies that have been done, that gay people are very, very loyal to those



businesses that welcome their patronage. And so we pointed out the possible economic benefits to AAA of broadening the policy. And, as I say, they did change the policy. So now the discount is not being based on the talisman -- the discount is based on some other criteria. There has to be two cars involved, both of the cars have to be owned and registered in both parties' names, they have to be kept at the same address, and the parties have to live together at that address. This requirement now is used to determine who gets a discount for both married couples and unmarried couples, and whether that's an unmarried heterosexual couple, gay couple, person living with their parent, or whatever the relationship is is no longer significant, as long as they meet the other criteria directly related to the number of automobiles and where they're kept.

In another situation we've recently been made aware of in northern California, we've been approached by a couple who lives in Sacramento. They've been together 17 years, they own their house together, they have a joint credit card, their life is totally joint, and in every way also looks like a stereotypical marriage relationship. They have a homeowners' policy with Farmers Insurance, which names both of them as a named insured, and when their insurance agent came out last February to do an annual review of their coverage and policy, the agent convinced them that they should have an umbrella policy, to provide for excess liability protection. And what Boyce and Larry wanted to do was then to get a joint policy. The insurance agent considered that, took it back to the home office, and then wrote a letter back, saying, "Sorry we can't do that. If you are married, we can offer you a policy that will cover both of you for \$130 per year. However, since you are not married, you must each take out a separate policy for \$260 per year." I'm at a loss to know what Farmer's reason is on this, because it seems to me, if you have two people with the same financial interest in the house, there are only two people that could possibly expose the insurance company to liability, then the nature of the relationship between those two people seems to me should not matter whether they are in fact married. In this case, we attempted to negotiate a settlement with Farmers. I wrote them the same kind of letter I wrote to AAA, but Farmers was not as impressed as AAA was. So we are left with the situation now where we are going to have to sue Farmers, and, our cause of action would probably be based under the State's Unruh Civil Rights Act. I have brought copies of the correspondence in both the AAA case and the Farmers case.

And the third situation I want to talk about is health insurance. Now, for people that are covered by some group health policy through their employer, most of these people can include a spouse on that policy, and employers have different ways of handling this. Sometimes the employer will pay for the spouse, sometimes the employer will pay only for the employee, and the employee has to pay the additional premium for the spouse. But, if you are not married -- you don't have the talisman -- you cannot include your life partner in this kind of coverage, and in many cases

that means somebody is going to be shut out altogether from getting health insurance, or they're going to have to pay a lot larger policy, because they don't have the advantage of a large group in terms of what that can mean in negotiating power to get reduced payment or extended coverage. So we at National Gay Rights Advocates were successful in locating a group health insurance plan that provided a definition for family partner and you could include a family partner on the policy. And, they didn't care who paid the premium -- that was the employer's business, whether the employer wanted to pay it or let the employee pay it -- but they made the coverage available. Recently, they have affiliated with another insurance company, and they have now discontinued that coverage. And, as far as I know, that was the only one in the country that offered this kind of coverage. So, there's a serious lack there of availability or access to this kind of health insurance. What I see as a remedy for this, is some kind of change in the law, whether it comes through legislation, or administrative regulation within the insurance department, or through court precedent. But, beyond that, unless we can see some major awakening on the part of insurance companies that this is in their financial best interest, then I think there will have to be a change, and I would suggest that this could be done through a city ordinance or through statewide legislation.

**JAY KOHORN:** Do you see the collective bargaining process entering into the kinds of things you are talking about at all?

**LEONARD GRAFF:** Yes, actually that is another alternative -- collective bargaining. I believe, for example, the employees of the Village Voice newspaper in New York, through their union were able to negotiate a contract which made the employer find and somehow locate an insurance that would cover their named partners.

**FRANK RICCHIAZZI:** Insurance companies have a really good time as far as statistics are concerned. In whatever they need to massage, it's their way of doing it. Have any statistics ever been presented on showing what is the average length of a marriage in a heterosexual relationship as compared to a gay male or female relationship?

**LEONARD GRAFF:** I don't know if that kind of study has yet been done. I think certainly with the former there have been. The divorce rates, and the marriage has been studied exhaustively. With respect to the latter, I think that there have been some emerging studies, and I have read of some theses being done but I haven't yet seen the results.

**JEFF VOPAL:** One area I don't think you addressed was the requirement of some insurance companies that the beneficiary on the life insurance policy must have an insurable interest in that party taking out the policy. We've been seeing that happen -- where companies are contesting the applications because the named beneficiary is someone other than a child or spouse.

LEONARD GRAFF: Yes, I think that there's a problem there on behalf of the agents, or else it's a problem I have in terms of defining what insurable interest means; and as far as I know, in California the owner of an insurance policy can name anyone he or she pleases to be the beneficiary. The problem, in terms of insurable interest, would be where the beneficiary, or intended beneficiary, wanted to take out a policy on somebody else's life, and then the insurance company would want to know what is the insurable interest. Usually it would mean that the person has to be related or someone like a business partner.

JEFF VOPAL: The situations I'm referring to, are where the applicant is going to be the owner of the policy and the insurance company's coming back to the applicant saying you must prove that the designated beneficiary has an insurable interest in your life in the State of California at the current time.

LEONARD GRAFF: Right. I've heard of situations like that. Yes, it is a problem, because insurance agents don't understand the concept, I think.

JEFF VOPAL: Well, the insurance agents in our case do, and it's a problem that the insurance companies are refusing to follow the law.

LEONARD GRAFF: Yes, and there is a way to at least seek some redress in that respect fairly quickly, and that is through filing a complaint through the Insurance Commissioner. Peter Groom's office will handle those complaints. It is a shame that we have to still keep filing these kinds of complaints.

LOUIS VERDUGO: I know from your work with Great Republic and other cases like that, that you're familiar with Title X of the California Administrative Code Section 2560.3, that prohibits discrimination based on marital status and sexual orientation. What I'd like to know is if you've any experience with trying to get the State Department of Insurance and/or Insurance Commissioner to enforce that regulation?

LEONARD GRAFF: Well, they 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, he's taking the position that this is "rate discrimination" and is beyond the jurisdiction of the Commission.

LOUIS VERDUGO: In other words, they're not really addressing the discriminatory policy of the discount; rather, they're just saying it's not straight marital discrimination or sexual orientation discrimination.

LEONARD GRAFF: That's right. That's why I think the greatest potential for relief in this area is under the Unruh Civil Rights Act, which prohibits all arbitrary discrimination by business establishments. And while it's not strictly marital status discrimination, not strictly sexual orientation discrimination, but more a confluence of the two, I still believe that it's arbitrary, and I think that the insurance companies are going to have a difficult way to show that it is not.

THOMAS FRANK COLEMAN: I was interested in the Insurance Commissioner angle too, because we've had that regulation on the books now since 1975 -- and if that's their interpretation -- have they said anywhere in writing that it doesn't cover discrimination against couples?

LEONARD GRAFF: I don't know that, Tom, although specifically with respect to the Farmers Insurance case I was talking about earlier, I did talk to Peter Groom about this, and he said that this is not something that they would be involved in.

THOMAS FRANK COLEMAN: By way of analogy, discrimination on the basis of marital status in housing or employment is illegal, and that the Fair Employment and Housing Commission in a precedent ruling held that marital status for purposes of employment discrimination included discrimination on the basis of cohabitation status. So if an employer refused to hire you because you were living out of wedlock, that was marital status discrimination in the meaning of that code. And if that's the case, then why shouldn't the same interpretations be used with respect to the Insurance Code? And I'm wondering -- to clear up the ambiguity -- if there should be a request to the Attorney Generals Office to issue an opinion about what remedies exist to cure this type of discrimination. That may help. Otherwise I guess we're forced into lawsuits rather than having an administrative agency that can actually do something. So do you think that would be helpful -- while you're fighting on a case by case battle -- to have a public official request an opinion from the Attorney General, especially if the Insurance Commissioners Office won't interpret it the way we think it should be interpreted?

GRAFF: I think that's an excellent idea, yes.

LOUIS VERDUGO: Tom, the only problem I think you'd have would be that you would have to make sure the request for an opinion was not connected with any piece of ongoing litigation, because there is a strict hands-off policy in the office not to touch an issue that's in ongoing litigation. So you'd have to make an anonymous, non-specific, hypothetical.

THOMAS FRANK COLEMAN: Take a renters policy -- there's no renter in litigation right now, right? This is very often even more difficult the homeowners where you have joint ownership. With renters you don't

really have that document that shows you own the car together or you own the house together and you pay a double premium. If there's no litigation, if it's illegal in that context we could probably draw an analogy elsewhere.

Also, a request about this meaning of insurable interests -- would the Insurance Commissioners Office agree with us that the beneficiary, as long as they're not being the owner of the policy, does not have to have to have an insurable interest in the life of the owner of the policy?

LEONARD GRAFF: I'd be very surprised if he didn't. It seems to me there's caselaw to that effect here in California.

THOMAS FRANK COLEMAN: If that's the case and we can identify the companies that continue to refuse, then don't we have pattern or practice of discrimination -- and can an injunction be brought? Would that be considered arbitrary business discrimination to require that when that isn't a legal requirement? And if so, then we could have the City Attorney or the Attorney General seek injunctive relief if the Insurance Commissioner won't take forcible action -- or even a private organization could take this up and seek injunctive relief.

LEONARD GRAFF: My interpretation of what's going on there with the agents and insurance companies is an institutionalized homophobia and what these agents frequently tell the applicant to do is name their estate, and then when the policy is issued -- send in and from the home office get a change of beneficiary form and name whoever you like, you sister or someone like that, and they say you can get approved so much quicker. The problem, of course, is that you have some timelag and in the unfortunate event that the applicant dies, then the real intended beneficiary is not going to benefit from that policy.

THOMAS FRANK COLEMAN: The AAA Auto Club where you get towing services and travel services and that whole aspect of things -- it has a spouse associate discount which is substantial. Gay people or even blood relatives who aren't married can't get that discount for being a household member. You have to be legally married -- except David Link did some research and found out that they basically will process any two people that have opposite-sex appearing names. Even if the last names are different they'll take your money and process it. But if it's obvious, like Thomas and Michael, they won't. And I just experienced that recently. David Link, and I, and my spouse, and Couple's Incorporated -- a new political action committee for couples -- will be appearing at the annual membership meeting of AAA at the Los Angeles Hilton on March 9 to raise the issue. This is another approach. Litigation doesn't have to be the first instance. So it will be raised by people who are affected. There's press coverage that is going to occur with the proposal to the board of directors to change it to household member. We frankly don't care whether people are sleeping

with each other or having sex with each other. But the blood relatives who are living in the same household, have two cars or whatever should be entitled to the same discount because the rationale probably is similar to the other -- that it is not really to benefit spouses because of their marriage certificate but it's sort of a multi-car rationale I would imagine.

LEONARD GRAFF: I have a different theory, I think, and we would only find out probably if we did sue and did some discovery as to the genesis of this discount. My theory is that it began sometime in the late 40's or early 50's where you had a stereotypical household of a man and a wife, and the man was going out and earning a living, the woman was staying at home, and then all practical matters. Most the time there was probably only one car, and when these people went out together, the husband was there; also, if this couple wanted to go on a trip, they wanted to get maps or travel service advice, or whatever, they probably went together in a majority of cases and I think somebody in AAA said "Hey, we could sell a lot more memberships by selling associate memberships to spouses at a discounted rate." And I think it was just a marketing gimmick to sell more membership cards and increase their revenue.

LOUIS VERDUGO: I wondered if you know of any other insurance companies that engage in the same types of practices that you talked about in your testimony today. I'm concerned with quantifying this problem at least for the purposes of this report.

LEONARD GRAFF: Yes, I do, and I can send it to you.

CHRISTOPHER McCAULEY: Leonard, thank you very much. It's been delightful to have you here. So many of the advocates who have come to us have long records of achievement and certainly NGRA does.

The next presentation is Charles Harris, from a management consulting firm that is doing a feasibility study for the city on a possible flexible benefits plan for city employees.

**CHARLES I. HARRIS**

**Management Consultant,  
Towers, Perring, Foster and Crosby**

**Feasibility Study: Flexible Benefits for City Employees**

**CHARLES HARRIS:** Thank you very much. My name is Charles I. Harris, "Chick" Harris actually. I'm a vice president with an international consulting firm of Towers, Perring, Foster and Crosby. Don't bother writing it down, I'll give you something that it's written down on, somewhere. We have been retained by the city, after a competitive bid situation to help the city analyze its current methodology for delivering benefits and we have yet to define what the scope of benefits are. I'll tell you that right now. But it will range from the welfare programs, the medical, dental, and life, disability programs, probably include as well a review of the time off programs - sickness, vacation, holiday, other possible personal leaves, and potentially include the ability to save money, to analyze these programs to see what currently exists in this city and believe me there is a diversity of benefits, my understanding is a diversity of benefits among the various employee groups that make up the 19-20 some odd thousand city employees. To assess the competitiveness of those benefits to determine whether or not it would be to the advantage of the employee populations, the various groups and to the city, to offer choice with respect to some of these benefit programs.

The reason for offering choice is to allow employees to better spend the dollars that are otherwise being spent on benefits to their best advantage. But coincident with offering choice, which is something that everybody feels that they want, we must be able to assure the city that the ultimate benefit costs, the actual dollars spent in claims or dollars spent in leave, or dollars spent in administration are within control and will follow a pattern which would hopefully be no worse than and possibly be better than the pattern that would emerge if choice were not given.

Choice by itself assumes that people will make the best decision for their own needs. If the choice is not properly priced and I'm talking from an actuarial standpoint, the statistics that the gentleman before mentioned, then someone is going to be paying too much or receiving too little and we have to ensure that there is an appropriate balance between the costs of the benefit program and I refer to the costs both to the city and to the employee populations and the benefits being derived. There is not certainty as we approach this particular study that flexible benefits will meet the objectives which have yet to be established firmly by city management and

representatives in the city and some of the union situations better than the current program does. We do not enter this particular study assuming that a flexible benefit program will be developed and implemented for the city. When we embark upon these studies we say and we do approach the feasibility phase exactly as that. Once we have determined mutually with the city the objectives that they wish to accomplish we then assess whether or not the current program or modifications to it can meet those objectives, and what the flex, as one alternative might help us meet those objectives.

We have done studies, not for the city, and so I will tell you that the city of Los Angeles is a leader as far as investigating a program of this magnitude. The only other city of equal size is the city of Philadelphia which has actually implemented a flex program I believe last year, they adopted a flex program I think that's the only one anywhere near a city of this size to Los Angeles.

I'd like to also make a general statement that flexible benefits is not a defined term. There are flexible benefit programs out there that companies such as T.R.W. calls flexible benefits which doesn't look at all like the program that Security Pacific Bank put in which they call flexible benefits, doesn't look like anything that GlenFed put in which they call flexible benefits, or some smaller companies which provide fewer choices but important choices to their individuals.

I have, on short notice not prepared anything other than those little opening comments, but there is a brochure which I'll tell you flat out we use as a sales piece, which says let's talk about flexible benefits and it does describe the nature of a flexible benefit program, its ultimate objective and the methodology that T.P.F. & C. uses in assessing whether or not flexible benefits makes any sense so I probably have enough copies of this for all of you and I have a fewer number of copies as our supply was running short of a survey that we conducted amongst, I didn't really count the number of companies, 50 or 60 companies, not T.P.F. & C. clients all, some are, many of them are not, on what these companies have put in, which plans are included in their benefit programs, the amount of selection which various employees have taken, the cost of developing these programs, the timeline necessary to develop a program, and this might also give the Task Force some information. I only have 5 copies of it. I can get more if you would need more.

**CHRISTOPHER McCAULEY:** Why don't you give those to Tom as you're leaving and he'll make sure they at least get to the Insurance team.

**CHICK HARRIS:** I also want to make one other statement. All of the work we do in flexible benefits is governed by a number of I.R.S. codes, primarily section 125 which deals with the ability of an individual to trade dollars between taxable cash, taxable dollars and non-taxable benefits



without in their terminology being in constructive of the cash. In addition, each of the benefit programs within the flexible benefit program, the medical plan, a disability plan, a life plan, etc. must meet their own set of rules and regulations also dictated by the Internal Revenue Service, Section 105 and 106, section 129, section 127, and a number of other sections.

So not only are we constrained by what can be handled administratively, what makes sense, what can be communicated, what can be understood, what can be afforded, we also have to deal with what can be provided on a legal basis without exposing the individuals to undue tax. We want to do it as tax effectively as possible.

The initial feasibility study has a 9 month timeline. We hope, we expect to, and our contract says we will reach recommendations and present our final report to the city in I guess September. We signed the contract in January. The end result of that will be a recommendation to either adopt or not adopt flex. And if a flex program is to be recommended, the recommendations would also include a preliminary plan design, estimate of cost etc. To be honest with you I have not done that much work with the city so I suspect what happens there, it would then go to City Council for approval, for implementation, implementation in an organization of this size and magnitude would probably take the better part of a year and therefore I think that the earliest we would look for flexible program to be in place, if such were to be recommended would be January of 1989, as a best guess. I would now like to open for questions.

CATHERINE HAMILTON: You spoke about the determination of the objectives which the city wants to accomplish, could you talk a little bit more about who was making that determination and how that process is going down?

CHICK HARRIS: Well, I can't say...I don't know all the names yet, the Task Force of the City is being assembled, we'll be meeting, our first meeting is March 3rd. I know we are going to have representatives from the C.A.O.'s office, we have representatives from the personnel department, they have also pulled representatives from many of the city, I'm going to use the word departments, I don't know if that's correct, I saw on a list somebody from the Fire and somebody from the Police and somebody from Sanitation, basically the personnel representatives from those offices. We are also going to be conducting a survey amongst employees -- a statistically accurate random sample, whatever that means -- is going to be sent out, come back, and we're going to get some input from the employees. The input from the employees is not to ask them what they want because they want everything for nothing, it's more to find out what their sensitivity to movement might be, what they feel is good or bad about the current program. We have to determine the level of understanding of the current employees. Based upon that information, we will then start to establish some objectives, financial objectives and choice objectives.

**CATHERINE HAMILTON:** Are you factoring in the possibility of domestic partnerships or household partner benefits here either health insurance or life insurance or that kind of thing?

**CHICK HARRIS:** I can't say yes or no we haven't gotten that far yet. It would not be uncommon to consider when one is designing a benefit program who are eligible dependents, which is a natural thing to review. One particular aspect of a flexible benefit program commonly is dependent care, the ability for, on a pre-tax basis employees to fund for dependent care. Not necessarily to have the City provide dependent care, expenses are outrageous. Definition of dependent under that follows the tax code. In order to be able to get a deduction for it you have to follow section 129, do I have the right section for dependent care? or 127 I honestly forget. And that's an allowable expense so therefore we're limited there. To the extent we are looking to cover beneficiaries under life insurance, the insurable interest discussion that you had before overrides. We can't change the rules on that. To the extent that we're dealing in the medical plan area, and the programs are insured, we will deal with the insurance company rules and regulations or our attempt to negotiate with them to the extent that the program is self insured then the underwriting and actuarial people who are determining the cost would also have their say as that. As a specific item I can say no, it hasn't been something that we've addressed.

**THOMAS FRANK COLEMAN:** A couple of questions, one on the survey of the employees. Are you going to try to determine who's out there? The demographics of the employee population?

**CHICK HARRIS:** Yes we are, and I think I know where you're going and I suspect that our typical questions on demographics will not address the issues that you are raising, and we ought to think about changing them.

**THOMAS FRANK COLEMAN:** It can be worded in a way without invading whether they're having sex with someone or not (Absolutely, yes.) What we find out..need to refer to them in some manner other than a non-family household like the census bureau does. We can do it in a sensitive way. (Significant other?) Well if you can refer to it in a way that's politically acceptable, and somewhat sensitive, and doesn't invade privacy too much, that may tell you a lot about the needs of the employees even more so than coming out and making demands of the deficiencies in the system.

**CHICK HARRIS:** Let me tell you that we have a high degree of sensitivity to asking questions on a demographic test which would in any way color the results coming back because of the individual feeling that...if I answer all these three questions, or five questions whatever it might be, they know who I am. Like if we asked your location code, your salary, and national origin, and there happens to be an American Indian, who is working

in the accounting department earning between \$20-30,000, that person will not fill out the form, so we're overly sensitive to asking the questions that don't allow for very much...of the information. I will see what we can do about getting that in, talk to our survey people, it's a good suggestion.

THOMAS FRANK COLEMAN: However we want to define it. We can work on how it would look, or what the terminology would be.

CHICK HARRIS: Yes, actually I'd like some input quite quickly because that will be something that will come up within the next week or two.

THOMAS FRANK COLEMAN: The second part had to do with, you said you would look to what the companies would do and what their regulations are and so on. A few months ago a number of companies were contacted by a student researcher, and one of them for example Blue Cross said, if the City wanted to enter into a contract with us, to the exclusion of some other companies, we would provide domestic partnership coverage which we presently do not do but, in other words they'd be willing to compete for that....

CHICK HARRIS: The City does have a lot of clout...that's what you're saying..

THOMAS FRANK COLEMAN: Exactly. So that because there's some resistance right now doesn't mean that can't be negotiated with companies that might be willing to create new programs if they got the city's business.

CHICK HARRIS: We are a long way away from actually talking to anybody for placing the business, that wouldn't occur if flex were to come about until 1988 sometime. The development phase and the degree of design that we do in order to determine the feasibility doesn't get to that issue, doesn't get to that depth and I'm not saying we're trying to avoid the question if we had a group of physicians out here who were saying "Absolutely in no way should you allow four people to get a historectomy without a second surgical opinion", I'd agree, totally. That's very important. However, the degree of design we do in the feasibility phase doesn't even get to second surgical opinion. It wouldn't even really get to this particular issue, and I'm not trying to avoid it, the reason is it doesn't affect our decision as to go flex or not go flex.

THOMAS FRANK COLEMAN: That's what I was trying to get. Every company right now said "We won't do it so don't even bother considering it. Does that mean that you're not going to consider that type of coverage.

CHICK HARRIS: No, that's not necessarily the case.

**CHRISTOPHER McCAULEY:** Why wouldn't it be? I was just curious if there was...well why wouldn't it be?

**CHICK HARRIS:** Well, first of all I want to tell you of my ignorance relative to the current City programs, I really don't know anything about them yet. We just got the assignment and I wasn't going to study too much until we got paid for it to be honest with you. One thing that you should all consider here, and when you are talking about what the insurance companies are doing, a high preponderance of employees are covered by programs which are self insured and totally outside of the control of the Insurance Commissioners to begin with or insurance companies for that matter. The rules and regulations that they establish for who is a dependent and who is not a dependent are theirs and they establish them themselves. The City is large enough to create its own self insured program and doesn't give a damn about what anybody says about who is a dependent. That holds true with every major employer, almost every major employer in Southern Cal...in California for that matter. Insurance is not that prevalent among larger companies where most of your people are working.

**CHRISTOPHER McCAULEY:** I suspected that's what you...any other questions for Mr. Harris? Yes.

**MICHELE BUEHLER:** I just have one question, you were talking about your meeting in the early part of March and your meeting with the C.A.O., personnel department, and various representatives from the city departments. Are you planning on meeting with representatives various unions representing city employees at any time?

**CHICK HARRIS:** At this particular point I don't believe so.

**MICHELE BUEHLER:** Why not? Seriously, because benefits fall under a meet and confer process and they're subject to negotiations and wouldn't it be beneficial to get their input ahead of time?

**CHICK HARRIS:** We are...it's not mine to say. The negotiations between the City and the unions, we are not party to those negotiations and therefore it is not ours to say. We are being told by City management who we talk to. The survey is going to include union employees, the survey will go to union representatives for their approval prior to its submission. Once that information comes back I don't know of any other contact during the feasibility phase of going to the unions. That's all I know at this point in time. We are approaching them on the survey, absolutely. We can't go to the memberships without them approving it.

**THOMAS FRANK COLEMAN:** This is all part of the contract that specifies who you are going to be with or the contract..does the contract

delegate to someone in the City government the authority to direct what you do and what you do not do and who you talk to in a feasibility study?

CHICK HARRIS: Yes, I gather it's the latter. The contract is not quite that specific. We are working for this Task Force that's been assembled and we work under their direction.

THOMAS FRANK COLEMAN: And who heads the Task Force?

CHICK HARRIS: I guess the person to contact as far as the contract is concerned is Susan Harbach, of the C.A.O.'s office invited people to serve on the Task Force.

THOMAS FRANK COLEMAN: Well we can follow up with this at some later point outside of this hearing to get more specifics.

CHRISTOPHER McCAULEY: Let me just clarify...are you simply reporting with us today about this as a new client arrangement for your company or are you the principal consultant assigned to this particular project?

CHICK HARRIS: Oh, I am the principal consultant assigned to this particular project. T.P.F. & C. has a relationship with the City. We are the pension actuaries for many of the city programs. As such we generate a lot of statistics on what the pension costs are, but this is the first benefits consulting assignment that we've conducted with the city.

CHRISTOPHER McCAULEY: Good. I not only wanted to thank you for being here but acknowledge that not only was it somewhat short notice, just a few days, but that it's I think it tells us something that you're open and interested in hearing some additional input in the design even though it's a client arrangement with the City, although we're an advisory group to that. So we look forward to having some conversation with you about that. Thank you very much. I think that's going to be a very interesting study and we're going to be watching.

Nancy Berlin us here. Nancy is the co-ordinator of the House of Ruth, some of you may be familiar with that program. Her topic is homeless families, and the special needs of women and children. Thank you Nancy for being here.

**NANCY BERLIN**

**Coordinator, House of Ruth**

**Special Needs of Homeless Families**

**NANCY BERLIN:** My name is Nancy Berlin and I work at the House of Ruth which is a temporary emergency shelter for homeless women and children, which includes single women, pregnant women, and women with children. We are located in the Boyle Heights district of the city. We take families from all over the county and sometimes even further, depending on who ends up on our doorsteps. I want to thank you for inviting me here today. I think it shows a lot of insight on your part to include this topic in your discussion on family diversity. We often get left out of family discussions and even discussions on the homeless because there is not much awareness of the fact that there are homeless families and homeless women and children in Los Angeles.

Who are homeless families? How do we know they are there? What are the demographics of homeless families? I would like to address these issues in my presentation.

A national study that was conducted by the U.S. Conference of Mayors tells us that about 30% of the homeless are homeless families. That seems to be an increasing trend in Los Angeles as well. There was a study done by a sociologist at U.S.C., Kay McChesney, who tried to identify who homeless families were in Los Angeles. She found that families are the fastest growing segment of the homeless population. Not surprisingly, the typical homeless family is the single mother and her children -- about 2/3 of the homeless families are headed by single women. I think that's important because the media often portrays the homeless family as a two parent family but that is not the typical family. The typical homeless family follows the pattern of the typical poor family, which is the single woman and her kids, the women being in her 20's, and has 2 pre-school age children. McChesney says that these families are generally poor to begin with. Some homeless families are the "new poor" -- people who have become poor because of some crisis, but the "new poor" are not the typical homeless families. So we are not talking about a temporary situation for most of these families. It tends to be a more long term problem that needs to be addressed.

What happens to these families that changes them from simply being poor to being homeless?

The first major reason is that there was a man who used to be in the picture but he is no longer there. McChesney says that accounts for about 1/4 of the homeless families -- that the man was either abused and so she left him, or the man just disappeared. So, in these cases, it is generally a woman who has been out of the job market for quite some time and doesn't have a lot of skills or confidence in the skills she has to go back to work. In addition, to the trauma of suddenly being alone, and having to reorganize her life, she also has the trauma of being homeless as well. This is also then connected with the inadequacy of child care, job training programs, and low wages that most of these women get when they do enter the job market. The low wages are insufficient to support their family and so this aggravates the problem.

The second reason for the increasing number of homeless families has to do with the increasing number of low income families in general and some of them become homeless. There was a study done by the Center for Budget and Policy Priorities in Washington D.C. It says the reduction in government benefits programs is responsible for the increase in low-income families, because those programs used to lift people out of poverty but they don't do that now. This study concludes that the decrease in federal government benefits programs accounts for about 30% of the rise in low-income families. This is significant because it says there is something that needs to be done on the federal level.

A third major reason for homeless families is something that directly relates to Los Angeles -- the lack of affordable housing. The median rent for a one-bedroom apartment in Los Angeles is \$491 per month. That is too much money for a woman to pay when she is working at minimum wage. There is also a shortage of any kind of low-income housing at any affordable price. The Census Bureau did a study of low-income housing. They found that the number of low cost housing units has decreased over the past few years. They report that in California there are 780,000 more low income households than there are low-income units for those households. Los Angeles has the worst ratio in the country for low cost housing, that is, we have 3.7 persons who need housing for every unit that is available in Los Angeles. Given all that, one of the surprising things for us is that there has been very few programs developed around homeless women and children. It is hard to determine how many homeless women and children there are, because homeless women do everything they can to keep out of the public eye. They are very hard to identify. They are terrified that their children are going to be taken away from them. So we are never going to get a very accurate count. However, we do believe that there are only several hundred shelter beds available to homeless families in Los Angeles county although there are thousands of homeless women and children in the county -- so there is a huge gap between these numbers.

What can the city do about the plight of homeless families?

First, there was the Hansen case which attempted to force the county to provide services to homeless families as a unit. The problem is that the Hansen case has not been implemented. The county has to be forced on a case-by-case basis. Info-line is referring cases to Legal Aid so that they can help force the county to help the needy family. This is a complicated way to get shelter for people. I have had no success in attempting to get help from the county when I intercede on behalf of a homeless family. The county has the resources but just won't do it. They seem to be just waiting out the appeal in the Hansen case. I think the city should make a strong statement to the county to protest this practice because most of the homeless families are in the city. So this does affect residents of the city.

Another obvious problem has to do with affordable housing. The state Legislature has many proposals pending to create more low cost housing. We need to follow those and support them and make sure the Governor doesn't veto them like he did last year. Also, the state needs to be pressured to take advantage of federal low income housing tax credits.

Also, we need to protect and preserve the rent control that we have so that low income families have a chance at having housing.

Finally, the city should support the funding of privately run shelters. This can happen through public awareness and publicity that there are homeless families out there. Most of the news and proclamations that we hear deal with homeless individuals as opposed to homeless families. We need to expand programs for families. Our shelter can't take two-parent families. Most shelters won't take pregnant women. People need to know who is really out there. People don't really know there are pregnancy women living on the streets and that shelters can't take them. People don't hear about families that are locked out of their apartments by their landlords and so they wind up on the streets. We had a family that called this morning who were living in their car.

JAY KOHORN: I think that the Museum of Contemporary Art was funded was through an ordinance that required 1% of developer's costs had to be contributed to the arts. It seems to me that if it can be done for the arts it can be done for the homeless. If 1% of the cost of developing high rise condo's would pay for the entire cost of housing homeless families in Los Angeles. I wonder if that is not a reasonable way of the city attacking the problem.

CHRISTOPHER McCAULEY: Part of the problem is that the law requires that these fees be spent in the same redevelopment area. This type of a proposal might work in the downtown area. But, the concept of finding a creative way that could be used in a targeted area is a possibility.



ADELE STARR: What is the average length of time that a family remains homeless -- six months or more?

NANCY BERLIN: It depends on what kinds of resources come their way. Usually it is not that long. A family must get off the street sooner. Although some families live in cars for months. Most families, however, remain on the streets for a number of weeks.

The problem, however, is the help is very limited. Families can only be housed for a 60 days and a lot of families are not ready to move after 60 days.

ADELE STARR: What happens to the children -- do they go to school?

NANCY BERLIN: That is a problem. Many of the shelters only allow a family to stay for two to three weeks. Many families won't enroll a child in school for such a short period of time. Then they move to another shelter for a few weeks. And the same situation happens. The school lives of the children are significantly disrupted. Even in our area, the school is not wild about handling this transient population going through the school. Plus, our school is overcrowded, so they bus our kids to North Hollywood, where the school is not used to dealing with poor children much less homeless kids. The North Hollywood school is requiring many things that neither we nor the parents can provide and the kids come home miserable because we can't provide the required school supplies. So, the schools don't have a lot of sensitivity. We have had kids denied school lunches because they did not know what a homeless family was and why our shelter did not provide them with a bag lunch. Because of all of these problems and lack of sensitivity by the schools, my guess is that most homeless children do not go to school.

CHRISTOPHER McCAULEY: Where does the House of Ruth get its funding?

NANCY BERLIN: We have been in existence since 1978 -- a little before this crisis blossomed. Most of our funding comes from private foundations and from individuals. We also get support from local church groups. We get very little funding from the Federal Emergency Management Agency. We get a little from the state emergency shelter renovation program.

Because our money is mostly private it keep us more independent than if we relied on government money. So, we can be more innovative.

Last year, we opened a transitional living house and we hope to open another one soon. It's a low cost house for families who have some income

but need a little more time to save up money to rent their own apartment. They pay us \$175 per month. They don't have to pay first and last to us. It enables the women to save money. They can stay with us for up to one year. We just had our first set of graduates. This is something that needs to be done by others. If we could free up more buildings for more transitional houses this would help a lot.

NORA BALADERIAN: What is the reason for shelters not accepting pregnant women.

NANCY BERLIN: I can only guess because we do accept pregnant women. Places are afraid of what to do with pregnant women. They don't know who to handle childbirth or newborns. Many shelters require the women to leave the house during the day to look for jobs and this won't if they have a baby to take care of. So, the shelters are afraid of complications.

CHRISTOPHER McCAULEY: Nancy, thank you very much for coming here today.

**PUBLIC HEARING: March 16, 1987**

**CHRISTOPHER McCAULEY**

**Task Force Co-Chair**

**Opening Remarks**

**CHRISTOPHER McCAULEY:** My name is Christopher McCauley and I'm Co-Chair of the Los Angeles City Task Force on Family Diversity. This is our regularly scheduled meeting of the Task Force and it's an open, public meeting, as they all are.

Today we are taking invited testimony from expert witnesses in the community on a variety of family-related topics.

There are about 38 members of the Task Force, and a number of people I think are arriving later. We appreciate all of you being here. We hope you'll be with us the rest of the afternoon. Our Task Force is basically an 18-month process. The Task Force was created in May of last year by Councilman Michael Woo to document and research the changes in contemporary family as we experience it in Los Angeles.

A majority of our families now live in non-nuclear family arrangements. In this context, nuclear is defined as the traditional husband-wife-child family, with the husband employed and the homemaker-wife not working outside the home. With this definition in mind, about 85%+ of the national population live in non-nuclear households.

In addition to the traditional family, we're focusing in on many newer family forms, or family forms that have been in existence a long time but have not been thoroughly documented. And we're looking for places in public policy where there may be a gap between existing laws and the experience of family. We will be making specific proposals and recommendations to the city on how we can strengthen family life for all families.

Our first witness today is Rabbi Daniel Bridge from the Union of American Hebrew Congregations who is reporting on some very interesting work that they have been doing with their Task Force on the Changing Family. So I'd like to invite Rabbi Bridge to come forward, please.

## **RABBI DANIEL BRIDGE**

### **Union of American Hebrew Congregations**

#### **Task Force on the Changing Family**

DANIEL BRIDGE: It's my understanding that I'm here to tell you -- the Task Force on Family Diversity -- that there has been a task force in the Jewish community that's been working to help synagogues cope with the changes in the Jewish family. I'm not here to ask for or to support any specific legislation before the City Council. I'm here to tell you about why the Task Force on the Changing Family of the Pacific Southwest Council of the Union of American Hebrew Congregations was begun and what it has done over the last seven years.

By 1980, it had become fairly obvious that a growing percentage of Jewish families didn't fit into the traditional, and I use that term advisedly for lack of knowledge for a better one, or nuclear-family image -- that of two parents and two or more children and perhaps a grandparent or two housed under one roof. And at that time to most of the leaders of the community the fact that families were changing was obvious mostly because of divorce. Children were falling behind in religious school because a non-custodial parent sometimes wouldn't bring them to the schools. On the weekends our Rabbis began to see a number of ritual ceremonies with just one parent present, then single parent families, and even recently-divorced singles began disappearing from congregational life and congregational participation. Theories are that either they were uncomfortable in their new roles because the synagogue wasn't making them feel at home anymore or because of financial burdens to pay membership. Then, all of a sudden, when leadership began to open its eyes to these issues, we began to see all kinds of new family units -- unmarried couples, gay and lesbian Jews, seniors that were living alone, and the list goes on and on.

Nationwide, the Union of American Hebrew Congregations (UAHC) is comprised of more than 800 congregations. The Pacific Southwest Council represents about 65 congregations.

In 1980, the Pacific Southwest Council established the Task Force on the Changing Family. Initially, and for a number of years, the task force focused on raising consciousness in the congregations, particularly with Rabbi support staff, and congregants. And the formats that were used were primarily two. One was seminars for professional and also lay leaders.

Another was a speakers bureau that went out and spoke at the congregations. During the last two years, we've moved out of the realm of consciousness-raising to helping congregations meet the needs of the changing families in the congregations. I'll focus on four things that we are doing now.

First, we are working with schools in designing materials, forms, curriculum materials that take into account that nuclear traditional family may not be the majority of families in the school or in the synagogue and the needs of all the families in the synagogue must be addressed.

Second, there is a subcommittee on daycare that's encouraging congregations to open fulltime infant-to-kindergarten daycare centers to meet the needs of the dual-career family and single-parent families.

Third, we are using the seminar format working with congregations in the region to deal with topics such as helping congregants deal with divorce, and one that will be coming up in the fall for families of gay and lesbian Jews.

The fourth thing is a questionnaire that was designed earlier this year that has been sent out to all of the regional congregations. We are now in the process of compiling the data on it. It, first of all, asks the staff to estimate the percentage of various family units or family groups in their synagogue. It also asks them to describe programs that they have instituted to meet the needs of those families. Some of the categories that we've asked them to identify percentages include single or divorced parents, interfaith or interracial marriage, blended families, singles with no children, unmarried couples, gay and lesbian, and traditional nuclear family.

The results of the survey are interesting. At one extreme, we have one congregation reporting that they believe they have only 8% nontraditional families -- I'm a bit skeptical of that -- they might simply not be in touch with their congregants' lifestyles. On the other hand, in one of the gay and lesbian congregations they report 95% gay and lesbian congregants.

The programs also are very wide-ranging. Some congregations only program for the traditional family, while others have created wonderful programs to meet the needs of their changing constituency. And examples are daycare programs and co-op baby sitting, young, middle-aged, seniors, and couples groups, support groups for divorcing couples, for widows and widowers, single parent support groups in the congregations, children of divorced parents groups, and programs for the disabled, programs for children of elderly and infirm parents. With that, I'd like to stop talking and ask if there are any questions.

DUNCAN DONOVAN: I'm curious, if in helping the congregations meet the need of various families, and coupling that with the survey, have you been getting a feedback of social things that can be done for these families? I can see that your interest is heavily on the individual and what you can do to make the individual comfortable with his status of life. But I'm wondering if on that feedback and in the process someplace along the line you're also acquiring a knowledge of what society can do to help these people?

DANIEL BRIDGE: Well, it depends on the group. If I'm talking about divorced families, one thing that's coming out is financial need. I see families that get upset because they cannot afford to support two households. I think that this finding could be generalized beyond the congregation to the community at large.

DUNCAN DONOVAN: Primarily, then, on a social level, you're raising the consciousness of the synagogues and of other Jewish organizations?

DANIEL BRIDGE: Well, what we're trying to do -- I think you're right -- it's on the individual level we're trying to do more than raise consciousness and that is by creating programs to help people feel comfortable within the community. And I think that idea of comfort is very important and comfort extends to the financial and also to the social and to interaction between people. It is important to make people feel, regardless of what the family unit is, that they are part of a congregation, that they are part of society.

DUNCAN DONOVAN: I wonder also if you've given much thought or any thought to whether religious dogmas regarding nontraditional families should be liberalized?

DANIEL BRIDGE: Well, I come from a tradition that enjoys studying the law. Tradition, for me, would have a vote but not a veto. In other words, I study it, but if it doesn't apply to these times, I would be willing to abate that for the community and I think that has happened in the reformed Jewish community. The need is to serve the members of the congregation, to serve the community, and the law shouldn't stand in the way of that.

DUNCAN DONOVAN: My last question would be in terms of the Constitution of the United States. I wonder if the entire organization, the national organization might have some views on the separation of church and state?

DANIEL BRIDGE: Oh, very definitely. The United American Hebrew Congregation reform movement's been very outspoken on making sure that there is a very strong and wide separation between church and state, and

that goes for the Jewish and the nonJewish community as well. It's very important to me personally and also to the movement.

THOMAS FRANK COLEMAN: How much longer is the task force going to go on?

DANIEL BRIDGE: I think the name "task force" is a bit of a misnomer because as I understand it "task force" has a limited life span. At this point, the Task Force on the Changing Family is an entity that's here to stay as long as congregations need help in serving the nontraditional family-units.

THOMAS FRANK COLEMAN: So it might be more of a committee? (Yes.) And the membership of it?

DANIEL BRIDGE: The membership of it is really by referral, by letters sent out to all the congregations in the region. It's focused mostly on the Los Angeles area because that's where we have our meetings and people from Los Angeles are the ones that come. So it's comprised of lay leaders from a number of congregations around the Los Angeles area and Orange County also, and referred by rabbis and staff members.

THOMAS FRANK COLEMAN: And the membership of the task force, is it religious or lay or both?

DANIEL BRIDGE: There have been rabbis in the past on the task force. Right now I'm the only rabbi on the task force and I act as its staff member.

THOMAS FRANK COLEMAN: I have three questions. First, what is the reaction of the various synagogues with respect to gay and lesbian couples or gay and lesbian issues or families. Could you comment on that?

Second, on the notion of integration vs. segregation -- are we going to have a proliferation of gay temples or are we going to integrate gay and lesbian members into general synagogues so that they feel at home in them? And, is part of the process of integration dependent on the reaction of the temples to blessing gay and lesbian couples or gay and lesbian relationships?

Finally, are there any congregations, other than the gay temples, that would actually bless a union between two people of the same sex?

DANIEL BRIDGE: O.K. First of all, I want to start out by saying the congregations are autonomous units and we work with the congregations and encourage them to develop programs. It's interesting. The questionnaires that we received -- the ones that we've gotten back -- show that the one area that we really have to do more consciousness-raising in, I think, and

I'm trying to read the data, is in the area of gay and lesbian Jews. Most of the congregations reported that they have a very, very, very small percentage of gays and lesbians in their congregations, if any at all. This either reflects the possibility that gay and lesbian Jews do not feel comfortable in those congregations and aren't joining them or the possibility that the staff members don't know that there are gay and lesbians in their congregations -- one or the other or both. So that's one of the reactions, the reaction of the congregations for a great part We don't know that we have gays and lesbians here.

So now to the issue of what kind of programing, whether it be ghettoization or incorporation in the synagogues, I hope that there is a move to include gay and lesbian Jews as all Jews in congregations and make Jews feel comfortable there. I also can't speak for gay and lesbian Jews I can't speak for Jews that are single parents, and tell them that they should feel more comfortable in a synagogue with all types of Jews. I don't think you're going to see a proliferation of gay and lesbian synagogues. I hope that there will be more gay and lesbian synagogues that will be established but I also hope that gays and lesbians -- because of programings in the congregations and rabbinic support for gay and lesbian couples, singles, gay and lesbian Jews -- will feel more comfortable in the congregations that exist. So I hope it's a little bit of both.

THOMAS FRANK COLEMAN: In any of the 600 congregations, other than ones that are predominantly gay or lesbian, do any of them acknowledge or bless a gay union?

DANIEL BRIDGE: I'm not able to say. That is up to the individual rabbi. There must be some out of the 800, but from the responses I get on the questionnaire, the issue hasn't arisen for most rabbis. I don't know the reason. If gays and lesbians don't feel comfortable coming to the rabbis again, or something like this or not...I'm not sure.

CHRISTOPHER McCAULEY: Rabbi Bridge, thank you very much. We appreciate your being here. Our next witness is in the room, Stewart Kwoh, Executive Director of the Asian Pacific American Legal Center of Southern California. He is here to speak on the issue of Asian Pacific Immigrant Families and we're delighted that you took the time to be with us Stewart.



**STEWART KWOH**

**Legal Director, Asian/Pacific American Legal Center**

Asian/Pacific Immigrant Families

STEWART KWOH : Good afternoon. I have a summary of some of the points I am going to make, and some recommendations. I'd like to make just three brief points. One is that, as many of you know, the Asian/Pacific population in this area has really zoomed in percentage and numbers over the last decade, and from most of the census data it looks like the Asian/Pacific population is the fastest-growing ethnic group in this area.

Of the nearly one million Asian/Pacifics in the southern California area, excluding San Diego, about two-thirds of those people are foreign born, so there's a tremendous immigrant mix amongst the population.

I think, statistically, just to give you some idea of the population in Los Angeles County, there's an estimate of 750,000 Asian/Pacific Americans and in the City of Los Angeles we estimate 350,000-400,000.

Taking care of the needs of the family is of paramount importance in Asian/Pacific families but oftentimes that goal is unachievable due to a variety of circumstances. Unfortunately, the funding of agencies, especially Asian agencies as well as providing multilingual services at non-Asian agencies, is often a questionmark. Recently there was an article in the Los Angeles Times regarding the Southeast Asian refugees and welfare fraud. We found that to be a gross exaggeration of a problem. But there is a structural problem in regards to welfare and Asian/Pacific families as welfare is a problem structurally to many people. But, at any rate, we find that there is really a lack of understanding of the Asian family and what that family needs to prosper or survive in the society.

The second point I wanted to make was the recently enacted Immigration Reform and Control Act of 1986, by all likelihood, will lead to the splitting up of Asian families. Let me just share with you some of the provisions that will lead to that effect. The main part of the Immigration Act is employer sanctions, the theory being that if employers are sanctioned for knowingly hiring an undocumented person, that that employer can be punished. But the other major provision of that bill was to legalize those undocumenteds who can prove that they were here illegally as of January 1, 1982. There are many Asians who are here illegally now but who came into

the country and were legal as of January 1, 1982. They were legal because they had temporary visas, like foreign student visas, or business visas, or visitors visas. And many of their visas expired after January 1, 1982, so, in speaking to numerous seminars and forums, I've found actually probably only 1 in 7 and as low as 1 in 10 Asian Americans who will qualify for the legalization provision of the Immigration Bill. Now many of those families have U.S.-citizen children, or other members of the family who will qualify for legalization, and that leads to the second catch of this bill and that is that it does not provide for derivative eligibility of family members. What that means is that if one family member qualifies, say a father came over in December 1980 and then his family came over in (and this is an actual case) January 20, 1982 -- even though the father qualifies, the mother and the children will not qualify. They will be illegal. We find that ironic because the Immigration Bill in terms of the legalization provision was supposed to take care of the underclass, so to speak, and try to legalize as many as possible but as my estimate goes, as low as 1 in 10 of the Asian/Pacifics in this area will qualify for legalization. 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 last thing I wanted to mention is that Asian/Pacific immigrants are often ignorant of our laws and customs and we find that there is insufficient information and education both in terms of the media as well as in terms of those agencies or churches that are the first contact point for those immigrants. We've found that there is a significant problem with spousal and child abuse and we think that if there was more education at least in terms of telling immigrants what the laws of this country are, that that could contribute to lessening that problem. Maybe I'll stop there and just answer any questions you might have.

CHRISTOPHER McCAULEY: Thank you, Stewart.

MARIO PEREZ: You mentioned the effects that the Immigration Bill is likely to have on these immigrants, particularly those whose visa has expired and so forth. How is the Asian/Pacific community preparing to represent those individuals -- those who may qualify for amnesty but who are in fear of exposing those members of the family who may not be able to reap the benefits of this Immigration Bill?

STEWART KWOH: For those people who might have a chance of legalizing?

MARIO PEREZ: Yes, and those whose complete family may not -- is there something that your organization is doing?

STEWART KWOH : Yes, the Asian American Legal Center unfortunately is one of the only Asian agencies that is going to offer legalization services in an extensive way. So we are gearing up our staff to be able to assist those people in legalization. We also belong to the Coalition for Humane Immigration Laws of Los Angeles which is a cross section of Latinos and legal groups and other agencies. We are developing strategies on how to advise those people whose families will not qualify, or for the majority of the undocumented who just won't qualify. So one of the recommendations I had was that the city consider forming a task force to study the impact on the use of social services by immigrant families. It would be very unfortunate, if, for example, U.S.-citizen children who are really in need of public assistance forgo that assistance solely because their parents need to qualify under legalization, either for temporary residency or permanent residency. One of the exclusionary provisions is that if a person obtains public cash assistance that person will be excluded from either becoming a temporary-permanent resident, or a year and one-half later, becoming a permanent resident. So that possibility is actually quite frightening because there could be a lot of people in need who will suffer as a result of that provision.

MARIO PEREZ: Just one more question. I think many of us, including myself, were under the assumption that the Immigration Bill is only a primary concern for the Latinos in this country. Can you make an assessment as to how important immigration is to an Asian/Pacific family?

STEWART KWOH: I'm glad you raised that. We had a press conference with the CHIRLA Coalition this morning and I made that point that the Asian/Pacific population is very concerned about this bill. Of the one million Asian/Pacific's in this area, all of them will be affected by the employment provisions as will everybody in this room, so no one will escape that Asian Pacifics and Latinos will be where they're working especially in a larger place of employment. That factory or that industry or that place of employment will be the subject of the most scrutiny by I.N.S. So, certainly, everybody will be affected.

But of the million Asian/Pacifics, I estimate -- this is from immigration attorneys serving that population -- that over 100,000 of those people are undocumented. But as I mentioned as low as 1 of 10 will qualify for legalization. hopefully more, but I know amongst the Latinos the estimate is one out of four or one out of five. I'm sure in the Asian/Pacific population the percentage will be lower because of the problem of being legally here on January 1, 1982 and then becoming illegal afterwards. There is so much fear and confusion in the Asian community that people don't even know what to do. There have been certain fraudulent ads in Asian language papers as well as the Spanish-language papers so there's a tremendous amount of fear and we've been negotiating with the INS to try to get some translations of their materials into Asian languages and

although the local district director was sympathetic, the national office said no. So that takes our resources and our time to translate everything into six different Asian languages. This takes a tremendous amount of time.

**NORA BALADERIAN:** Does the new Immigration Control Act respond to excluding undocumented aliens who have disabilities like the old law did, and if so, how does that affect undocumented aliens who have disabilities or family members who are disabled?

**STEWART KWOH:** I've heard that question several times and to our knowledge we haven't seen any special provision in the law. But, the public cash-assistance provision, like general relief or social security income -- if a disabled person received those benefits, that person could become excludable. So there isn't any special provision that we've seen that would exempt those people. Now the public cash assistance doesn't mean any assistance. But the final regulations are not out yet. In fact, the final draft of the regulations hasn't even come out yet and we're very concerned about that because there has to be a 30 day response period but the whole legalization program is supposed to begin publically on May 5th. So INS really isn't together and there's really no money to adequately fund the program.

But, in short answer to your question, we haven't found any exemption. So, unfortunately, the disabled will be subject to being excluded if they've received public cash assistance. Another example, in a discussion with the local director -- he said he was talking to a Latino group in Culver City, and the father could legalize, the mother came over on January 20th or thereafter, 1982, and the daughter is a disabled person and is receiving the only aid that she could receive anywhere in the world and that was here in Los Angeles -- she's illegal and if the family decided to leave, she would no longer get any assistance at all.

**KAREN ISHIZUKA:** There has been a documented rise in violent acts against Asian/Pacifics across the country. Have you dealt with any incidents here in Los Angeles or the southern California region?

**STEWART KWOH:** Yes. We have a racial violence-monitoring program at the Legal Center. We've worked with the Los Angeles County Human Relations Commission and that commission just last month released the 1986 report which indicated that there was something like a 400% increase in racially motivated violence over the last year, and about 25% of those incidents were against Asian/Pacific Americans. We've been tracking the violence since 1984 and we've found a tremendous rise, a several-hundred percent rise every year of the reported number of cases. We feel that based on the tension that exists in certain communities like South Central Los Angeles, Monterey Park, parts of Orange County, that that isn't just a relationship between people feeling more comfortable to come forward. We

feel that it's both that and actual increase in the tension and the violence. Even in the L.A. County Human Relations Commission report, a lot of the incidents go unreported among both the Asian and Latino populations because of the lack of multilingual assistance by police. One of the things that we are proposing to the L.A.P.D. is that they monitor racially motivated incidents. They do not do that now and we feel that the public does not become that interested in this issue unless the statistics are there, unless public agencies say there is a bad problem. So we find that to be a very important problem. I didn't address it strictly in terms of a family issue but it certainly has affected not only adults but children as there were a number of stabbings in the last two years especially in the San Gabriel schools.

THOMAS FRANK COLEMAN: On the violence issue...I was able to serve for two years with the Attorney General's Commission on Violence Against Minorities, and Louis Verdugo who's a Deputy Attorney General, is here now and is interested in that because the Commission made a number of recommendations and is now in the implementing stage, trying to get some of these things through. One, I believe earlier this year there was a bill introduced to set up a statewide monitoring mechanism to collect the data, which, of course would include the L.A.P.D. and all the rest. So you might want to check with Louis Verdugo. That came out of SB 28. I believe it was a pilot project that was successful, where a prototype had been set up and certainly that could be implemented even without statewide legislation.

CHRISTOPHER McCAULEY: Have you had any contact and support from the City Human Relations Commission as opposed to the county? And we're interested in that because it appears that they are very underfunded and very low profile. I wonder if you are aware of anything they've done in support of Asian/Pacific?

STEWART KWOH: Well, I testified about two years ago before the City Commission, but, as you said, they are underfunded. They don't really have the staff to carry out or to implement programs. We worked closely with John Saito who is on the City Commission but the county is much more active.

CHRISTOPHER McCAULEY: I'm concerned about that because some of the recommendations you make depend on the ability of people to understand laws and cultures during this whole process. I always have a question about who is going to implement recommendations, and with what kind of integrity and sensitivity while they're doing it. Those pieces of the city bureaucracy that are funded and whose mission deals with multi-cultural relations -- they would be very appropriate vehicles for implementation. But, if there is not a priority on that, we need to help them set one.

Let me ask you also about L.A.P.D. since you've mentioned that. Have you participated or are you aware of any kinds of training at the Academy that deals specifically with Asian/Pacific immigrants or family issues?

STEWART KWOH: There have been some informational sessions. I did not participate but I was asked about it. I don't know how extensive that was. In the recent statistics I received about Asian American percentages in the L.A.P.D. it is very disappointing to say the least. There are about - - given that Asian/Pacifics constitute at the high end about 10% of the City population -- there are about 1.4% Asian/Pacifics on the Los Angeles Police Department. There are no captains or higher level officers. I think there's one lieutenant.

CHRISTOPHER McCAULEY: Thank you very much, Stewart. Thank you for providing us copies too. Steve Lipman from Councilwoman Joy Picus's office is here with some very interesting items to share with us. Councilwoman Picus has taken a very strong leadership role, as most of you know, dealing with childcare and several other issues of family policy and we're very interested and very supportive of what she is doing and we're delighted, Steve, that you're here.

**STEVE LIPMAN**

**Council Aide to Councilwoman Joy Picus**

**The City's New Child Care Policy**

**STEVEN LIPMAN:** Thank you very much. Good afternoon. First, let me begin by saying that I come bearing somewhat good news. On February 24, 1987, the City Council unanimously approved the Child Care Policy for the City of Los Angeles and I have provided copies of the adopted committee report and the adopted policy. So, let me begin by highlighting what exactly the Council has unanimously agreed to do.

First, 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, to not only 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 of the advisory board members will be appointed by the president of the City Council, and five appointed by the Mayor. I can tell you that the selection process has begun and hopefully both the coordinator and the advisory board will be operating by early summer.

In addition to that, through the auspices of the Personnel Committee, which Mrs. Picus chairs, we have surveyed all 33,000 city employees (other than those employed by the Department of Public Works) on child care needs, and the results of that survey will be forthcoming in the next four to six weeks. I can tell you it's the largest survey of public employees ever undertaken in the United States in the area of child care. Once the results of the survey are available, we'll provide this Task Force with them.

Also, we have recently received the first preliminary final report on public land and public buildings which can be made available either for child care providers or for the homeless.

We are the largest city in the country that has formally adopted a child care policy. The only other city that I'm aware of that has one is up north in Concord. And we have joined a few other municipalities -- Burbank, Irvine, Concord, and Sacramento -- by creating a position of Child Care Coordinator. And it will be the coordinator's responsibility not only to implement the policy but also to follow the issue and make further recommendations to Council as appropriate.

That is what we've done in the area of child care to date.

THOMAS FRANK COLEMAN: I'm just wondering what will happen to the Mayor's Advisory Task Force on Child Care. Will that be phased out and then he'll make his appointments to this new group?

STEVEN LIPMAN: It's up to the Mayor what happens with his Child Care Advisory Committee and I certainly don't want to minimize their importance. Not only did they keep the issue before the elected officials since their founding some 14 years ago, but they are the largest forum within the area for cross fertilization on the issue of child care.

What I personally anticipate is Mayor Bradley will continue them in existence as long as Mayor Bradley is in office. Of course, as an advisory committee established by a mayor, their future is in the hands of the Mayor. Certainly there is considerable expertise there and I could see some of the members being appointed either by the President or the Council or by the Mayor to serve on the Advisory Board. So my roundabout answer is, I really don't know what's going to happen with the Mayors Advisory Board, but I would anticipate them staying in existence for the indefinite future.

THOMAS FRANK COLEMAN: Also, there is a proposal by Councilman Cunningham to impose some fees on developers. Is that alive or dead? I guess nothing ever dies until it's voted down by the full Council, but ....

STEVEN LIPMAN: That's true. Once a Council file is open, it remains alive until Council votes to kill it. I'll give you briefly what the status of that proposal happens to be. Mr. Cunningham introduced a motion which was referred to the Council's Planning Committee. It wasn't referred to Mrs. Picus's committee; it was referred to the Planning Committee to study whether or not the city should impose a fee on developers to provide for child care facilities. It is modeled after something that the City of San Francisco enacted about a year ago. To date, a task force was appointed by Mr. Cunningham to study his proposal. Subsequent to appointing this task force, Mr. Cunningham resigned from the City Council. So, to the best of



my knowledge, that proposal is still before the Planning and Environment Committee, which is currently chaired by Pat Russell and it's my understanding that Councilwoman Russell is planning on resurrecting this ad hoc task force and giving them a slightly more focused charge than Mr. Cunningham originally gave them. They are going to be asked to come forward with certain recommendations on facilities and financing -- nothing as specific as developer fees per se -- and presumably those recommendations would then go to the Planning and Environment Committee, then to Council, then to the Child Care Coordinator for further study, and ultimately back to the Council for recommendations.

Just as an aside, subsequent to Mr. Cunningham's making that proposal the L.A. Unified School District, then all school districts throughout the state, took advantage of a certain provision of state law which now permits them to assess new construction for expansion of school facilities. And it's rather a massive assessment fee. It's 25 cents per square foot on commercial property -- which isn't so much; but it's 1.50 per square foot on residential construction. So that action is going to have to be considered as any government entity considers assessing developers for anything in the future because it is truly a major dun on new construction.

FRANK RICCHIAZZI: In reference to the child care -- and talking about fees and where to get some of these plans put together -- is there any responsibility to the parents themselves as far as economics, as far as some kind of a fee per child?

STEVEN LIPMAN: Well, certainly all child care facilities -- I mean parents -- have to pay; the average in the City is \$75.00 a week. That's for non-infant, that's for pre-school. It's generally higher for infant care. So the problem is, first of all, there is almost no child care available and when it is it's so expensive that poor working parents -- you know the lower-middle class -- can't readily afford it.

ELIZABETH CLARK: Would there be any kind of training or seminar series, both to those providers and to attract older workers as either child care providers or aides in centers or in homes?

STEVEN LIPMAN: Mrs. Picus is promoting what she terms her "family economic policy" and she has been involved with individuals who have made many suggestions, including utilizing seniors and senior centers as daycare centers -- sort of a cross fertilization between two populations that can learn a lot from each other. We will certainly look into that.

CHRISTOPHER MCCAULEY: Thank you very much, Steve. We appreciate the work of the Councilwoman very much. Mary Taylor, Training Coordinator for the Los Angeles Unified School District is here to discuss teacher training in the family life education program.

**MARY TAYLOR**

**Training Coordinator, Family-Life Education  
for the Los Angeles Unified School District**

Teacher Training in Family-Life Education

MARY TAYLOR: The teacher training program got started last year in July. We received a grant from the state, the State Office of Family Planning to implement this teacher-training program. I'd better go back and say why we needed the teacher training. There had not been any training of teachers for more than 10 years in the school system in the area of family-life education.

During the last year, the L.A. Unified School District Board decided that there needed to be some changes in the curriculum, the family life and sex education curriculum. The reason for this concern was the discussion about clinics on campus -- the teenage clinics on campus. During that discussion the idea came up that clinics were fine, but there needed to be some education for all kids. There needed to be an updating of the curriculum and family-life and sex education for all students.

At that time, the School District commissioned Dr. Ruth Rich who is the Health Specialist for L.A. Unified School District to revise the curriculum. And the Board also commissioned a panel of community persons to oversee, to look at this revised curriculum and to make suggestions and recommendations. All of this took place during 1986. The panel oversaw this new curriculum and the Board accepted their recommendations and their revised curriculum in May 1986.

The grant from the Office of Family Planning came on board in July and Dr. Ruth Rich and myself were charged with planning these teacher-training events. We had three of them scheduled during the month of August 1986; we had teachers coming to the workshops from all over the city. There were approximately 20 persons for each workshop. These were 3 day workshops. We had 3 different workshops and each of them was for 3 days. At the end of August, we had trained 66 teachers. We trained them using the new scope and sequence which is like the skeleton before the curriculum is built. We needed to get them trained right away. We didn't have the curriculum done. The process usually goes the other way -- you do the curriculum first and train the teachers with the curriculum but

because our time was so short we used the scope and sequence and trained the teachers using that with the idea that during the year the new curriculum would be developed. We trained high-school teachers first.

The plan was to teach high-school teachers first, then junior high-school teachers, and then, probably if we received more money from the state to train the elementary school teachers. The grant that we received from the Office of Family Planning was a three-year grant. We are now in our first year. We will be ending the first year in June and hopefully we will receive the grant again for the next year and then the third year. Originally, the plan was to train high-school teachers during those three years. We thought we had more high-school teachers that would need training but it turns out that we are going to begin almost immediately training some Jr. high school teachers. In the meantime, curriculum is being written and within the next couple of weeks the high school curriculum will be coming out. I shouldn't say that. You may have it ready, but sometimes it takes a long time for proofreading, going back to the printer and so on. Sometime within the next month, let's say, this curriculum for high school will be ready and will be out. We continue to train the teachers using the scope and sequence. We hope that for the next group of trainings we will have the curriculum ready.

Now the curriculum that I'm referring to has some important changes from what the scope and sequence of the curriculum looked like in the past. I think the main change is there are some common themes that run throughout the curriculum. One of those common themes is taking responsibility for your own actions. This will be found in several sections. Let me just read some of the sections.

Some of the units include self concept, family living, and within the area of family living we also have smaller sub-units on interpersonal relationships with family members and with friends. The next unit has to do with the life cycle. The following unit has to do with parenting. Next comes human heredity and genetics, personal safety, child abuse prevention and the last unit is sexually transmitted diseases.

So throughout all of these units there's a common thread. One of the common threads is helping these youngsters to be responsible for their own behavior. Another one of the common threads that runs through this whole curriculum has to do with the idea of having a positive self image and having power over oneself to make judgments for oneself. This is especially true in the unit on sexual abuse where the information says to youngsters that you can say "Yes" and you can say "No." You don't have to be pressured or bullied into any kind of actions. This is also a common theme that you have the power to say "No." You have the final say-so in terms of what happens to your body as a teenager.

Another important difference about this curriculum is that it does deal with birth control methods. But in the same section that deals with birth control methods, it also deals with abstinence as a method of birth control. I think that's really important. There is a section here that deals with homosexuality. Mainly, it deals with defining homosexuality and encouraging youngsters not to put down others because of their sexual orientation.

Going back to the committee, many of the committee members felt that a lot of young people who are homosexual have been put down and harassed, beaten up because young people tend to look down on them and put them down. And so the idea was to help youngsters see that no one had the right to do that to anyone else. If it can be done because someone is homosexual, then it can be done because of race or other characteristics that people possess.

Another important section in this curriculum deals with family configurations. It was noted by members of the committee that in our changing world we don't have as many people involved in the traditional family as we did at one time. Probably more than 40% of the youngsters in public schools come out of homes where there is no father or where the configuration is different from the traditional family. And so in part of this section we deal with family configurations and some of the pressures that may be on young people as a result of being in a family like this and helping youngsters to cope with some of the problems that may result from families like this.

If you'd like to ask questions now -- I think I can better respond to questions at this time.

PAULA STARR: To date, how many teachers have been trained within the Family-Life Education training process?

MARY TAYLOR: We have 66 teachers that have been trained. We are in the process of planning the next set of workshops and we will be training approximately 40 more.

PAULA STARR: And there's over 20,000 teachers within the L.A. Unified School District?

MARY TAYLOR: Yes. But not all of them teach health. We have a problem in terms of health. When we started planning for our workshops we thought we would have 350 or so high-school teachers to be trained in family-life and sex education. But when we go into the schools we find out that sometimes people who are not trained as health teachers are asked to teach health courses. One of the restrictions that we made for signing up to be a part of the workshops is that you have at least three health classes. We found that many of the teachers were only teaching one health class or

maybe two health classes and their background may be P.E. or social studies, or science or driver education, and those teachers aren't as committed to teaching or finding out what to teach in terms of family-life and sex education. So that is why we had less high-school health teachers to sign up than we expected.

DIANE HIMES: I have talked with Dr. Ruth Rich and Roberta Weintraub and everyone involved in setting up this family-life group. The impression prior to your speaking that I had gotten was that there was so much bureaucracy involved in getting the program set up that they had only gotten 66 teachers through, of which 7 have already been pulled off and are teaching other extremely important classes, like cooking etc.

We are terribly concerned that teaching 66 teachers in August, and then basically having what is perceived from the outside as slippage, that the kids are not being taught about AIDS -- this is a life-and-death issue and we don't quite understand whether they have one class or two classes to train teachers. I was originally told that your grant was for one year. Is it for three years?

MARY TAYLOR: It's a three-year grant, 'but we have to go back and write another proposal, which is just an extension of the original proposal, and wait to be funded.

DIANE HIMES: The original grant was to train 120 teachers by the end of July.

MARY TAYLOR: Yes.

DIANE HIMES: So we're a little behind. (Yes we are.) Do you foresee a way to catch up? (Yes.) The impression I'm getting from you is that you're not having attendance because teachers are not signing up. Is that the impression that you intend to put out?

MARY TAYLOR: The truth is that when we sent out the applications this time we didn't get back as many as we had gotten back before. We tried to figure out what happened. The two things that were different about this time was that, first, we had classes scheduled on Saturdays and we thought some teachers might object to that although they would have been paid \$8.00 an hour for their time on Saturday. The second thing that was different was that we made the restriction that the teachers must be teaching at least three health classes. The reason we did that was because of those 7 or 8 people who had gone through the course in August, and who, after having gone through the course were then pulled by their principals to teach other things. We thought, "Well if we have a teacher who is at least teaching three classes, they'll have some health classes the following year." So, essentially we lost those people. Some of them were pulled into offices

and other places. But we lost them and so we didn't want to do that. So after kicking it around for awhile and talking to different people we seemed to come up with the reason for the teachers not signing up -- it is the restriction that they need to teach at least three classes. After we figured that out we started calling all the schools that had not sent representatives. saying to them, "The restriction is off. If your teachers want to come and they're teaching one or two classes it's fine, come on in." We did get some responses but not enough to fill a third class. What we have now is essentially enough people for two of the workshops. We had scheduled 20 persons per workshop and we had essentially 20 per the two workshops that are going to be coming up in the next couple of weeks. We have since decided that maybe we should go right into the junior high schools. So we will then be offering a pilot program for junior-high-school teachers.

DIANE HIMES: It's my impression that in L.A. Unified currently you cannot graduate from junior high or high school unless you've had a health and sex and sexually transmitted diseases class in 7th grade and in 10th grade.

MARY TAYLOR: Yes, but health education is a general course and within it is the unit on family-life and sex education; but a child doesn't have to have that. That is, if a parent does not want their child to be in the class then that child does not have to be in that class and still can pass health education if they have done the work for the rest of the unit. So yes, health is a requirement but students don't have to do family-life and sex education.

DAVID LINK: Who is teaching the teachers? Who is running the workshops?

MARY TAYLOR: I'm doing some of the teaching. Generally I'm doing the teaching that has to do with teaching techniques and lesson development. That is the area that I'm working in. We have pulled from the community experts that we think can help in some of the other areas. Dr. Irv Berkowitz is one of the persons that we have asked to come in and talk about human sexuality in general -- human adolescent development and human sexuality. We have Alvin Ransom from the Health Department who is going to do sexually transmitted diseases. We have Donzella Lee who is going to come in and talk about communication skills. This is another area of the curriculum that's different from the previous curriculum -- teaching youngsters to be able to communicate in order to deal with their problems and also relieve some of their stresses.

DAVID LINK: Do you have anyone from the gay community that's dealing with the homosexual issue?

MARY TAYLOR: A person who is a gay person? No, we do not.

DAVID LINK: I guess that's my main issue here. I used to teach high school and I know how teachers tend to snicker about homosexuality. I've heard them do it and what usually winds up happening is that in issues that deal directly with the gay community we get bypassed by the school district -- it's as if other people can deal with our issues. And that may be true to a certain extent, but to a certain extent it's not. I think it's more important than is being emphasized that we have some say in what's being said about us.

MARY TAYLOR: What you're saying is probably true to some extent. But in our past workshops I think we dealt pretty seriously or pretty comprehensively with the area of homosexuality. Dr. Irv Berkowitz is a very good speaker, and there was also interchange with teachers. In the groups we've had before there was no snickering. I think people maybe in the past might have snickered but nowadays I think peoples' awareness has been raised that people take this issue of homosexuality seriously.

DAVID LINK: I think there would be a certain amount of authority that would come naturally from a gay person speaking from a gay person's standpoint.

VIRGINIA URIBE (from the audience): I teach at the Los Angeles Unified School District. I certainly second what he's saying. I heard that Dr. Irv Berkowitz made some factually very poor statements. I was not there to hear them but I think it's extremely important that we have a representative from the gay and lesbian community and I have offered my services toward that direction.

CHRISTOPHER MCCAULEY: Have you two met before?

MARY TAYLOR: Yes, I know Virginia very well. Yes, she has offered her services and I have talked with Dr. Rich and I was to get in touch with her as soon as I can.

CHRISTOPHER MCCAULEY: Well she's here and you can talk to her. Obviously, we have some members of this task force who are very interested in this topic and it deserves a lot of questions but we need to move on. If there are ways that we could be supportive of what you're trying to do with all the due sensitivity of a giant school system that needs sensitizing on various kinds of issues, if you could let us know or if we could work with you on that we'd like to provide some support.

MARY TAYLOR: Thank you and I'm thankful that you recognize that there are problems in the bureaucracy. Thank you though for your support. We need it.

VIRGINIA URIBE (from the audience): I'd like to go on record as saying one thing having had the joys of going through the State Board of Education recently. I want to thank L.A. Unified for issuing letters to the State Board of Education, for calling San Diego, Laguna, San Francisco, everyone on the Section 16, 17, and 18 on AIDS and Section 19 on homosexuality. And we want you to go faster because we're scared about the youth. But I also want to acknowledge that you are certainly in a leading position, on the cutting edge in the state and we are very grateful that you are there.

MARY TAYLOR: That is one thing I wanted to mention. You talked about the information about AIDS. As you know last year we were one of the few school districts that mandated students learn about sexually transmitted diseases and especially AIDS. And in preparation for this testifying, I talked with a few of the teachers -- I just did an informal poll with them. This program was run last year in October and so I called a few of the teachers to find out if they were still using the materials that were developed for them in the area of AIDS and other sexually transmitted diseases, if they found them effective, and if they thought the students were understanding and learning from the materials. I think I polled about 15 teachers by telephone and each of them said that they found the materials were adequate and some of them found them very good and they were using the materials; they have incorporated these materials into their regular material so that every student that goes through a health class at the 10th grade and at the 7th grade in the L.A. Unified School District gets a whole section. I think there's a group of 6 or 7 lessons that deal with sexually transmitted diseases and especially AIDS and as you said earlier we are one of the few school districts that did that. We've been getting calls from all over the country to find out what we're doing and to get our material. So I want you to know that in the area of AIDS we are the first among the other districts to deal with it in a non-threatening manner and to put the information out there to the young people. And it is true it's a very important area and there is a lot of fear on the part of everyone. We're doing our part and we'll continue to do it.

CHRISTOPHER McCaULEY: June Dunbar from the County Commission on the Status of Women is here to discuss the question of seniors particularly the employment needs of older women.



**JUNE DUNBAR**

**Los Angeles County Commission on the Status of Women**

Employment Needs of Older Women

JUNE DUNBAR: Thank you. And let me add also that I'm a founding member of the Older Women's League of Los Angeles. I'm sure you've heard a lot about the tremendous changes that have taken place in family life. There was something in the paper today about the changing family. The paper said that the nuclear family -- the father who works, the mother who stays home, and the kids -- represents 15% of families, but in reality it is only 7%. I want to address my concerns to the older woman who is not a part of that percentage of the population.

There are general statistics that will give you a profile of the older woman, and then I would like to address five specific issues that I think need to be taken care of. In the late 60's there was an article in Redbook Magazine called "The Discarding of Mrs. Hill," and I think this was the beginning of the term "displaced homemaker." This woman was 53 years old. Her husband had been ill for over a year and finally died. She had considerable medical expenses she had to cover. After the grieving was over, she began to call and find out what kind of support system was behind her. She found out she was not eligible for any social security unless she was disabled. She was not eligible for unemployment because she never worked. She was not eligible for any kind of pension because the pension died when her husband died. He did not work on the job long enough for it to be vested. In other words, we had a 53-year-old woman with no job skills who lost her home and could not even get general relief. This is the plight of a lot of women that fall through the cracks. The average age of women who become widows is 56 years of age. It's not when they are already eligible for social security or any other kind of pensions; there are 4 million women over the age of 40 who have no medical coverage at all. Since July of 1986, women who are divorced or widowed can get group benefit coverage under their spouses' or deceased husbands' plan. They can continue it. But those 4 million women who have not had it up to that point, because the bill takes effect July 1986, have no coverage.

In 1985, the average monthly social-security benefit of a retired woman was \$399 dollars. For males, it was \$521. Working women still make 58 cents for every dollar a man makes but if she's working and she's over 40 she only makes 44 cents for every dollar a man makes. I can give you a lot of statistics, but I want to give you the recommendations.

There are five recommendations that would improve the quality of life for older women and indeed for all women.

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 dropout, you've got to do something and there is federal legislation right now to study pay equity. And I hope the L.A. City Council would support it. The business community also needs to be aware that women -- 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 wife's and the children's standard of living goes down 73% and the males' 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 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 inlaw, husband or parent.

Housing: I've talked about the figures. The average income of an older woman is \$399 a month. So housing is obviously a problem. In Los Angeles we've had the Evangeline and the Clark homes for young women, but we don't have anything for older women. There is a downtown women's center but that's a kind of separate entity.

Access to Health Care: I've talked about the 4 million women who have no coverage. I think it's extremely important that in the United States that Medicare should cover mammography. Older women are the highest risk for breast cancer. And 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.

ELIZABETH CLARK: Thank you for covering such a wide range of topics. One thing that does come to mind, June, is that I have been talking with a number of people, going through sort of a network, through Beverly Enterprises and such, trying to find any organization that has or is planning

any type of formal or professional respite care and outside of a few of the V.A.'s do you know of any plans or any type of respite-care facilities for older women?

JUNE DUNBAR: If I were going to look for this I would contact the Older Women's League in Washington, D.C., and I would contact the Women's Health Network in Washington, D.C., and I can give you those numbers.

CHRISTOPHER McCAULEY: Are there other questions?

THOMAS FRANK COLEMAN: My question has to do with the agenda that you've set out here which sounds like it's right on target and requires persistence in order to have this implemented. We are going to eventually dissipate and write a report and then our recommendations will have to be placed with various existing or ongoing agencies. Is there networking and communication between the City Commission and the County Commission? Does the City Commission need more funding to be more effective?

JUNE DUNBAR: Yes. Well there was a lot of networking. I meet with someone from the City Commission about once a month anyway. I belong on the National Board on Commissions for Women and I was recently at Lobby Day in Washington, D.C., where every single women's group, A.A.U.W., League of Women Voters, B.P.W., N.O.W., N.W.P.C., all of these groups are supporting for specific legislation. Two of them are the ones that I kind of referred to here, one is Family and Medical Leave Act. This is federal legislation. And the other is the Pay Equity Study. So I would think that when you make your report that your report, I hope, would include a recommendation that the City of Los Angeles adopt a legislative policy supporting these two kinds of legislative proposals.

THOMAS FRANK COLEMAN: One is the Family and Medical Leave Act (SB 249 and HR 925) and the other is the Pay Equity Study (SB 552 and HR 387)?

JUNE DUNBAR: Yes. And let me tell you, in the whole world there are only four countries that do not have mandatory leave policy. We are joined with South Africa, Upper Volta, and the Sudan.

CHRISTOPHER McCAULEY: I think we have a copy of the first bill. Thank you very much, June. We appreciate your time. Now we have two presenters, Ewa Tarwid and Ruth Young Henry, from the Foster Grandparent Program who are here to talk about foster grandparenting and seniors, a very interesting topic.

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**EWA TARWID**

**Director, Foster Grandparent Program**

Foster Grandparenting in Los Angeles

EWA TARWID: Thank you for having us here. My name is Ewa Tarwid and I'm the Director of one of the two Los Angeles Foster Grandparent Programs and Ruth is one of the Foster Grandparents in our program. I'll give you a brief overview of the program and my recommendation of what the city can do to help us is very simple -- everything.

Basically, the Foster Grandparent Program is a federally funded program by ACTION, sponsored in Los Angeles by the Volunteer Center of Los Angeles. It provides a volunteer opportunity for low-income elderly. They receive a tax-free stipend, transportation and hot meals at their site. The group of people work with special children, work 20 hours a week, 4 hours a day. They work with children who are physically or emotionally handicapped or in juvenile settings. Most of these children come from abused settings, whether physically abused or emotionally abused.

We are just receiving monies for 11 new slots for grandparents to work with drug-related infants. The problem is escalating in Los Angeles. We do a lot of work with the county. The county has the facilities. We have four sites over at L.A. County U.S.C. Medical Center, that's in fact where our drug-related infant program will be based. Also we have sites at Juvenile Hall -- MacLaren, Kirby, Ingleside Mental Health Center, Optimist Home for Boys, Atwater Park, Booth Memorial and Shriners.

The grandparents, as I said, work twenty hours a week. It is a volunteer program although they do receive their tax-free stipend. Most of the grandparents come into our program for monetary needs. They do not make enough from social security to survive on. This is a tax-free situation, but then there's going to be an added plus. They start dealing with children who have a tremendous need. They're lonely, they don't have anyone. Our grandparents at times just hold them, just care for them, just talk to them. In Juvenile Hall which is where Ruth worked for many years and I'm still amazed at this story. If any worker at Central Juvenile Hall, leaves a key you can bet that the kids will not only have a key but be out in 2 seconds flat. Our grandparents leave a key and the kids return the key. So there's a real unity there -- there's a love there, there's a need there -- on both ends. You have abused children who are left alone and in

some cases should be left alone -- their families do abuse them. You have a group of elderly who have a financial need and in many cases have a need for love themselves; they are alone. We have an influx of elderly that have just come in from foreign countries and that has occurred on a real high scale recently. And they are alone here for the most part -- single men, single women. Families are either in a different country or scattered throughout the United States.

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 in 75 people in Pediatric Pavilion at U.S.C. alone. The drug-related program is escalating to such a point that I could use another equal number. When you look at the abused children, what is going on in the city today, the need grows and grows.

I would like to see the city and the county pool forces. You've got the county who has the facility; you've got the city with such wonderful programs as the hot meals for seniors. In fact one of them is served here, I believe. I think the two could really join forces to help make this program an even better program than it is. The volunteers put in a lot more than the 20 hours. They put in a lot of love, a lot of care, a lot of expertise. These are not people who went to college to learn these traits; they learn the traits because they love and care. So we're dealing with some wonderful situations with love and care and some very sad situations with the abused victims -- the rate is going higher and higher.

I will let Ruth kind of give you an idea from the other end, from the foster grandparent end, and then we'll be happy to answer some questions.

## RUTH YOUNG HENRY

### Foster Grandparent

#### The Experience of Being a Foster Grandparent

RUTH YOUNG HENRY: My name is Ruth and I'm a foster grandparent. I sound like A.A.

I have been a foster grandparent and I fell through the cracks Ms. Dunbar was talking about. I was 54 years old and I had lost my husband, I lost my mother and my sister in one year -- and I went into severe depression, was hospitalized, so I was really in bad shape. And I found the foster grandparent program. I was no longer useless. I was no longer lonely. I could go up to the hospital -- I worked in Denver, Colorado at that time. We had rocking chairs, and I'd pick up a baby that was sick that they couldn't feed. The doctors wouldn't let them be fed because of different medical problems they were having. This child was hungry. I'd pick him up and sit in the rocking chair and sing to him and he'd sit for a little while. I worked with children who would not eat because of severe problems, emotional problems. I learned to calm that child down by rocking him and singing to him, and get him calm enough so that he'd take a couple of bites. I worked with retarded children. I taught one little retarded girl to walk, to talk, to eat, to get out of diapers and wear a bra. She's going to school now for 8 hours a day.

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 there work there only because they're paid. They don't realize the staff loves the children or they wouldn't be there; they'd go someplace else and get paid. But they take a look at Grandma and they say 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 and my loneliness is gone.

I am useful. I can go home at night and look in the mirror as say I did something today. I'm 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 5 days a week, 4 hours a

day. She's scared to quit. She says, "If I quit, I'll die." So help us. We need the money.

CHRISTOPHER McCAULEY: That's a good closing line always! Send money! Let's take some questions.

DUNCAN DONOVAN: Does your program or other programs like it, do they include unpaid volunteers?

EWA TARWID: No, not necessarily. If you wanted to volunteer into my program, I am mandated to keep files, records on the monies we spend as stipends. But if you would come in I would definitely gear you to whatever station you wanted to work in and we would spend time with you to refer you. Every one of these places where our grandparents work have unpaid volunteers of all ages. So, no, that is not a problem. There are not many people who will commit to 20 hours a week, 4 hours a day, year round. It doesn't happen, it's very, very rare, but anybody will help, of course.

ELAINE SIEGEL: I wanted to ask about the percentage of money that comes from ACTION, and what percentage of money some sponsoring organization has to provide? Also, could you talk a little bit about the training, the insurance, the physical exams that are provided?

EWA TARWID: Our grandparents receive two-weeks orientation. What we've done is, basically -- one week we do in house, where we orient them to our paperwork policy, what is ACTION what is the volunteer center. They receive sick time. They are treated like a part-time employee on our end. The bulk of the training goes at the site they are going to be at, the kind of kids they're involved with, medical training, if any; it varies from site to site.

At USC they are trained in emergency training -- what happens when, what do you do, whom do you call, where things are, who is who. None of our grandparents will or can do any sort of medical assistance. They can get help, but they cannot actually perform anything on a child. If a child has severe medical problems they are informed of it and what could happen, what should happen, what should they do. So we look into an overall two-week training and then once a month we have a full meeting with all the foster grandparents which will be a training on multiple levels and different agencies we have in L.A. Sometimes it's just a fun meeting, any new laws, any new legislation -- anything that they should be aware of as a group.

Recruitment is pretty tough. We have two sites in San Gabriel Valley and for the life of us we can't seem to recruit anyone out there. I don't know why. The biggest recruitment tool I have is word of mouth. I do speak at most senior centers, churches, synagogues -- any group where I



can get elderly people or people who will pass the word -- senior housing we go to. I'm trying to break into different organizations to put it into their in-house newsletter -- who we are and what we are. But the biggest tool I have is the foster grandparent word of mouth. We are always in need of people because of the attrition rate we have. As people move on and/or get ill we have to recruit. And our budget -- we have so many hours we have to perform, and we have to spend our monies or the bureaucracy in Washington will take it away.

As far as the percentage, I'll tell you very frankly I'm going to guesswork here -- I'd say 90% of our monies come from Washington. But that percentage is your stipends and your transportation money. It is the money that is spent on the grandparents directly. The sponsoring agency has to provide some salaries. Part of my salary comes from the Volunteer Center. It is not a cost free program for the sponsoring.

In fact, the City of Los Angeles sponsored the Senior Companion Program which is very similar to this. And because of cost they moved on and a volunteer center is now sponsoring it. And I actually think that's a big loss to the city. Because, again, there is only one in all of Los Angeles, and that is seniors helping frail elderly. But it is a costly program to it's sponsor, but I think it gives back tenfold.

THOMAS FRANK COLEMAN: So you think the city should sponsor a foster grandparent program? (Absolutely.) Is there something between now and May 1st that you could provide us -- a draft what we might recommend the city do specifically to make that happen?

EWA TARWID: Yes, I'd be very happy to do that. These kinds of programs I think give so much good. I mean my program is an intergenerational program and it helps kids that most people want to ignore. It's no fun to go in and see these abused kids. Juvenile Hall has got to be one of the most depressing places I've ever seen in my life and the need is so high over there. And we have a group of people who get and receive from this work. And the two groups pulling together do a tremendous job, and yet, total in all of Los Angeles -- to the north of us the first program is in Camarillo; east of us the first program is in San Bernardino. That's the area two foster grandparent programs cover. That's it.

DIANE HIMES: If you could factor how much the stipend and the transportation is per grandparent, could you give me an idea of what that would run a month?

EWA TARWID: Can I bring it down to every two weeks? My financial brain is not the best. Every two weeks -- if a grandparent works 10 days in 2 weeks -- it's \$88 for the stipend. The transportation, if it's a bus pass once a month, add \$4 to that. And if its mileage, average \$20. So, its about \$100 every two weeks per grandparent.

Also, a hot meal is an in-kind provision from each of our stations. And in fact, that's something too. We had a real problem with the city meal where we used to be able to have our seniors go to a senior center and get a meal and that just got closed down. We couldn't open the door. Now in my case, I'm very fortunate; all the institutions have meals for the elderly, but I think that's something where again the city could help us out by offering that.

ELAINE SEIGEL: Aren't physical exams an expense?

EWA TARWID: Oh, yes. I forgot. Physical examinations are an in-kind contribution. We are very fortunate to have a very good working relationship with the Knights of Malta. Most of our grandparents prefer going to their own doctors, and usually it's a situation like Kaiser where there is no cost. We simply cannot afford to actually take the tab of a private doctor so we have to work through an agency like Knights of Malta. We require a physical exam once a year and that is documented. We also require a once-a-year income review. We do not delve into bank accounts, but this is a program for low income elderly so once a year this does come in. If any of the grandparents are out for a long duration I do require a doctors statement saying they can come back to work.

PAULA STARR: Yes, I want your phone number, mainly because we are going to have an elder's luncheon for American Indians in L.A.

EWA TARWID: (213) 736-1311. And ACTION sponsors -- it's either in Arizona or Nevada -- a foster grandparent program on an Indian Reservation. I don't know if you're aware of that. In fact, it's one of the biggest in this region.

CHRISTOPHER McCAULEY: We need as specific recommendations that you might have if there's an impact on the nutrition programs the city might be involved in or if you can give these to Tom. Thank you both very much. I appreciate it. Linda Knipps is here to discuss disability rights, particularly marriage penalties for benefits recipients and she is joined by her aunt, Jan Bowen. We're delighted you are both here to testify.

**LINDA KNIPPS**

**Disabled Person**

**Marriage Penalties for Disabled Couples**

**LINDA KNIPPS:** Jan is going to read my statement because my speech is obstructed because of a ventilator. Then I will answer any questions.

**JAN BOWEN:** Three years ago I spent two months preparing the attached paper on marital disincentives for disabled people, for the 15th National Conference on Women and the Law. I sent copies to my Congressman, Wayne Grisham; to the A.C.L.U.; to the Friends Committee on Legislation; and to the editor of The New World, a monthly publication of the California Association of the Physically Handicapped. Because the problem persists today, I submit it to Los Angeles Councilman Woo's Task Force on Family Diversity.

Although the various benefit levels of aid programs for the disabled have increased slightly, as noted, the penalties for marriage remain. In that paper, I describe the four basic aid programs on which disabled Californians depend for our survival needs: Supplemental Security Income, that is S.S.I.; In-home Supportive Services, that is I.H.S.S.; MediCal; and Section 8-Rent Subsidy. Eligibility for each of these programs is means-tested. That means the benefit level depends on the income and resources of the disabled person.

If a disabled person marries a nondisabled person then the income and resources of the nondisabled spouse are "deemed" available to the disabled spouse, and the benefit levels are reduced or terminated. By law, therefore, marriage for severely impaired people implies that the whole family unit shall be condemned to subsist below poverty levels.

Two examples of couples with one severely disabled partner are examined in detail, showing that the financial penalty for marriage ranges from about \$500.00 to about \$1,350.00 per month. Time has passed since those two cases were considered. The first couple married secretly 6 months ago, but has not yet reported their change in status to the various agencies. They live in fear of getting caught for fraud. The second couple separated because they could not reconcile the religious mandate for legal marriage with the economic necessities of survival. I assert that neither resolution is acceptable.

Disabled people should have the same opportunities for family formation that other citizens take for granted. Law should support, not destroy family integrity. Ideally, eligibility for disability benefits should be permanent for persons with permanent severe disabilities. It is a waste of the taxpayers' money to have 3 or 4 agencies scrutinizing every penny of every severely disabled person. Unlike some other classes of welfare recipients, the costs of severe disability are not cured by changing marital status or employment. The costs are just too great.

Politically, permanent eligibility may not be a viable idea. We severely disabled number about 6,000 in Los Angeles County and we lack the money, physical stamina, and mobility to impact the politicians with the power to change the rules of the game and we know it is not a simple problem. No single solution can fix the complicated mess of state and federal law, regulation and practice. However, the following set of recommendations would be a constructive beginning:

1. To the Social Security Administration and to Congress, recommend that changes be made in the Supplemental Security Income, S.S.I. program:

a) Exclusion for a spouses' working and living expenses should be increased to actual costs and the rate at which income is deemed available to the disabled spouse should be reduced to one fourth.

b) Resource limits should be raised to more reasonable levels, and in any case spin-down requirements should apply to at most one half of a couples' resources.

c) The concept of "holding out to the community as husband and wife" should be repealed. It is an invasion of privacy and unnecessarily degrades disabled people.

2. To the Housing and Urban Development Department and to Congress, recommend that changes be made in the Section 8 Rent Subsidy Program:

a) A spouses' wages for care provided to the disabled partner under the In-Home Supportive Services (I.H.S.S.) Program should not be counted as household income for purposes of computing the family's rent liability. This follows the precedent against circleback deeming under the S.S.I. Program.

b) For severely impaired people who require special medical equipment or live-in attendant care in order to live safely at home, the need for additional housing space should be figured into the computation of family rent liability.

c) Only wages after taxes and reasonable work expenses are deducted should be counted toward household income.

3. To the California State Legislature and to Congress, recommend that changes be made in the MediCal program: in the absence of medical insurance coverage, MediCal benefits should pay the medical costs of any permanently, severely impaired individual without a share of cost regardless of marital status.

4. To the California State Legislature, recommend that changes be made in the In-Home Supportive Services Program (I.H.S.S.):

a) The "able and available spouse" concept should be repealed and restrictions on payments to a spouse who serves as an attendant should be rescinded.

b) Recommendations 1a, 1b, and 1c should also apply to the I.H.S.S. Program.

Thank you.

CHRISTOPHER McCAULEY: Thank you for being so specific. Questions?

NORA BALADERIAN: Yes. I wonder if you could explain more or describe how "holding out to the community as husband and wife" is used.

LINDA KNIPPS: O.K. What the law says is that if two members of the opposite sex live together that they are treated for eligibility purposes as though they were married so that even if you just live together and don't get married you can get "dinged" by the same penalties.

NORA BALADERIAN: ...even though there's no common law. So, if you're gay you're better off.

LINDA KNIPPS: Absolutely.

NORA BALADERIAN: Is this something that is looked for by eligibility determiners? (Yes.) So the people with disability are under more scrutiny than persons without disabilities.

LINDA KNIPPS: It's also a threat. When you are applying for a benefit from all these different agencies, the threat always hangs there. (Thank you.)

THOMAS FRANK COLEMAN: I've got a comment and question. The comment is that this appears to be an issue that just won't go away (Right)

and I remember that during the State Privacy Commission that Nora was a member of and I was Executive Director of, we held hearings and at the hearings in Los Angeles we had a couple who fit into the category, I guess of couple B, in the illustrations you gave -- where they wanted to get married but they couldn't because of the deeming problem. They weren't willing to live together out of wedlock because of the religious problem. And so they were caught in the trap. It was a real problem. And the Privacy Commission heard this and of course nothing has really changed since then and we hear the issue coming up again today. Which means, I guess, that unless the 6,000 advocates can be transformed into a larger number of advocates in Los Angeles it probably won't be reformed. But maybe we can help by aligning ourselves with this issue in some way so we'll see what we can do about getting this into our report.

LINDA KNIPPS: That would be my greatest hope, because as I stated in the paper, most of the 6,000 don't have the money, or the physical ability to carry this message and this Task Force can perform a very valuable service in publicizing and advocating on behalf of citizens who are not in a position to do so.

THOMAS FRANK COLEMAN: We will try to -- we definitely will. I had two questions actually. One is a concept that and I want to get your feedback on -- to see if this might be something to explore. In reading a law review article a year ago or so I noted that the Virgin Islands created another form of marriage -- it's a legal marriage, just like any other marriage -- except it's called the "Vesper Marriage Act."

The Vesper Marriage Act in this case was available to seniors, 60 years or more who had a similar problem because of deeming. And so, they could get married and satisfy the religious, moral, social concerns and yet they would be considered as unmarried for purposes of economic benefits. So when I saw this, I thought maybe this is some type of a concept that could be used by some of the states in the area of disability. I don't know if the federal government would recognize a Vesper Marriage Act for disabled persons in California, but it might be worth exploring. Have you ever heard of this and is it something that's worth exploring?

LINDA KNIPPS: I would like to see that article. I think that the "holding out to the community" provision might undermine the effectiveness of that provision.

THOMAS FRANK COLEMAN: The other involves the boards and agencies and commissions of the city. I know there is a County Commission on Disability. But is there -- does the City of Los Angeles have an ongoing committee or commission or board dealing with disability?

LINDA KNIPPS: There is the Office of the Handicapped that's part of Mayor Bradley's Office. I don't know who is working in that office at this time. I know the head position is vacant right now. I can send you the phone number.

THOMAS FRANK COLEMAN: A number of these problems are recurring problems in that maybe it might be helpful to have some type of an ongoing group to do research and do advocacy within the city.

LINDA KNIPPS: It has been my experience in working with the various offices that they can sort of tackle architectural barriers and physical access -- items that don't touch welfare. There's still some stigma to being a welfare recipient.

THOMAS FRANK COLEMAN: Well, we'll look into this Mayor's group and see if maybe we can network with them or help elevate it to a more prominent level.

LINDA KNIPPS: Thank you for this opportunity.

CHRISTOPHER McCAULEY: Thank you very much for being here. We especially appreciate your taking the time and also for joining us in the testimony today. It's very helpful. We have several additional witnesses who are here to testify for the record, one of them I'm pleased to introduce now is Father John Bruno of the Church of St. Athanasius & St. Paul in the Echo Park area -- my neighborhood and the neighborhood of several others -- who is here to brief the members of the Task Force on the response of the Episcopal Church to the changing family in Los Angeles and to answer some questions after his statements. Father Bruno.

**FATHER JOHN BRUNO**

**Church of St. Athanasius & St. Paul**

Response of the Episcopal Church to the Changing Family

FATHER BRUNO: I'm John Bruno and I am an Episcopal priest here in Los Angeles and I've been a priest for about 10 years. Before that I was an active layperson in the Episcopal Church and the Roman Church.

The American Family -- it's been a longtime institution that we've all cheered about. You know it was Beaver and his mom and everybody on T.V. and we thought it was great.

Well, I want to talk to you about the fact that I can't define the family anymore. I can't tell you what the family is according to pulling a dictionary off the shelf and looking at it and reading it. It's an impossibility for me because of the fact that I live in a community that is very different and has very many different kinds of families.

I'd be foolish if I ever tried to define the family in a 7 minute talk, and it would be a definition that would be so exclusive that nobody in this room, I don't think, would fit all the criteria.

Let me talk about the reality of the family in Echo Park. As a priest, I come in contact with all sorts and conditions of human beings. I come in contact with people of every nationality and race, people of every sexual persuasion, and people who have all sorts of needs. In my congregation I have single-parent families, with male single parents, or female single parents, gay single parents, either lesbian or male gay, I have couples who are families, both heterosexual or homosexual couples. I have young families and old families. I have married families and non-families in my congregation. I have 2-parent families with children, and single people looking for some kind of family involvement, that are bonding in communities with other married couples. So it's obvious to me that the definition of the family that we've known in the past is no longer applicable, at least not in my congregation.

When I came to my church, it was obvious to me that this church community itself was not a family. It was as a numerous bunch of fragmented human beings searching for love and acceptance. These people needed to be a family unit. So we started to live as a family. We started



making decisions in common, we started airing our grievances, we started talking about the problems that really existed. And before you knew it, as we had started living as a family, we began to act as a family. And you know what families do. Sometimes they fight, and sometimes they love, and sometimes they hug, and sometimes they chide one another. Sometimes they attempt to use guilt trips and sometimes they support and pick up the ones that you knock down. That's how we began to act. But soon there was a transformation that started. And we became a family. You can say anything about anybody else, but don't say anything about anybody in our family. It was out of action that this kind of family sense began.

In my own family unit, the one I live with at home we have what some people would call a strange family. I live in a household with four adults all of whom are all employed as well as with my children. Obviously it's not an arrangement that's out of necessity but one that's out of choice. In fact, all of these adults are extremely successful. One is a law partner in one of the largest and oldest lawfirms in Los Angeles. Another is a prominent restaurateur in this town, another is a personnel officer for a large bank. And then there's me. I do all sorts of strange and different things. This is an arrangement of choice because we all have our own needs. In the past we've all had our own homes and we've all had situations that we've lived in of various sorts, and we have chosen to live this way. These two couples, my wife and I and the other couple, are in a situation which provides mutual comfort, support, love for one another in prosperity and in adversity. Strangely enough, that's a quote from the marriage service. We are a family. The caring unit that is expressed there fulfills our common needs.

In the last 15 months -- just like that lady talked about losing her parents, her husband all in one year -- in the last 15 months my family has seen me through the loss of my mother, my 96-year-old grandmother, my father a week ago, and five other close family members. Without that family unit, without the family unit of my church and my integral personal family -- that would not have been a very happy situation for me.

Now I want to go back to the church family for a moment. We have used this model of common support, love, mutual concern and prosperity and in adversity as a basis for rebuilding a congregation. That congregation was shrinking, and was in the throes of violent anger. You might have read about this congregation in the papers last year -- it made everything from Newsweek on down to the Parkside Journal.

The first major need that I found in dealing with these people that were there is that I had to learn to deal with new types of families. We looked at the community around us and we decided we needed to minister to the needs of that community. We saw that the community that we live in, Echo Park-Silverlake -- right in the middle of Los Angeles -- was

different. It was made up of Asian and Black, of gay and straight, of people all seeking and needing services of a spiritual community as well as a community that would deal with their physical needs of everyday living.

The first specific need that I found was the need to minister to single-parent families, either gay or straight. I was amazed to find that their needs were much like the needs of many others. And it was then that I found a second need that I had to find how to deal with -- dealing with married couples, both gay married couples and heterosexual married couples. And all of a sudden I realized that what I was dealing with was a bunch of families -- just like I'd dealt with over the last 17 years of ministry as a lay minister and as an ordained Episcopal priest. I had to deal with parent/child conflict, lack of communication, couples in conflict, conflict mediation; I had to deal with anxiety, guilt, anger, and love. The interesting thing is that we were pretty successful and we've grown from a congregation of about 17 people my first week of service there to a congregation of approximately 150 who come every Sunday and fight to be at the church. When new programs are thought about, we call them mushroom groups, and they grow out of exactly what mushrooms grow out of. They grow out of a need and ground that's very fertile with a lot of garbage. They come up and before you know it there's something big. I don't know what's going on exactly but I know that these people are accepting and loving of one another, that they share all that they have with one another, and they know everything about one another.

I was with a group the other night and we were dealing with death and dying and separation, and one of the people at that group said to a bunch of blue-haired little old ladies who were in that group. "Being a gay male, I am very fearful of having to live tomorrow, because I don't know if I'm going to contract AIDS, when or how; I have had unsafe sex in the last five years and it scares me to death each morning." Instead of what I thought would have happened five or six months ago what happened was that they put their arms around him and they loved him and accepted his tears. They were comfortable with him and who he was because they were comfortable with their own knowledge of what homosexuality was and heterosexuality was, death was and fear was.

People are coming to downtown Los Angeles from Arcadia, Pasadena, Compton, Long Beach, West Covina and even one man from Escondido, and that's not an exaggeration. Why are they coming there? Because we have found a church there that can accept and celebrate the diversity of the family, providing a home in which they can raise their children, not as bigots, but as people who are accepting and loving. They have developed a place where they can celebrate the joys of life, they can worship their God and live in peace as accepted and celebrated human beings.

Now, you notice I've been real careful not to deliniate who's doing all this because there is no difference in our congregation. It doesn't matter who you are because you are a Black man you'd be welcome, because other people in this room are gay; they'd be welcome; because I'm a heterosexual, I'm welcome, and if you were Chinese or Philippino you'd look like just one of the other members of the congregation. People are there because they are loved and supported for who they are and where they are at. Soon I became aware in this last year that the basic needs for ministry were the same in all groups. In dealing with fears of the unknown I soon found that education and bridging gaps with familiarity began to establish a church community that was healthy and was able to be supportive of all members and their families regardless of what their sexual orientation, or their race or the number of adults in the household. The unknown fear was transformed by education and familiarity establishing a bond of understanding.

I believe that all family units need the same thing and the image of this kind of a family has changed all of us. The image of this family that I've talked about is a church and the image of my own family is different. And it's important for us to understand that all families do not fall into the criteria that we have established fopr individuals. I know that the Episcopal Church will do -- because my bishop has directed me to do so -- will do all it can to affirm and support all humanity as loved by God... Doesn't matter who they are, they're welcome. It is important that we understand that people need to be able to receive services and support. Some programs that we have that are related to the church are listed here and I'm going to read them off really quickly.

We have a feeding program that feeds the hungry. We have gang diversion through El Centro. We have legal assistance. We have senior citizens daycare through the Chinese Community Center. We have seminars on death, dying, morals, ethics and theology. We have couples counseling, family counseling, worship and continuing education for people who have dropped out of school. All human beings, regardless of who they are, are being ministered to and are worthy of receiving public service as well as church services.

You asked for recommendations.

Definition of Family: I believe that on behalf of our congregation and the diocese, that changes should be made in the definition of "family" so that people will be eligible to receive services equally.

Gay & Lesbian Couples: I believe, that there needs to be advocacy and recognition of unions between gay and lesbian couples.

Family Life Education: I believe, the third recommendation is that we need to provide education designed to destroy the barriers of fear in secondary schools of the City of Los Angeles. I believe that in order to do that we must have gay people and straight people talking about homosexuality in schools.

Administrative Flexibility: In determining eligibility for services on the basis of family services we have to take it on a case by case basis and evaluate each case and then decide whether or not services can be issued.

CHRISTOPHER MCCAULEY: Good. I have to say, those will probably be the most inclusive statements I've ever heard anyone make from a church and I really appreciate that and I had the pleasure of visiting recently with Bishop Garver and we appreciated his interest and support in the Task Force. Questions?

THOMAS FRANK COLEMAN: On the issue of recognition of same-sex unions -- Does the church itself recognize in some official capacity or whatever the validity of a same sex-union? With respect to discrimination against gay and lesbian couples, I've heard many, many people throughout the country say the church was the beginning of it and the church will be the end of it -- the discrimination. And if it's true, or even if it isn't, if the church has played an important part in creating the discrimination then maybe it will play an important part in eliminating the discrimination. I don't know if that's tied into the recognition of couples as something more than just two single people. I'd like to get some feedback from you on that -- maybe the City of Los Angeles and the State of California may lag behind the churches actually in recognizing same-sex couples.

FATHER BRUNO: Let me refer you to the February 23, 1987 issue of Newsweek Magazine that has an article that talks about Bishop Jack Spong and the Diocese of Newark and his actual not only support, but of allowing these to take place. There are other bishops throughout the Diocese who have done it, and allowed them to take place. There are people who are gay and who are living in relationships who are priests that I know personally. Bishops know that, to my own personal knowledge. As for a Diocesan or national policy saying, yes, it's OK -- it's still under scrutiny and study. Ok? I can't lie to you and tell you it's all straightened out, or worked out, but the Church is working to straighten that problem out. The problems come with reference to union and marriage, the titling, OK? And I think that marriage is never going to happen. Union very well may.

THOMAS FRANK COLEMAN: To follow up on that, do you see the concept of domestic partnership as a viable way of recognizing the validity of the relationship and some rights and responsibilities attaching to it?

FATHER BRUNO: My counsel is to the people who come to me and want to have a union is that they need to contact a good attorney and they need to write themselves a partnership agreement, and list specifically the things that go into that partnership agreement, and what the ramifications for the separation of that partnership are. They need to do that work ahead of time. That's my counsel to people. Whether or not the civil government taking action on that will facilitate the church government, I think that there's not a tinker's chance. I don't think that that's going to facilitate the church doing anything. Because there is immediately an opposition set up. I think it will have to be done from within the church by priests and teachers within the congregation to make it happen.

JAY KOHORN: Two pronged question. First, how much communication do you have about issues of this sort with other Episcopal priests in southern California, and what is your feeling about their view on the subject; and, second, what kind of communication do you have with leaders of other religious groups in southern California, and what is your sense of their feeling on it?

FATHER BRUNO: As for other religious leaders, I'm going to have to leave that to somebody who's a big muck-a-muck and high in authority, because that's not where I am. As for Episcopal priests in this Diocese, I have a great deal of communication with them. I know who they are and what they talk about. As for lay people in this Diocese, at the policy making bodies, I stand up and flap my mouth regularly and I communicate with them, and let me tell you, they communicate back. There's a two sided feeling on all issues, and I will be honest with you, among the clergy it's very very highly understood and accepted. Among the laity there are still some great barriers to be overcome. And, those are all basically tied to a great big huge pit that's called the unknown, they don't know what's there, and they imagine immediately that something terrible's going to happen. Ten years ago, I was chastised at a convention when I stood up and we were discussing the issue of ordination of people who are homosexuals, and I was chastised by a lay person who pulled 23 people out of a camp I was running, because of course, even though I was married and I was a former professional football player, former law enforcement officer, all those things, and was a "heterosexual male," of course I was going to teach them something that they shouldn't have learned. They would have come, they probably would have learned something that their parents didn't want them to learn, but they wouldn't have heard anything that they should not have. That's all.

DUNCAN DONOVAN: Does the church either vocally with the Bishop or extensively with across the country -- do they have any pronouncements on church-state relations? Separation of church and state?

FATHER BRUNO: No, there's really no pronouncement, nobody's ever given me an edict of any kind that I had to follow. They encourage -- well, the man who preceded me two times ago in this congregation, two priests before me -- was on the City School Board and ran for City Council with the support of his Bishop. I know other Episcopal priests that are involved in politics, and I don't think that there's any separation of church and state. I think that they advocate us being involved in our communities, and the political life of our community is part of who we are.

DUNCAN DONOVAN: Defining who the family is, you don't feel that it would be an intrusion by the state on the church?

FATHER BRUNO: It hasn't been an intrusion in the past. They've -- the state--has obviously defined what the family is in written documents, and one of my problems is when I have a woman come to me who is hungry, and doesn't have a spouse and a home, or she and her partner are both of the same sex, or he and his partner are both of the same sex, they still have hungry kids in the home, they have a hard time getting their needs met -- and my problem is that the church hasn't said enough to the state about how they should have done it.

DUNCAN DONOVAN: However, you do recommend, apparently that the "unusual" marriage be established by individual contract?

FATHER BRUNO: Yes, sir. I wouldn't -- I have been a businessman most of my life, and I wouldn't enter into a longterm binding relationship where there wasn't some legal binding contract. I'm a general manager and a partner of one of the largest restaurants in Los Angeles, and I'll be real honest with you, I wouldn't enter into that, even though it's with my brother-in-law, without a contract. As a matter of practicality, this is having nothing to do with morality.

DAVID LINK: Some religions, one of which will remain nameless, have a problem with the whole idea of there being homosexual people, period. And, I'm wondering, how do you get around the moral argument, that there is something essentially immoral and/or evil about homosexuals?

FATHER BRUNO: I'd like to quote a former Roman Catholic priest for a moment, John Jay McNeal. "The love between two lesbians or two homosexuals can be a holy and mediating in God's presence just and as effective as heterosexuality." That was on the cover of Christian Century this month. I'd also like to commend to all of you this work - The Church and the Homosexual by John Jay McNeal, a Jesuit. It's an excellent book and it has a lot to say about that issue. It would take all afternoon to try to deal with that and I don't think I can. I also need to tell you that I'm the offspring of... The churches disagree with a lot of things. My parents were ex-communicated from the church for 40 years because my father was a former member of this order and chose to leave it to marry my mother.

CHRISTOPHER McCauley: Father Bruno, thank you very much. We appreciate your being here today. I'll take the opportunity also to recognize that Philip Lance, an associate in the diocese working at St. Athanasius is also here and we appreciate your coming too. Thank you. Father James Fleck is here from the Roman Catholic Church. We are delighted that you're here.

**FATHER JAMES FLECK**

**Roman Catholic Priest**

Responses of the Roman Catholic Church to the Changing Family

FATHER FLECK: I think I have the rather unenviable position of defending the Roman Catholic Church today, in light of the newspaper headlines this morning on the forms of parenting, and in light of Cardinal Ratsingers comments recently with respect to the basic opposition to homosexuals, the defrocking of John McNeal recently and the suspension of Father Curran at the Catholic University in Washington.

I accepted this very unenviable task today because I was invited by an acquaintance of mine who is a commissioner for the Rent Adjustment Commission, for which I am the staff. I have worked for the City of Los Angeles for 10 years. Commissioner Donovan suggested I might come down and talk to you folks about it and I accepted basically knowing I would be in a position I would have to face a great deal of strong feeling about Roman Catholicism and its attitude on gay people. I read over as best I could the schedule for today.

You can expect no opposition from the Roman Catholic Church for a very large part of this Task Force program as evidenced by almost all of the witnesses I heard before the break. I think the church has a record -- a fairly good record -- of supporting people who are poor and ill. Sister Theresa in Calcutta, Father Damien in Molokai -- they are examples and I think examples over time of the Church's attitude of great concern about people who are in suffering, both physical and social.

The main issue, I suspect, is going to be gay relationships and that's what I really came to talk about. In the light of what we have here I think I would almost ditto what Father Bruno has said. At the end of this prepared talk I have some comments that essentially say the same thing he did.

The answer to any successful political action that will escape confrontation with the official Roman Catholic Church will have to be in the form of very carefully constructed legislation, perhaps city ordinances. I'm not sure it's necessary but possibly at the state level, to formalize partnerships and corporations similar to the type of thing that, as he mentioned, if you are in business -- or in the case of the church, the



"Corporation Sole." Most of you don't know it but the Archbishop of Los Angeles is a corporation sole. That's a type of corporation that came about in the United States primarily to benefit the Church. Since the very late 18th century and early 19th centuries we had a problem called trusteeism. And the individual parishioners who were Italian or Irish or German who made up the Catholic immigrant population that had started to grow from the 1% minority that existed at the time of the revolution -- they had a church and they built a church and paid for it and the Irish population was not very happy when the archbishop or the bishop would send them a German or an Italian to be a priest. And they would usually say, "Go away, we don't want you." And since they owned the church they could pretty much do what they wanted. So gradually, the Church became in each diocese a corporation sole. All Church property is owned by the bishop. And that way when the Catholic people give money to buy a church, the church belongs to the bishop. And if the bishop wants to put in a German or Italian or Jamaican -- that's what he does -- and there's no legal action the parishioners can take because it's the bishop's church, not their church. Now this is a way by which the state cooperated with the authoritarian type of structure that Roman Catholicism is -- a highly centralized, authoritarian system with the power existing in the bishops and then on up, the bishops individually to councils and to the Pope. The other type of support has come in the form of the acceptance of nonprofit educational corporations, and I use the example in the paper that I'm submitting of Loyola Marymount which is the Jesuit University here in Los Angeles to which I was assigned when I first came here some years ago.

We in the church have a same-sex community of priests. We have a bunch of men living together out there -- very unconventional relationships, very strange for many peoples' views who are used to men and women living together in conventional marriages.

When I became a Catholic years ago, I was a convert. It was one of the things we used to read about -- all these pacts in Catholicism was that the Roman Catholic clergy were perverted because they didn't marry. It was natural to marry. And so the very nature of the right of these men to live together or in the case of nuns, women. Now, mind you, they don't have sex. The very principle of Catholicism and vows are not to have sex. But they live in very unconventional relationships as far as what society in general expects and thinks about in terms of family. And they are families. And they are protected by law. They don't pay any taxes on their income. They pay no property taxes. They are provided fire and police protection and all this because society, as political agencies, has found this to be a worthwhile contribution to the American culture. I think from a tactical point of view, that's the way to go.

Reflecting what Father Bruno has said, if you attempt -- the Task Force -- to recommend changes in either city ordinances or state law which

in fact directly contradicts or takes on the Roman Catholic hierarchy you're in for a cat-and-dog fight and I don't think you'll win.

Father Bruno said that he's hoping to change his Church from the inside. Well I am too. I am no longer a part of the active ministry. I've kind of retired. But I've been very careful in my writing because I'm still in good standing with the Church. I'd just as soon not get excommunicated for some of the things that I would hold. And I used to teach moral theology. I would be out on the street just like Father Curran, were I still teaching moral theology I can assure you of that, because I used to use his book, his text, and his principles in my classes.

So, I'm really with you in spirit and principle and I would like to at least give you the example of what we did in 1978 when we had the "No on 6" campaign. The Church was a little bit more liberal at that time. This is pre-Ratsinger, and pre-John Paul. They were still pretty much in Briggs' camp. Briggs is a Catholic and essentially when that campaign started we faced a very uphill battle to try to win the Catholic hierarchy to oppose the Briggs initiative. We lost in Wichita. We picketed the cathedral before that election; we lost badly. The archbishop of Miami had joined Anita Bryant and her campaign. We were on a 2-0 downhill roll at the time we came out here. When Briggs along and we beat him out here. It was the first major change that we had seen with the gay community and the broader political community facing up to the bigots.

Now, one of the reasons we were able to convince the Roman Catholic Church to support us, and we did, through thousands of letters and ads. At the very end they even told us they wanted our ads to appear in the Catholic papers; they didn't want Briggs' ads. We had to run them the last day before the campaign, before the papers closed. So he could never run a counter ad because they didn't want to give him an opportunity to have controversy within the dioceses and all over the state. We did not build our campaign on gay rights. We built it on human rights. But there were plenty of laws available to protect school children against molesters of any kind. And of course we heavily emphasized the heterosexual molesters at that time and which would still be true. What we were asking for is that people because of their sexual orientation should not be discriminated against. Whenever they did things wrong they could be punished under whatever laws society wanted, but they would be punished the same as anyone else would be, and they should not be punished because they were gay or lesbian. And that message was heard. And they thought about it. The bishops, in concert, had a secret meeting up in Monterey and they voted to support the anti-Briggs campaign but they wouldn't go on record. There was enough opposition in the hierarchy so they couldn't -- they wouldn't go on the record to do it. But they came back and told their people they'd let the Catholics for Human Dignity people loose, and if we had the money we could run all the ads we wanted to, because they wanted

that position supported. But they didn't want to have to take it publically against traditional Catholicism.

If you're going to wait for traditional Catholic theology to accept gays and such and sex outside of marriage or some form of legal, contractual marriage that's equivalent to a sacramental marriage as the Catholic Church sees it, you're going to wait a long time.

The Catholic Church will not support gay marriage. But, they will support human rights. If the people who are working in the Task Force, if the deputies to Mike Woo can construct their language so that you could provide protection and rights, human rights, civil rights to people who enter into contracts and relationships for common goods and back off from any appearance that what you're trying to do is to legislate a definition of what a marriage is from a secular point of view or to attack even the traditional Catholic position -- I think you can get the vast majority of the Catholic clergy and probably the hierarchy itself to support your positions. That's what we did in '78 that seemed to work. Despite the mood, the climate in Rome today, I think it's still possible.

Bishop Arjube has been very supportive of the gays. He's recently had a mass for gays with AIDS at a church over on Santa Monica Boulevard. He's going to appear at the 40-hour devotions that are going to take place during Lent at the Blessed Sacrament Cathedral. He's a very good man, a very concerned man. Hopefully when the Pope is here he's going to try and talk to him. I hope he's as brave in front of the Pope as he was in front of us when he turned to the congregation and said at the very end -- after he gave his blessing he said, "Remember, if you're suffering because of what is happening now, that Peter, the first Peter, betrayed Christ and so you shouldn't be surprised if he does it to you now." Now that's pretty strong stuff. I hope he says the same thing to the Pope when he's here, and that his actions are in effect mirroring and imitating the betrayal by Peter of Christ when he was arrested that night. Anyhow I'm not going to defend here. I didn't come here to defend the Roman Catholic tradition, I've explained it and it's not going to change. Not in this millenium. Someday. That's a long wait. But within that limitation there are still many things and I don't see any point of taking on the Catholic Church if you can get their support as opposed to their opposition why not and I don't think it will add that much. I don't know how strongly you feel about it because I don't know what your recommendations are going to be. But if you carefully construct your recommendations you will not raise the kind of opposition you might if you decide to take it head on and create a secular definition of marriage sacrament and the liberty of freedom of sex within it. If you want to turn the City Council into a theological body, the Council to the Church, I think you'll run into a buzz saw.

CHRISTOPHER McCAULEY: I appreciate the candor of what you're saying. We're accepting, obviously, the statement into the record and we will reflect that. Are there questions of clarification?

DUNCAN DONOVAN: I'm wondering if you feel that any kind of phrasing about contracts that are domestic contracts; for example, obviously a family contract is not going to work as far as you are concerned.

FATHER FLECK: I think the word "family" might be an excellent word, but don't use "marriage." See, the Church believes that the sacrament of marriage is a sacrament that the Church has the authority and the responsibility for its parameters and that within that type of relationship between a man and a woman, sex can only be exercised for the purpose of procreation.

DUNCAN DONOVAN: So you believe that family contract, or relation contract or domestic contract or domicile contract -- these would be words that would be acceptable?

FATHER FLECK: I think so, at least they would not be the buzzword of opposition.

DUNCAN DONOVAN: And tell me this -- do you feel that there has been a tendency in the American church to accept the American idea of separating church and state?

FATHER FLECK: Yes. I don't think that's true in general in the holy office. John Courtney Murray was the author in Vatican II of Lumingenia which dealt with that topic in which the council adopted the tradition of separation of church and state kind of in general principle. Essentially, prior to that, the holy office had felt that in states where Catholics were in a minority we should advocate separation of church and state so that the Catholic Church would protect it against the tax by the non-catholic majority which is very common in early American history, the know-nothings and the people who were very much afraid by Catholicism in the late 18th and the middle 19th centuries. But that once a state had become Catholic, Spain for instance and Italy, the Church had every right at that time to suppress heresies. Not using the old strongarm methods of the middle ages, you turn them over to the secular arm to be executed, but nonetheless to restrict their rights that only the Catholic Church in itself had a right to the full protection of the state. Now that group is still there. The second Vatican council does not reflect that position, but the people and their successors who now make up the Holy Office are of that genre. And I know how I feel. I think I know how most priests in this country feel, but that would not necessarily be the opinion of the Holy Office.

DUNCAN DONOVAN: If we were going to extend, not the marriage, but the financial benefits to all people within domestic contract tradition ...

FATHER FLECK: That's the kind of thing I had in mind that might work -- which is the basically from my understanding of what I had been asked to talk to comment about. If that's the goal of the Task Force, I think it's an achievable goal. If that's what you want -- to make sure that you get survivor benefits, to get insurance, or questions of joint tenancy -- things which exist now in many cases in state law that perhaps need slight refinement, fine tuning -- I think it's possible for you to get the Church to support that type of thing. But, if you go for gay marriage as a sacrament, it will bring opposition.

Now, I used to bless houses and it's a big difference. I mean you can bless houses, you can bless relationships, you can bless couples, you can do a lot of blessings and there's a big difference then between "blessings" and "marriages." I was asked many times to conduct a gay Catholic marriage. I said, "I can't do it. It cannot be done. Given the nature of Catholic theology that isn't possible." And so, if you're asking the impossible, the answer is the Church will fight to the death on this. But why ask for that unless it's extremely important. If that's the case I suggest you go talk to Father Bruno. I'm sure he'd do it. But don't ask the Roman Catholic priest to do it, because he can't. If you really feel that's where you're at, a person who is Catholic who wants same-sex marriage, then you have really no option, you cannot stay within the Catholic Church and achieve that kind of a goal. We just will not have it.

CHRISTOPHER McCAULEY: Two final questions.

FRANK RICCHIAZZI: This group has gotten together and the Councilman has tried to make it a very diverse group representing different segments within the population of the city. One of the things that now really comes home is we're dealing with a city whose population is very close to 50% Roman Catholic. Would you know what the figures are presently and what are the projections say, in the next 10 years, because that's something that I think we have to consider.

FATHER FLECK: We're doing a housing study '88 now because extension rent control -- so we're looking at those kind of questions. I don't know right now because again the religious figures are different from what we can get from the census figures (What are the religious figures?) I don't want to give you an exact number right now but it's growing and will grow especially with the undocumented aliens but I do know one set of numbers I can give you. We used to have two Catholic council people now I think we have four. And so the political spectrum of the Council is much more interesting. At least I am presuming that both Alatorre and Molina, Councilman and Councilwoman are, if not Catholic themselves, they

certainly represent a Catholic population -- and joined with Ferraro and Bernardi, we now have four which makes Catholics the second largest group of Councilpeople, second only to the Jewish community.

FRANK RICCHIAZZI: What you just stated at the beginning when you were talking to us about the difference in Catholicism between, say, the German Catholic vs. the Italian Catholic, what you've also stated though is that you have four Catholics who are Mediterranean, Italian Catholics which tends to have a difference in philosophy.

FATHER FLECK: As I say, I don't know for sure that either Mr. Alatorre or Ms. Molina are Catholics -- because of the Hispanic background, the statistical probability is high and even if they aren't, which is certainly possible.

CHRISTOPHER McCAULEY: Let's just stipulate that there's an increase there and it's an interesting demographic feature.

JAY KOHORN: That buzz saw that you were talking about, do you see that at the end of the tunnel of any Task Force recommendation which might be made as to family planning or sex education or birth control issues? We have the same types of buzz saws at the ends of those tunnels as homosexuality.

FATHER FLECK: In a certain sense, yes. The Catholic Church was adamant in the last century against planned parenthood. Bishop Mahoney who has led a very fine liberal record in many instances was one of the people who was opposed to the use of condoms and the references to it in the educational programs for AIDS protection, and yes, I think you have some problems.

CHRISTOPHER McCAULEY: Good, thank you very much for your testimony and for the statement that you prepared. Bill Weinberger and Joyce Nordquist are here from Lawyers for Human Rights to discuss employee benefits and domestic partnerships. Good to see you both.

**WILLIAM WEINBERGER and JOYCE NORDQUIST**

**Los Angeles Lawyers for Human Rights**

Employee Benefits for Domestic Partners

**BILL WEINBERGER:** I'm going to be very brief. Joyce is going to give part of the talk. First, Lawyers for Human Rights is an affiliate of the Los Angeles County Bar Association. We're concerned primarily with legal and civil rights of lesbians and gay men and also we work to promote the visibility of such issues and of lesbian and gay attorneys in the legal profession. The issues and concerns of the Family Diversity Task Force are matters of high priority to our group. Lawyers for Human Rights has addressed such issues pretty often in the recent past. We had a program on lesbian and gay couples having children at one of our monthly dinner meetings and we also presented such a program at the State Bar meeting last year. Councilman Woo spoke to our group just last February. I had one brief foray into this issue when I participated in a case on behalf of National Gay Rights Advocates involving the insurance program of the Automobile Club of Southern California.

And the one point I want to make is that one thing I learned is that these issues can be tackled on various fronts. We made all sorts of legal threats, litigation etc. and the point at which we made headway was when we appealed to the financial aspect of what we were trying to get. We were trying to expand the spousal discount for insurance that the Automobile Club provides. And when we said, "You're opening up a whole new market," that's when we got some responses.

I've got a few copies of the correspondence, if you'd like it for the record I'd be glad to submit it.

**JOYCE NORDQUIST:** Well I'm going to speak very pragmatically. I'm going to talk about flexible benefit plans and cafeteria plans. I understand that you are considering or working on putting something in for city employees. I work for a major bank downtown. I've drafted the flexible benefits plan at the bank and also did one for my prior employer.

If I were a married woman with a husband, my employer would pay about \$650 more a year for my benefits, providing insurance for my husband than they do for me as a single person. As a lesbian I don't expect to get married in the near future so I'm stuck without this and that's my focus.

Employers nowadays are implementing flexible benefit plans. This is under Section 125 of the Internal Revenue Code and that says that a participant may choose between two or more benefits consisting of cash and non-taxable benefits. We're talking life insurance, health insurance, vacation benefits, pension, thrift, and this sort of thing. Now, employers like flexible plans because they recognize that we have different types of family situations, that we're not all married couples with a wife at home and children. Recognizing that many of their employees are single -- banks in particular -- many single women with children among the groups, and so they pick these flexible plans to give greater choice of benefits. It allows control of cost in the plans because they aren't providing benefits which aren't appreciated and aren't used. Then they turn around very often and typically bring a dollar credit system into the plan based on health insurance and in the past, health insurance covers dependents, a husband's children, so that the employer typically will pay more money into a flex plan for a married employee and that's what bothers me and I would like to see some change in it.

I have an attachment here which shows how the plan is funded and if an employee is single, the employer is going to pay \$700 into the plan. Insurance will cost \$1,000 -- the employee will pay \$300. If the employee has one dependent, the employer is going to pay \$1,350. Insurance will cost \$1,950, the employee contributes \$600.00. Now it just says "dependent." It does not say husband or wife and it certainly could be a single person with two children, and that's not the issue.

The issue is, where you have a married couple and you possibly have a married couple in another corporation so you've got a doubling of the benefits, both of the married people working are getting extra benefits just based on their marital status. That's the concern that I would like to see addressed by the Task Force when it considers these issues.

You have California law which condones this kind of arrangement. It protects it so you can't get around it. We have a code section that prohibits discrimination in compensation in terms of employment but this code section says that bona fide health plans providing greater benefits to employees with more dependents is not to be considered prohibited discrimination. So the city is not going to be able to come up with a law that would change that outcome. The state law is going to pre-empt. What we'd probably like to see happen is for the State is to have a definition in on "dependent" which does not include spouses. Dependent should be limited to dependent children. The Internal Revenue Code defines a dependent as someone living with a taxpayer who receives more than half their support from the taxpayer. In fact, they exclude "spouse" from the definition of dependent.



What we'd simply like the Task Force to consider is, if you're designing a flexible benefits plan, to consider putting couples on the same footing, whether they are married or unmarried. That would be, going back to our earlier example, instead of putting \$700 in for a single employee and \$1,350 in for a married employee, just put \$1,000 in for each person. Re-allocate those dollars. As a practical matter, employers are not going to be forced into putting more money into benefits right now. We're just talking about re-allocating. On the other hand, we have no reason in Lawyers Human Rights to challenge extra money going to children, dependent children. As far as I'm concerned our plan, and if I were designing it, I would say if an employee has dependent children, by all means increase the dollars going into that plan. Simply don't give extra dollars because someone has a spouse. And that can be done.

The city can do that with its own employees and hopefully we'll do that and then hopefully private employers will begin to follow suit and some I believe already are; the smaller employers are. On the other hand, the health plan terms inside the flex plan or outside the flex plan can be liberalized to allow coverage of spouses and domestic partners and anybody else who would want to be covered with the employee paying for the insurance as opposed to the employer. If the employer is giving, say, \$1,000 a year for benefits and the employee chooses to cover another adult we would probably have to define what adults could be covered, but at least the employer should have no objection. The insurance company should have little objections since it's being paid and we're not even speaking gays here.

I know of one family situation where there are two adult sisters. We have one staying home taking care of both sisters' children. There should be no social policy against allowing the working sister to provide medical coverage for both. I mean, why would we want to encourage that as well? So that is what I am suggesting; again I've said the city may not pre-empt state law, we know that. I wouldn't want to see any legislation right now even at a state level this year trying to force any more changes in benefit plans because we have so much going on.

But for the time being, if the city will consider designing their plans to allow the flexibility in terms of what employees may purchase on their health insurance and hopefully make these changes known, their recommendations well known because the employers in this city are competing in the same labor pool, the same employees are going to work for the city or private employers, and they are very sensitive. They take surveys all the time to find out what other employers are doing. We look of course in the same industry first, then we look across on other industries and it will have an effect. If the Task Force comes out with strong policy recommendations it will begin to gradually change. You know, maybe we'll get them in the next couple of years with legislation. That's my suggestion.

CHRISTOPHER McCAULEY: Good. Thank you very much, Bill and Joyce. I thought maybe we could ask Tony Melia to come up and provide some comments and then we could have a little discussion because some of the benefit questions are somewhat related, and insurance discrimination; then we make sure everybody's in the record and then we can follow up with questions. Does anybody object to that?

Tony Melia is here and Tony is President of the National Business Insurance Agency, N.B.I.A., and he is here to discuss insurance discrimination, particularly based on lifestyle.

**TONY MELIA**

**President, National Business Insurance Agency**

**Lifestyle Discrimination in Property/Casualty Insurance**

TONY MELIA: Well I put a lot of it down and segmented it as much as I can. When we talk about discrimination, we need to talk about discrimination not only in the underwriting rules, practices and policies, but we also have to talk about the coverage disparity that happens when a single male or a single female is on a policy versus a family situation. I'll discuss the pricing of policies, and lastly I think we should address some comments in terms of claims and the manner in which insurance companies approach a claim when they feel they have the upper hand and they're dealing with somebody who is a homosexual.

Let's first talk about homeowners if we can. The insurance industry has changed a great deal over the years. I've been in the insurance business -- believe it or not, tomorrow will be 30 years. I started as a claims adjuster and I worked as a claims examiner and underwriting manager, a special agent, and now, owning my own insurance agency. And it does swing from time to time in terms of a hard market and a soft market. Let me explain that to you. A soft market is that is which insurance companies want your bucks and they'll throw away a lot of underwriting rules and they'll take your bucks because we've got high interest rates going on and the insurance industry can make money from your money. And the hard market is what we're experiencing right now in which they tighten up their underwriting rules and it's very difficult to get a lot of things through the insurance underwriter.

In terms of underwriting, the insurance industry, some of them are absolutely overt in not wanting any "fairies" or "dykes" in their list of insureds. And it's interesting. Years ago the insurance industries used to put some of this in writing. They don't now and we all know why they don't because we've got some very spirited attorneys that will take them to task. On the other hand, they send a field person or a special agent out to our offices and they tell us what they will not accept. They don't want anyone who is south of Pico. They don't want anyone who is in the downtown area. They don't want anyone who is unmarried and who is living with another unmarried person, or people who are not related. And interestingly enough, they'll tell us that and they never put it in writing. I happen to, in my office, have a memorandum from Safeco Insurance Company

in which they refer to the fact that we've given them too many unmarried people. I saved that memorandum and sent it to the Department of Insurance and I hope that in some point in time they have a chance to do something with that.

Homeowners Coverage: There is a real difference, by the way, in terms of coverage if you are not named under a homeowners policy. Let's take, for example, you and your significant other happen to have a homeowners policy, and with that homeowners policy now in the hard market, the insurance companies are unlikely to say you and Bill or you and Mary as your interests may appear, which is the most appropriate way to write an insurance policy if two people are residing together. If, in fact, the policy is under your name for a homeowners coverage and you suffer a burglary, and the insurance company comes and questions you about who owns what, you are going to find that that unnamed person has a significant amount of property that has been stolen, they will not have coverage. The insurance companies will be very clever in asking you questions, like, "Does this person add to the upkeep of the house, do they contribute to the upkeep of the property?" And in that particular case, they will not consider them a guest, but will consider them a resident of the household and not a named insured and therefore coverage is nil or limited. And if you decide to add that person on as their interests may appear, which is the most appropriate way to do that, you are going to find, in this hard market, that the majority of companies will not do that. One of the things we have asked insurance companies over the years to do and we do understand that, for example, if I have a significant other and we write a comprehensive personal liability policy which is part of the homeowners coverage, there truly is an extra amount of liability exposure. I have no problem with that, and if I explain the terms and conditions of the policy to you, you would have no problem with that either. And I really don't have a problem of having an additional amount of insurance premium to pick up that added exposure. And yet we can't even get them to do that. Which tells me clearly that what they're doing is discriminating. We're willing to give them the extra premium. They're not willing to take it. To me that means discrimination.

Automobile Coverage: In terms of automobile coverage, a spousal discount, that is, a second-car discount, has been denied by all insurance companies. It's interesting in the San Diego situation which I am somewhat familiar with, an Auto Club -- I don't think they've ever gotten to actually doing that have they?

THOMAS FRANK COLEMAN: I believe that they were going to implement an expansion of the spousal discount for automobile insurance.

TONY MELIA: To my knowledge I don't think they have done that.

THOMAS FRANK COLEMAN: I called up a few months ago and it was available. They don't call it spousal discount, but a two-car household.

TONY MELIA: But the theory truly is, if you've got two cars on an insurance policy, the same insurance policy, that there ought to be a second-car discount whether or not you are married or live in a family situation. The way we used to get around that of course is to add co-ownership of the automobile. And that really ought to be there.

THOMAS FRANK COLEMAN: I talked with AAA in Los Angeles several months ago and they were willing to write me a policy. Both cars were family owned and housed in the same place; they would give me the same discount.

TONY MELIA: That's interesting. I think what we ought to do is take our insurance policies to Auto Club because if that is available, then I think we ought to reward companies that do that for us.

THOMAS FRANK COLEMAN: Except that, even with the discount, Auto Club's rates are often higher than other companies.

TONY MELIA: There is, however, a lack of coverage if you have a household and you do not have all the vehicles under the same policy. If you read the terms and conditions of an insurance policy, there are certain coverages that are not available. Just by the very nature that the policy will not afford, let's say, if you write two policies and there are two cars and let's say your roommate wants to use your car as a temporary substitute vehicle, a car that is provided for your regular and frequent use does not qualify. And that's a real sad thing because obviously most of us would expect that that would be a non-owned vehicle.

There are some other interesting things that the insurance companies allude to when they talk about gay people under insurance policies for liability. They have the misconception that an obvious gay person or an obvious lesbian person would not make a good witness on a witness stand and that they would have the prejudice of a jury, which I think is just absolute poppycock. And I've heard that for a number of years. Over the years I've heard a lot of these different "words of wisdom" put forth.

Business Insurance: Insofar as business insurance, and I'm moving through a lot of things, and I know there was a lot on this. In business insurance, there still is and there always has been discrimination against any sex oriented business or any bar that caters to lesbians or gay people. The same holds true with restaurants. Years ago, I insured a restaurant in the valley that had some male nudes on the wall, and the insurance company made their usual inspection and they came back with the most incredible list of recommendations and digs that were just out of step with

any other restaurant I've ever written. And when push came to shove, and I finally found out what the particular investigator or inspector objected to, in his comment he said to me, "Have you ever been in that restaurant?" I said, "Yes." And he said, "Did you look at those pictures on the wall?" And I said, "Yes." And he obviously tipped his hand as to why he felt that that was not a good restaurant. I don't know if anyone has ever tripped and fallen over a picture on the wall but -- who knows. The pricing, and we've alluded to this a few minutes ago, very often the pricing, the standard, the preferred policies with the insurance companies -- are not always available to people unless they happen to be a WASP from the valley that drives the most mundane vehicles and has mortgages and etc., and that's unfortunate now. During the soft market we were very effective with a great number of people in acquiring those kinds of premium dollars, but we're not now.

Worker's Compensation Coverage: And the last thing I will say to you, under workers compensation, one of the things we look for, and I haven't seen any evidence of it -- we write a certain number of beauty salons and barber shops that are gay owned. And I really had a fear that some underwriters would pick up the fact that beauticians might have AIDS and pass it on and I must tell you I have not seen that. I've seen no difference in underwriting from that standpoint and it was one of those fears that I kind of harbored. The other thing I'll say to you..in workers compensation, a survivor benefit for a significant other, is simply not there. If lets say if a husband lost his wife from a work related accident during the course of her employment he would have a right to the benefits as outlined in the workers' compensation law. That is not available to a spouse. There has been a lawsuit that won a particular case, and I think that had to do with Harvey Milk as a matter of fact, and yet that is not considered a benefit under the workers' compensation law nor is loss of consortium, and that is if you lose the services of your spouse. That is not considered a compensable claim under insurance policies.

If there are any questions -- I've covered a lot of ground here and I know that and I think you do too.

CHRISTOPHER McCAULEY: Good. Thank you Tony.

DUNCAN DONOVAN: You might be interested in a workers compensation case. My lover died in 1976 and he was a Chief Deputy District Attorney of Los Angeles County. And he has worker's compensation a result of a suggestion by a district attorney that he get it. And on his death, his lawyer called me up and said, "Would you like to have me go after the worker's compensation for you?" I said, "Yes." He did, and it only took seven years but it did establish precedent.

TONY MELIA: Was that a state fund or was that a self insured program?

DUNCAN DONOVAN: It was half and half. It was half state and half company. There was a big change when the company took over insuring itself.

TONY MELIA: It's interesting that many self funded insurance plans are far more flexible than the standard insurance. I would presume that the lead on that would probably be the self funded program and the state fund.

DUNCAN DONOVAN: The State Attorney was in there every section.

TONY MELIA: That's great. We need more wins like that.

DIANE HIMES: It was my understanding if people own property together then they would automatically be covered under a homeowner or a property policy.

TONY MELIA: If they are acceptable. See, the problem is, when I go to several insurance companies and ask for a named insured that reads, "Bill Jones and Henry Franklin as their interests may appear," the insurance company will turn me down.

DIANE HIMES: They would also turn you down on insuring only one of the two if they both own it together.

TONY MELIA: No. There are many cases where they will not be aware but you see that's not appropriate. If two people own a property together, both have to be named as insureds. And the problem that we have -- see, Safeco, did for a short period of time and then Safeco said that they wanted no more of those policies, and as a matter of fact one of my clients happens to be an attorney and her lover and they turned us down on the renewal of that policy. Did that answer your question? See, the most appropriate thing is if two people own a property together, they should both be named, as their interest may appear. That's the appropriate way to do that. The problem is that we get turned down when we ask for policies in that name or they will ask us what the relationship is.

DIANE HIMES: It's a choice of all or nothing. In other words, they would not give you a policy at all but they wouldn't say, "Well, if these two own it I'm only going to give one of them a policy?"

TONY MELIA: Then there's a second problem, let's say, where you own the house and you choose to have your lover live with you and she has personal property of her own in the house. The appropriate thing we used to do is to add her on as her interest may appear, thereby not having to lie

to the insurance company that all the property is yours in case of a burglary or a fire. And what's so is we were able to do that during the soft market and now during the hard market the insurance companies are turning us down.

DIANE HIMES: On car insurance -- if three vehicles are all jointly owned, is the Auto Club the only company that will write a discount policy or will other companies?

TONY MELIA: We have occasionally been able to get insurance companies to do that and those insurance companies that have done so are renewing those policies unless they can find some way to non-renew them, but not if it's a new piece of business. If I submit a new piece of business to an insurance company, who, during the soft market would kind of look the other way and go ahead and write it, they will not now do that.

DIANE HIMES: This question is addressed to Joyce Nordquist. I want to make sure I understand what you are advocating. When the city has a flexible benefits plan it should only include the employee and not the spouse or significant other unless the employee pays the difference?

JOYCE NORDQUIST: I'm suggesting that when the city calculates how it puts credits into the plan, that it just put a certain number of credits in for an employee plus dependent children; but that's right, not for a spouse.

DIANE HIMES: You are suggesting that they pay, like one-and-one-half of an insurance plan?

JOYCE NORDQUIST: Well if the city is willing to increase for significant others or anybody else, if they're willing to raise everybody to 1 and 1/2, sure. But otherwise I would think that the city may want to take the same number of dollars and re-allocate them and I'm saying realistically from most employers you're not going to get them to increase the amount of benefits; but you make it a re-allocation then it's more fair.

JEFF VOPAL: How responsive have you found the Department of Insurance to be when problems of discrimination occur?

TONY MELIA: Well, honestly, the Department of Insurance has never responded in this particular area. I will tell you that we ought to be very pleased to have Roxanna Gillespie as our new Insurance Commissioner. In the 30 years I've been in the business I don't think I've ever seen an Insurance Commissioner that's been as responsive to the insurance buying public as the one we now have. And we probably have a better chance of having her ear than we have had in any other previous Insurance Commissioner. Generally speaking the Insurance Commissioners will



investigate discrimination, but they do not believe that the setting of rates is discrimination. You and I know differently, but it's going to be interesting to see if we have a really good case that we can report to her. Now the Safeco memo was sent to the previous Insurance Commissioner, not to her. I happened to meet her last weekend at the Small Business Conference in the valley and I'm going to send this memo to her.

**JEFF VOPAL:** Could you comment about why redlining, per se, might be illegal. Insurance companies just eliminate all agents or companies that represent agencies that represent them within certain geographic areas?

**TONY MELIA:** Yes, let me tell you what basically happens. The insurance companies supposedly can't redline; however all you need to do is to pick up the phone and call 20th Century and you will receive a number of questions and if you recognize those questions you will recognize redlining in its ultimate. You won't even get an application if you answer one of those questions incorrectly. Now, none of that's in writing, but they're redlining questions. Now, what the insurance companies have done, I mean you don't see 20th Century going down in the Watts-Willowbrook area and writing insurance, and you don't see Safeco putting many agents down in East Los Angeles or in Watts-Willowbrook and you don't see a lot of insurance companies like the Hartford and the Aetna and Travellers and the Firemans Fund appointing agents down in those areas. What they do when they don't want to write clients and don't want to have to turn down clients is, they simply cancel the contract for an agent in a given area or they won't appoint them. So you know it's really too bad because that is redlining. That is discrimination.

We have had a contract in our office cancelled by a life and health insurer because we have written a number of people who are gay, and as a matter of fact, through that particular insurance company we had a claim of an AIDS related death. And when the insurance company found out about it and looked at our book of business they simply terminated our contract. That handled the problem. They didn't have to turn down clients. They simply canceled the contract of the agent that gave them such clients and that's by the way what happened with Safeco. Safeco wanted no more single people from our office. And they told me any number of times and I told them I thought that would be illegal. I can't do that sort of thing. Then they finally slipped up and wrote me this one memo and told me I was giving them too many single people and then when I told them that I would not discriminate in that fashion, then they terminated our contract.

**CHRISTOPHER McCAULEY:** Let's hear now from Brendt Nance, the President of the Concerned Insurance Professionals for Human Rights, who will discuss life, health, and disability insurance.

## **BRENDT NANCE**

**President, Concerned Insurance Professionals for Human Rights**

### Lifestyle Discrimination in Health/Life/Disability Insurance

**BRENDT NANCE:** In our society, insurance has become an integral part of our culture. It is often the only practical means available for the majority of us to protect ourselves and our families against financial ruin created by death, disability, or serious medical problems. Indeed, insurance has become a basic financial necessity for most Americans.

The process of underwriting insurance applications for life, health and disability is inherently a discriminatory process. Coverage is available for a price to those who are perceived of being of good risk and denied for those judged to be poor risks. The issue before us today is: What constitutes and defines a person as being a poor risk? Or to state it another way, what is fair discrimination as opposed to unfair discrimination? Unfortunately, what society perceives as fair business practice is not always perceived as fair business practice by the insurance companies, and I'd like to give you a few case illustrations of what I perceive as discriminatory insurance processes.

Today I filed a formal complaint with the Department of Insurance against Connecticut Mutual Life Insurance Company. We are charging differential underwriting practices because a single male, 35, applied for \$100,000 of coverage. The purpose of that coverage was to protect his condominium that he recently purchased jointly with his lover, Richard. He named his lover as beneficiary of that life insurance application. Connecticut Mutual refused to offer that full amount of coverage and instead was willing to offer only \$50,000. The basic concept being that the mortgage was jointly owned, and therefore each was only responsible for one half. Would Connecticut Mutual have tried to treat a two-income married family in the same manner and forced that coverage to be reduced to half the amount? The answer is, absolutely not. In essence, C.M.L. seems to have indicated, by its actions, its moral disapproval for Henry and Richard's sexual orientation.

Second example, because of AIDS, life insurance companies are now questioning and screening all applicants living in high risk areas -- single male applicants especially. One screening device used is the beneficiary designation. If a single applicant names a non-relative as beneficiary the insurance company will order non-routine blood test, physical exams, complete copies of all medical history and look for minute reasons to deny

that coverage. This is in direct violation of the California Insurance Code and in direct violation of the Department's bulletin on AIDS discrimination (number 86-3). The insurance industry doesn't just discriminate against same-sex couples, they also discriminate against people in other non-traditional relationships. Insurance companies will not allow a man and a woman who have chosen to live together as a couple to insure each other under health insurance policies. The only practical and legal difference in this relationship is one ingredient: a marriage license. A result of this discrimination, Blue Shield charges two single 35-year-olds a total of \$213.60 per month for basic coverage, while a married couple can purchase the same coverage for \$197 a month. The two programs differ by \$195 per year, in essence, a penalty for not being legally married. With Blue Cross the difference is \$264 a year. Blue Cross in another case just altered their individual health insurance policies called their personal prudent buyer to make maternity coverage optional. Single males who wish to purchase this option on their policy must now pay Blue Cross \$1,200 a year for that privilege. However a married couple can purchase the same option for \$180 a year less. The \$180 differential is in addition to the \$264 being charged for two separate contracts as opposed to one. So we're talking about in Blue Cross a premium differential of \$444 that is not justified by any stretch of the imagination.

The Department of Insurance has a policy against discrimination based on marital status. Obviously, they are not enforcing it. Even married couples are frequently faced with privacy violations. Today it is not unusual for a married couple -- for the wife to keep her surname and not necessarily accept the husband's surname; and yet, when you go to apply for group health, individual health, or life insurance and you are using two different names and saying you are married, the insurance company demands to know why. They are either going to ask for a copy of the marriage license, or for a written statement that in fact they are legally married in the State of California or some other state. Is this another attempt for insurance companies to force conformity of their concept of normal society practices? And based upon outdated sexist concepts? Your answer is probably as good as mine.

One last case. A situation where a family, the husband and wife had been killed in an auto accident, or a plane accident and leave a child behind. In many cases a family or a relative of that child takes on the chore of raising that child and providing the necessary ingredients in doing that. Can that non-adopted child be added to the group health insurance policy? No. It is not allowed. And yet that family is responsible for all financial obligations because they voluntarily agreed to become financially responsible for that.

CHRISTOPHER McCAULEY: That's very helpful. Thank you very much. Now, let's see if we can take these few minutes for some questions.

**FRANK RICCHIAZZI:** The question I have is in reference to life insurance. If a single individual, because insurance companies are in fact looking for another person as beneficiary, if that individual put it into a trust, and then had the trust basically dictate where things go, is that a way to get around that?

**BRENDT NANCE:** Potentially. Occasionally, an insurance company will ask for a full copy of the trust.

**FRANK RICCHIAZZI:** Which is basically a will.

**BRENDT NANCE:** If you name your estate down, they will not typically ask which beneficiaries inherit the estate because many people do not have wills. But if you name a trust, they do have the potential legal right to ask for a copy of that trust to make sure they can abide by the terms of that trust. The fact is I don't think that's the question; the fact is that the laws -- common insurance law allows an individual to have a reasonably unquestionable, insurable interest in their own life.

If I take out a policy, I should be able legally by common law to name anyone I wish as beneficiary, and it should not be the privy of the insurance company to question that, as long as the amount of coverage I'm applying for has a reasonable relationship to my assets and my liabilities and my income earnings. If I wanted to apply for a \$5 million policy I probably would not find anyone to issue it regardless of who I name as beneficiary. But to apply for a \$100,000 policy is certainly a very reasonable amount of coverage in today's marketplace and should not even be questioned by the insurance company.

**DIANE HIMES:** There's been a lot of talk up in Sacramento of having legislative control and/or new laws written and/or an overview commission set up because of all the changes that are happening in coverage and obviously because of the AIDS issue. Do you think that that has any possibility of happening in the near future, not near in the Catholic sense, like the millenia, but within 5 years?

**BRENDT NANCE:** I won't be around that long. I would suggest that maybe Rand Martin is the more appropriate person to ask than I. I don't know. As the President of Concerned Insurance Professionals for Human Rights, we will hopefully, in the next month and a half, be issuing public announcements that we wish to collect data on AIDS treatment and support issues that are charged against H.M.O.'s. We feel H.M.O.'s are doing a god-awful job in this issue. We need to be able to raise the documentations necessary that we can go to the state or we can go to the Department of Labor in Washington, D.C. which regulates H.M.O.'s and voice our concerns with appropriate documentation.

DIANE HIMES: Is there going to be enough public outcry when you can't get liability insurance, when you can't write a will and name who you wish to name -- is there going to be enough public outcry for the government to respond and control insurance companies?

BRENDT NANCE: I can't speak about the public liability. The basic fault of our system is that it's a for-profit system. That's where the fault lies. That's not the case in Canada. It's not the case in Great Britain. It's not the case in Israel. It's not the case in most other economically advanced countries. As soon as the potential losses accumulate to the point that insurance companies feel that they can no longer make a profit then they will do everything necessary to cut back and deny coverages to those who are marginally insurable under other circumstances. As long as that continues to happen this leaves thousands and hundreds of thousands of people stranded from that system.

TONY MELIA: Let me add something to that as far as automobile insurance is concerned. Some of you may know that Assemblyman Polanco has suggested that the State of California write the first layer of automobile insurance, \$15,000/\$30,000 for bodily injury and \$5,000 for property damage and some other ancillary coverages. I think there is a very good chance that we will see that happen and the baseline need for that has been in terms of geographic territorial underwriting and certain other kinds of redlining issues. What we need to do if that does pass is be sure that the underwriting rules and rates allow the kind of thing that we're talking about here today -- in other words nondiscrimination in automobile insurance. So if it does pass, and if it goes to the initiative process, I think it will pass and that base coverage, that first layer of coverage will be available through your agent and broker. And a lot of us who are agents and brokers would damn well like to see that happen. Thank you very much.

BRENDT NANCE: I'd like to talk about domestic partnership for a second too. I don't know about Berkeley, but my last understanding was that they could not find an insurance company that would offer domestic partnership to their employees. The City of Los Angeles wants to incorporate some sort of a concept of allowing a person to cover their partner relationship. That's well and dandy but the response from the insurance industry will be, "Not on our necks you're not going to do it. Until the California codes are changed to recognize that relationship, we will not recognize that relationship." And that has been pretty well the standard response.

THOMAS FRANK COLEMAN: The benefits person for the City of Los Angeles seems to feel to the contrary. He feels that if it's defined narrowly so that it doesn't include blood relatives, so that you can add your parent who is very, very ill or about to become very ill, that everybody is going to

be adding people on with that concept. But if it's limited to the category of unmarried couples, that there will be companies that will respond. Even a survey a few years back, and at that time, all the companies that were dealing with the city were willing to add domestic partnership coverage except Kaiser and he feels they now will change. So at least that's what he's saying now.

BRANDT NANCE: My understanding of Berkeley is that Kaiser agreed to and then pulled back.

THOMAS FRANK COLEMAN: But see that's a smaller employer. Blue Cross indicated to one of my students doing the survey for the Task Force that if the City of Los Angeles were willing to enter into a contract with them, they would give domestic partnership coverage.

The problems I see, and I wanted to get back to your presentation, Joyce, if I could, and I want to get feedback on this -- as I read the state code, the code does not define dependent, and the code does not say a spouse is a dependent. So the code itself says that marital status discrimination is illegal. It says basically, you can't discriminate. And this means, as we know including benefits plans and so on, on the basis of marital status. So, as I see it, the problem here under state law is with these regulations that define spouse as a dependent. Basically, the regulations have created a conclusive presumption that a spouse is a dependent, whether the spouse is actually a dependent or not. (That's right.) That seems to totally circumvent the purposes of the statute. We know that agencies are not permitted to change law, only to implement law. So, if they've gone beyond the intent of the legislature, that might be attackable. But in the meantime, we've got to deal with that as a reality - - those are the regulations. That's one spot.

The other is that I wanted to mention, maybe you can give me feedback on all these points. The definition of "dependent," as I said, the city benefits person, when I talked to him, said that he'd rather see us go "domestic partner" than "dependent." He does not want a broad definition which would add blood relatives because the system can't stand adding too many people that are in need of health benefits onto the system. And so that's a real problem. He suggested "domestic partnership" rather than "dependent."

And, finally, the point you mentioned that you didn't think there would be too much objection to, since the employee is paying the extra for adding the domestic partner or dependent on, what came up was this concept of adverse selection -- that if the employee is paying, then the employee will be more likely to add someone in need of the services than someone who appears to be healthy and who will be healthy apparently for the next several years. This came up in San Francisco on this kind of adverse selection as reason for not granting coverage.

So if you can address those three issues: (1) the regulations, (2) how expansive we make the definition to include blood relatives or not under the domestic partnership concept, and, (3) the issue of adverse selection, that might help our record.

JOYCE NORDQUIST: I wonder if you could get around both the adverse selection and the expansiveness of "domestic partnership" by perhaps putting a time on it. In other words, you could sign somebody up but not begin coverage until perhaps a year or something later.

BRENDT NANCE: My suggestion would be that if the domestic partnership concept was similar to the legal requirements to end a legal marriage, in other words, if those kinds of clauses were in there, then you would reduce the potential adverse selection and you would also reduce the potential turnaround or the cost to add consistently new domestic partners onto the same person's coverage as those domestic partners change over time. My contacts with, I forget which insurance company -- that was one of their concerns -- is that there would be no control over who would be considered a domestic partner, and I said, "Well wait a second." The city of West Hollywood has a contract that must be signed by both parties that has a termination period, a period for re-applying for a new domestic partnership, a waiting period per se and so forth. Married couples have the option now of not covering their spouse under an employers health program so there is currently adverse selection. If an employer is low income and cannot afford to cover the spouse, they won't unless they figure that that spouse was likely to incur claims in which case they'd do everything they can to come up with the money to pay for it. So I think that the concept of adverse selection can be addressed fairly easily.

BILL WEINBERGER: If you limit the coverage to a definition that's, like a married spouse, isn't that contrary to what we are trying to do? Correct me if I'm wrong, Joyce, but I think that is one of the areas of expansion into relationships that goes beyond the sort of marriage-type relationship to include two sisters living together, or someone living with a parent. Am I correct in this?

THOMAS FRANK COLEMAN: I originally was on that wave length of going beyond the Berkeley model which excludes people related by blood or marriage or adoption, but what I'm hearing from the benefits people is, "That's fine for sick and bereavement leave, but that won't fly for purposes of health care because of the numbers of people who could be added to the system." I've got 8 brothers and sisters so I could pick the sickest one and have them live with me for awhile and put them on the plan. And ultimately, retirement is a problem. No retirement system at this point gives survival benefits to a surviving brother or sister. It's only to a surviving spouse or a surviving child. So if we open the concept of "domestic partnership" up to brothers and sisters, that type of thing, we're

going to have to change the definition for purposes of retirement benefits and create some inconsistent definition.

JOYCE NORDQUIST: Our plan does allow joint and survivor, but it's subsidized for married couples and it's purchased by the employee if it's a non-married and again it's back to the same problem of the health insurance being subsidized if it's marital or not.

CHRISTOPHER McCAULEY: Let me thank again Brendt, Tony, Joyce, and Bill for being here. It has been very interesting this last hour especially. We have had 14 witnesses today. Thank you everyone. Thank you all for a very productive day.



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**CHRISTOPHER McCAULEY**

Task Force Co-Chair

Opening Remarks

CHRISTOPHER McCAULEY: My name is Christopher McCauley and I'm the Co-Chair of the Los Angeles City Task Force on Family Diversity. I'd like to welcome you to our fourth and final public hearing. These hearings have been conducted once each month over the past four months. Basically, we have been hearing from expert witnesses on a variety of family diversity issues.

This particular hearing today is an all day hearing, so we'll begin right now. Various members of the Task Force, and the research teams that are represented, will be joining us periodically through the day; some of us will be here all day. We invite not only Task Force members to remain for the day but also any of the witnesses who would like to -- you're always welcome to stay as long as you like.

The Task Force on Family Diversity was created about a year ago by Councilman Michael Woo for the express purpose of investigating and documenting changes in the contemporary family. It took us about three months to organize the 38 Task Force members into research teams. We've had a very interesting year struggling with the definitions of "family" -- new definitions of "family" -- expanded definitions of "family". We've been joined at various times by law students, sociology students, psychology students, and volunteers, all of whom have done independent research. Each of our Task Force teams dealing with immigrant families, gay and lesbian couples, seniors, disabled families, etc. -- all these different family forms -- are comprised of two-person research teams which have been augmented by law students and other researchers. It's been an intimate, growing, learning experience for all of us involved in the Task Force -- and we've enjoyed it a lot. It's hard to believe that it's almost a year that we've been involved in this effort, so we're looking forward to the report that will come out in September.

Our first witness is Dr. Sandra Burud. She is here to share with us some thoughts about the child care issue -- particularly public and private partnerships -- and current initiatives to provide some dramatic new breakthroughs in the whole child care issue. Dr. Burud.

**DR. SANDRA BURUD**

**President, Burud and Associates**

**Child Care: Public/Private Partnerships and Initiatives**

**SANDRA BURUD:** I am Dr. Sandra Burud, of Burud & Associates. I am Chairwoman of Summa Associates, child care benefit planning firms.

My favorite quote on diversity in our society comes from John Naisbitt who says that we live in a Baskin Robbins' society, where everything comes in 31 flavors. Alvin Toffler in The Third Wave explains the change we have gone through. We used to be a society structured around the factory. Everything was standardized and synchronized. We did the same things at the same time. Now, with the technological revolution, we are an "individualized society."

The family is diverse, and therefore the workforce is diverse. No longer does the sole-breadwinner male make up the majority of the workforce. There are twice as many working mothers in this country (20 million), as there are married men who are sole support of their families, and 62% of all married couples have two incomes.

The Ozzie and Harriet family has been replaced by the Cosby's with a wife working outside the home and a dad that cooks.

Because workforce policies were designed to fit the traditional family, they don't fit the new-age workforce.

My expertise is in the area of corporate child care. I have been working with companies for ten years on the issue of child care -- consulting, doing research, writing.

One of the greatest stresses on today's family is child care, and the child care system isn't working. There isn't enough child care; it is too expensive; and much of it is not very good.

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 the 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 would 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 is 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.

The crisis will never take care of itself. Financial resources must come from another source besides parents. So, pressure is building on employers to help solve the crisis for families, and their involvement in child care is helping. It has created more child care; new centers are opening -- Union Bank has just opened a center in Monterey Park for employees. It has made child care more affordable -- the City of Santa Monica has just implemented a \$100 per month reimbursement for city employees and a Flexible Spending Account to allow employees to pay for child care with pre-tax dollars.

The Los Angeles Department of Water and Power has implemented a comprehensive child care plan for department employees. The DWP is collaborating with California Pediatric Center to set up a program for the care of mildly ill children, which will be open to the community as well as DWP employees. In addition, the DWP is setting up a Family Resource Center which includes counseling, a library and child care referrals; and giving grants to local child care providers to admit DWP employees on a preferred basis with reduced program tuition.

I have done two national studies of corporate child care. In 1982, there were 415 companies which gave child care assistance of some form to employees. Today, there are over 3,000. The rise is dramatic, but it still is a drop in the bucket compared to the 46,000 companies in this country with more than 100 employees.

I should make it clear, however, that employers are not, despite what you may think and the image created in the press (in large part to encourage activity among employers), lined up around the block to get into child care. It doesn't just happen naturally without direction -- they still have tough questions (liability, equity, cost) and don't know where to go for answers.

They are caught in an information gap because employees who can't be out front about need and the effect of child care problems on their performance. So, management has no way of knowing the extent of the problem or how much it is in their self-interest to do something about it.

We need more pro-active incentives. Two aspects of the new Los Angeles City Child Care Policy can help -- if they are implemented strongly. They are somewhat watered down from the way I originally proposed them.

1. All employers are encouraged to adopt stated policy on child care. They should be changed to required. 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, many will decide to do it on their own.

2. Vendors with stated child care policies bidding on contracts with the City of Los Angeles shall receive preference. This should be changed to say, "Vendors which offer child care assistance bidding on ..."

This same principle is being considered at the national level. The City giving support for this federal policy is important; it is now being developed by the Government Activities and Transportation Subcommittee of the Committee on Government of the House of Representatives.

An ordinance should require that developers allow space for child care because this would create more child care. Developers are one more piece of the puzzle. Permitting money from the fund created by their fees to underwrite operating as well as start-up costs is an idea the city should support.

Certainly, the City of Los Angeles should act as a model employer, and should provide substantive child care help to all city employees. Substantive is not defined as setting up a single "self-supporting" child care center for city employees, but solving the problem for the bulk of employees.

Finally, wherever possible, the city can keep up the educational campaign to raise the level of awareness of the public and private sectors about child care. Information dissemination is the key to solving this crisis.

CHRISTOPHER McCAULEY: Are there any questions?

MARY KELLY: We talked a little bit before Dr. Burud gave her testimony, but I do have a question about what's happening at the federal level. Where did that idea come from?

SANDRA BURUD: It came out of a telephone conversation I had. I had been asked to testify at a hearing on federal child care policy. They are now considering whether they should have a broader policy about providing child care at federal buildings. So, it's a subcommittee of the House of Representatives. It's a very long name -- I don't even try to remember. They asked me to testify about that and I said to them, "I have an idea that I would like to plant in somebody's brain if you will tell me who the right person is." And they said, "We are the committee that handles that and we like this idea very much and we'll develop it into legislation." But now they're struggling with exactly how to do that.

THOMAS FRANK COLEMAN: I have one question. You were saying about the city policy was weakened to allow employers to merely have a policy that might say, "Our policy is that we don't have a policy." Secondly, it seems to me that that's somewhat weak if you're giving preference to those who have a stated policy and it could be strengthened by giving preference to those who provide something.

SANDRA BURUD: That went out of my brain when I was talking. That was the original proposal. Thank you very much for clearing that up. Give preference to those that provide childcare assistance. That was the original proposal.

CHRISTOPHER McCAULEY: Additional questions for Dr. Burud. (No). Thank you very much. I especially appreciate not only you coming today, but that you not only pointed out some of the specific problems, but gave us some examples of the programs that you were impressed with -- so that we could also site those. I think it's important also to show cities, companies, others that are making efforts so that there are models.

Dr. David Wood from the Venice Family Clinic is here to speak to members of the Task Force about homeless families. We've had some previous testimony in this area, very interesting and we're delighted to welcome you today.

**DAVID WOOD, M.D.**

**Venice Family Clinic**

Homeless Families: A Growing Crisis

DAVID WOOD: I'm a pediatrician at Venice Family Clinic. I see homeless families daily. I'd like to communicate three basic points today: (1) the magnitude of the problem; (2) who are homeless families and why families are becoming homeless as opposed to single adults becoming homeless; and, (3) what are some concrete steps that the City of Los Angeles can do in this area.

Photographs of disheveled children and their despondent mothers daily appear in the newspapers across America. The average reader is overwhelmed with the barrage of images of single men, aged beyond their years, and elderly women living chronically on the streets. They read about families, of every size, shape and color with all their belongings packed in a car. All these people have one thing in common -- they have no home. They must expend enormous amounts of daily energy just to find shelter and survive the night.

We are facing a new epidemic of homelessness in this country. Nationally, there have been several estimates on the size of this population, varying from a very conservative 300,000 to 3 million. The true number is somewhere in between. At least 40,000 to 60,000 of these homeless are living in the Los Angeles area. Traditionally, the homeless population has been characterized as aged men, who suffer from either alcoholism or mental illness or both. This is no longer true. Homeless families are now the largest and, unfortunately, the fastest growing segment of the homeless population. The New York Partnership for the Homeless found in their recent study that families now comprise 35%-50% of the homeless population of New York. This means that 20,000 to 40,000 families have no place of their own each night. In Los Angeles, the numbers are very similar and equally alarming. Many more established shelters have opened to service primarily families. Several more established shelters, such as the Venice Bible Tabernacle, are filled to capacity with families. Nonetheless, families with children still create the greatest demand for shelter beds in Los Angeles.

What is the problem? To answer this question we must ask two more specific questions. Who are the homeless families? Secondly, why are they homeless?

Homeless singles are different from homeless families. Homeless singles, as documented in Los Angeles in a study by Farr and Kogel, tend to be predominantly (96%) male. The majority have never been married. They have a high rate of mental illness (45%) and alcohol or drug abuse (34%). The average age is dropping, but it is over 30, and 40% are over 40 years-old. They live in missions (28%), or hotel/motels (25%) or on the streets (22%). Many of these men, the so-called chronically homeless, have been homeless for long periods of time.

Homeless families are very different on almost every count. They are often a single-parent household, headed by a young female less than 25 years-old. She had 2 to 3 children, half of which are under 5 years-old. The majority of the mothers had children before the age of 18. There are many "intact" families, especially those who have migrated from out-of-state to find employment in Los Angeles. In a study by Traveler's Aid, 45% of the families had two parents. Mental illness in this group is characterized more by situational depression rather than the schizophrenia or chronic affective disorders in the single adults. It appears to be much less chronic and more easily treated with the provisions of basic needs and counseling. Drugs and alcohol are not as common, but they do often play a role in precipitating the crisis that made the family homeless. The families tend to stay with friends or relatives or live in crowded communal situations until these resources are depleted, and as a last resort they use the shelters or hotels/motels. Only a few of the families live on the streets or in cars, since it is tough to survive on the streets with children. The most outstanding difference is the length of homelessness. The majority of the families are transiently homeless, but to a recent economic or personal crisis. But the situation often becomes chronic due to the difficulty in finding affordable housing.

That brings us to the second question of why these families are homeless. What has happened in the past five years to produce such a dramatic rise in this population? This question has been addressed in several articles and in congressional hearings. The three primary reasons for homelessness in families are: (1) Scarcity of low-income housing; (2) inadequate income or public assistance benefits; and (3) increased prevalence of personal crises. The 1986 Congressional report found that:

The scarcity of low-income housing appears to be the main cause of homelessness. Poor people simply cannot afford the majority of available housing in the United States. The low-income housing supply is dwindling (a projected shortage of 1.7 million units in 1990) due to such factors as urban redevelopment, condominium conversions, decreased construction, increased demand from higher income renters, and the virtual elimination of federal funds from the construction of low-income housing. Families are a large percentage of the 2.5 million people who are displaced from the homes every year as a

result of eviction, revitalization projects, economic development plans and spiraling rent inflation.

In addition to the housing shortage and spiraling rents, families simply do not have enough income to both eat and pay rent. In 1970, 1 in 10 American families were headed by females. In the various shelter populations, from 55% to 85% of the families are headed by women, with 2 to 3 children each. Half of the female-headed families live below the poverty level. All of the homeless families are living below the poverty level. Almost all qualify for AFDC, but many have lost it due to failure to report address changes or loss of address. Those on AFDC find the level of payments insufficient to prevent homelessness. The increase in welfare benefits has simply not kept up with the rise in housing costs. In Los Angeles, the AFDC payment for a family with 2 or 3 children is from \$617 to \$734 per month. Rent will consume a minimum of \$500 to \$600 per month in Los Angeles. This leaves very little for food, clothing, utilities, transportation, and medical expenses such as medicines. A young family can spend \$40-\$80 per month on diapers and formula alone. The numbers are very tight, but when one adds a \$1,000 deposit for security-and-last-months'-rent, the chances of getting into an apartment and staying there are slim.

The third contributing factor to homelessness is related to the strength of the families support network. Most families cited economic reasons for their homelessness, but one-third of the homeless families surveyed by Ellen Bassuk indicated that a personal crisis, such as a dissolved relationship with a man, battering, death, or illness had caused their state of homelessness. The mothers in Kay McChesney's study in Los Angeles commonly had no family members locally, and many had no living relatives. All families go through personal and economic crises, but the families who become homeless tend to be more socially isolated and have a limited support network to carry them through a crisis. As a result, they become destitute, only to worsen the isolation, depression, and economic instability. the reasons for this personal isolation are multiple. the homeless mothers are often from broken homes, have histories of being abused or neglected, were in foster homes, and have become full-time mothers in their teens. They have generally received little support in their own lives, thus it isn't surprising that they haven't developed supportive relationships for their own families.

What is the solution?

The solution to this rapidly growing national crisis must address the basis causes of homelessness. The following is a list of three crucial steps the City of Los Angeles needs to take in order to help alleviate the suffering of thousands of homeless families.



1) **Increase Affordable Housing:**

The increasing gap in affordable housing must be narrowed. The federal government, under the current administration, has cut almost all public housing subsidy. Many experts feel we are just beginning to see the effects of an increasingly inadequate supply of affordable housing. Many more families will become homeless if more housing is not made available. Rent payments should be determined through an ability-to-pay system, so that single mothers on welfare or single working parents can afford housing. If the city does not become actively involved in generating affordable housing, it will be burdened with the increasing cost of less effective, often degrading emergency services. Although necessary, emergency services do little to solve the basis need for housing.

2) **Develop and Advocacy Program:**

More emergency services are necessary to help families stabilize and find permanent housing. The city already has instituted a limited grant program to give families money to help surmount the problem of "first and last month rent." More money needs to be allocated, and an active home-placement service that could assist emergency shelters needs to be instituted. Shelter supervisors cite the search for apartments as the most consuming and frustrating of their many tasks. The shelters are forced to provide extended stays (weeks or months) to families because they cannot find affordable apartments. Thus, they are greatly limited in the numbers of families for which they can provide emergency crisis intervention, stabilization, an relocation services. If patterned after the Info Line (a county-wide clearing house for emergency shelter placement), this could be seen as a true partnership between the public agencies and private shelters or emergency service organizations. Why couldn't the city institute a Housing Clearinghouse, to scour the city, look for affordable housing, maybe even convince some landlords to lower rents, and then help the shelters place these people?

The other part of the advocacy service that the city could establish, would help families access social services. Many of these services are county run, but it is often very difficult to send a mother out to 18 different agencies to get her plugged into the county support system. Mothers need advocates. They need someone to walk them through the system. If the city did not want to do the advocacy itself, it could offer grants to the shelters so they could expand advocacy services.

3) **Emotional Support Systems:**

The city could help alleviate one of the main problems of homelessness -- lack of social and emotional support systems. The shelters and crisis centers try to do counseling and skill training -- but they need help in

trying to connect these people with a support system because this kind of work is expensive. The crucial element here is people-to-people. These families need to be cared for. The city could help subsidize this through grants. We could really have a public/private partnership in this way.

There are many other issues with this population. I have avoided the health issues entirely in my presentation. The homeless problem is growing very rapidly and it is not going to go away on its own. It is going to be more embarrassing for the city unless we do something about it.

CHRISTOPHER McCAULEY: Good. Thank you. Do we have questions for Dr. Wood?

TERRY GOCK: It's more a point of information. In terms of the mental health part, in terms of counseling and so on, is there any interface between your clinic with any of the mental health facilities around to provide some of those services -- and how does it work in terms of adequacy and so on?

DAVID WOOD: I think for families, the mental health issue is broader than we normally think of. Besides treating depression, anxiety, there's the issue of behavioral problems -- the children, parenting issues, family disruption, disfunction -- which require family counseling. It's a very complex process and I think we do a very bad job of it. Venice Family Clinic is very well connected into the services on the Westside, including Didi Hirsch, Benjamin Rush and other services that have been set up by the county. We have informal counseling referrals through St. Joseph's and other centers, but it doesn't begin to meet the need. It's a very frustrating thing to see. One of the encouraging things I have seen in these families, though, is that -- with the meeting of basic needs and a minimum of support from another person who cares -- I see a lot of the depression, a lot of the anxiety and anger begin to really resolve, and they begin to take power over their own lives and do something. So, I think that mental health intervention is a different kind for families than for single adult males. And it's mostly basic-needs and person-to-person support. With that you'll take care of 80% of the problem. But those people are hard to find.

CHRISTOPHER McCAULEY: I just want to do two quick follow ups. You had estimated shelter beds for families in the 500 range. Also, can you comment on the Hansen case -- the gap between available housing for families together as opposed to being separated, related to the Hansen case. I was just surprised at this figure of 500, you are meaning there are places where families can remain together?

DAVID WOOD: No. If a family becomes homeless and calls Info-Line and says I need a place to stay the night, and again probably 70% of those will be single mothers with children and I call that the family -- they will

have about 500, 600 beds. Those aren't beds, probably 100 of those are pews, places on a floor to sleep, and it's difficult to place. The families I think are placing the greatest demand for shelter beds. There are probably 4,000-5,000 shelter beds in Los Angeles, but the vast majority of those are for men or single women and adults, and when you get children involved it becomes more complex. When you get an intact family involved it's even worse because many of the shelters, Sunlight Mission for example in Santa Monica, will take women and children but men are not allowed -- and it's very difficult to manage that kind of a situation.

CHRISTOPHER McCAULEY: I want to come back to that phrase you used about "intact families" and I wondered if that could be experienced as a pejorative term. I'm just exploring this with you because I'm not sure. Certainly there are millions of families at various economic levels who have a single adult member of that family and children who are viable family units and I wondered -- do we have other words we could use for that?

DAVID WOOD: I don't see that as a pejorative term but I can understand you seeing that way. I think basically a two-parent family versus a single-parent family. I think the stress on a single-parent family in this setting is much greater than on a two-parent family and I think that's why we emphasize the nature of the single-parent. I think two-parent families survive much better within the setting, and by "intact" that's essentially what I mean -- a two-parent family.

CHRISTOPHER McCAULEY: That's O.K. I didn't mean it as a criticism, the terminology certainly in drafting a report is real important to us and we're sensitive about that.

NORA BALADERIAN: As a single-parent I have funny feelings when you say "intact" family because it makes me feel like I don't belong in an intact family and I think I have a viable intact family. So it doesn't feel good. In terms of whether or not it's pejorative, as a member of the @pejorative group, it doesn't feel good.

DAVID WOOD: I hope that that's not the message you take away from my presentation.

NORA BALADERIAN: No. Maybe we need to look at that.

DAVID WOOD: Well, actually "intact" is somewhat a useful term in this setting because of the shelter problems, and because of the welfare problems, qualifying for welfare. If the man or the woman cannot find jobs, and they have to apply for welfare then they are split up. And they are no longer intact. They are literally broken apart. And the same thing happens in shelter. They often have to split up to find shelter.

NORA BALADERIAN: That isn't my question. I like "two-parent" and "single-parent" -- that feels lot's better -- or three-parent -- then we leave the options open for however a family is organized. My question though had to do with -- it's two part. Of the families that you work with, how many of those include family members who have disabilities? And are the shelters you're talking about accessible to persons who are hearing impaired, or who have mobility impairment?

DAVID WOOD: I would say -- I've been in probably twelve shelters that service families -- and the funds are very limited also -- I've not seen shelters that can adequately handle Spanish-speaking let alone hearing impaired or visually impaired people.

NORA BALADERIAN: So they don't have TDD's on the phone lines?

DAVID WOOD: No. I'm not an expert on this. I think there are some places for those, but anyone who's homeless and has any other strike against them -- it just really makes it that much more difficult to find shelter whether it's hearing impairment or any other disability. Bringing up the word disability, as a pediatrician, I have to jump in and say that the children have tremendous disabilities.

One of the major findings in the current literature on homelessness is that almost 50% of the children are developmentally delayed -- significant delays. What I see is tremendous anxiety disorders in the children. You're uprooting them, they have very little security. I think it has tremendous impact on the children -- we didn't even talk about them. But I can't say how much disability they're experiencing. Any children with disability -- most of which is undiagnosed because they haven't had adequate health care -- they have very little access to services.

NORA BALADERIAN: Well 50% is a far cry from 3% which is the percentage of disabled children in the regular population.

DAVID WOOD: Ellen Bassuk did a study in Boston where she interviewed approximately 160 children and did intensive psychiatric interviews with the parents and the children and also did developmental assessments. That is the number that she found. It's startling! Startling!

CHRISTOPHER McCAULEY: Thank you very much. Michael Eng is here. He is an attorney and Co-Chair for the Coalition for Harmony in Monterey Park. He's here to talk about immigrant families, particularly the issue of the "English only" initiative and how it affects social relations within a city. Thank you for being here.

**MICHAEL ENG, ESQ.**

**Co-Chair, Coalition for Harmony in Monterey Park**

Immigrant Families: "English-Only" and Its Impact on Cities

MICHAEL ENG: Thank you. I'm really pleased and privileged to be here. I think this is a tremendously important gathering we have here. I'm passing out some literature. I take everything literally and it said to prepare a two-page or more summary and I did that primarily because what is in there is probably far more significant than what I'm going to say. There's also a map of Monterey Park there which was put out by our organization -- the Coalition for Harmony in Monterey Park -- so I just wanted you to have something to take back with you.

I'm sure that some of you may have seen the two-part article in the Los Angeles Times the last few days on the Asian influx in Monterey Park. I have to thank Dr. Terry Gock for asking me to appear this morning. This is a topic of tremendous concern. I have lived in various parts of the City of Los Angeles. I've lived in Silverlake and Echo Park, and I've lived in downtown Los Angeles, and I've lived in northern Los Angeles, but moving to Monterey Park has been a tremendous experience for a number of reasons.

Someone said that Monterey Park is a bellwether of what the City of Los Angeles will become in a very, very short period of time -- for a number of reasons -- first of all, the demographics. Monterey Park right now has about 60,000 residents. We are the overflow for the City of Los Angeles. Many people who don't quite fit into your cities or your councilmanic districts -- they end up in Monterey Park and the surrounding cities. Our population is going to reflect the population of most parts of Los Angeles very shortly. We are about one-third Caucasians, one-third Hispanics, and one-third Asians. We have foreign language signs that are beginning to dot our neighborhoods and many of you have begun to see that as well in your neighborhoods. We have mini-malls by the thousands. I understand Mike Woo had a press conference recently on mini-malls. You haven't seen mini-malls until you come to Monterey Park. Monterey Park is the mini-mall capital of the world and I'm not necessarily putting it down either. Monterey Park has experienced not just White flight, but White flight in the sense that Anglo families are seeing their neighborhoods -- to use their term "invaded" by minorities, in this case Asian Pacific Americans and immigrants. Then you have the political factor. You have the tremendous congestion; you have dissatisfaction with development. This

referendum or moratorium on development that we will be seeing in the City of Los Angeles started actually as a movement about three years ago in Monterey Park. So Monterey Park was the forerunner of the desire to control what people perceive as unrepentant and rampant development.

Monterey Park, as I started to say, is a politically interesting city in the sense that the final part of this is that there was a political movement that attempted to seize on the congestion as a way of combatting or dealing with these particular issues. If the Monterey Park experience has taught us anything, it is that racial tension will be a major part or major experience of every major California city in the years to come. The shifting demographics and the shifty demogogs will combine to make this a reality. What is the recipe for racial disharmony? You take a cup of shifting demographics as we have. Monterey Park, two years ago, was the all American city. It was a city that was selected in a National contest to identify the city of the future that had dealt with its problems in view of shifting demographics. Two and a half years ago it was the only city in the Western region -- one out of seven cities nationwide -- to be selected as the all American city.

Today Monterey Park is in shambles. Throw in or throw out as the case may be a pinch of racial demogogs. In the last City Council race where three of the minority incumbents were thrown out, one candidate was quoted as saying on a metropolitan radio press conference that this particular ethnic group -- the Chinese -- "are knocking, knocking, knocking, they're knocking on our door. They want to buy all our properties. They want to kick all of us out." Throw in some non-English signs for seasoning and you have a recipe for racial disharmony that inspired "English as the Official Language".

"English as the Official Language" many people recall as Prop. 63 which was in the November election of 1986. Actually, "English as the Official Language" started in Monterey Park about two years before that when a homeowner, seeing the non-English signs, began going door to door to collect signatures to make English the official language of Monterey Park. And if you're reading the little handout, you know that Proposition 63 made English the official language of California and called on the Legislature to take whatever action was required to implement that. And then, interestingly enough, gave citizens the right to sue to enforce any particular provision of this proposition -- as vague as it is -- that they saw fit. Some people argued that this would affect things like bilingual education, 911 numbers -- when in the dead of night an immigrant calls the police and heretofore has perhaps an opportunity to hear a dispatcher in Spanish ask him or her what the problem is. There were a lot of rumors as there were in Prop. 13 regarding what the effect would be. Let me tell you what the effect was in Monterey Park.

The day after that Prop. 63 won in our city, the leading proponent in the city -- who is now a city councilman -- urged: (1) that all the business signs that were not in English should come down; (2) that bilingual education programs in the schools should be reevaluated, presumably to cut out all of these programs or to diminish their effect in some way; (3) that all city-funded publications -- such as bilingual newspapers -- which translated English stories into another language for the benefit of immigrants should no longer continue in their practice. And several others have predicted that the next thing that will follow will be health and safety measures -- such as the bilingual 911 police dispatchers that now offer translation in languages other than English.

I'd like to close with two points: (1) the impact that I see will happen probably in cities like Los Angeles; and (2) what the potential is for solutions.

The impact I think would be threefold. I think there will be resolutions, court challenges, and bills that will seek either to deny funds for bilingual services or to cut down things like the signs that you've all begun to see proliferate in many of the mini-mall parts of your city. On the other hand there is also going to be litigation that will demand more funds for literacy programs for people that are bilingual or for people who are not fluent in English. I happen to sit on the Library Commission in our city and our library is responsible for offering tutorials and tutoring for the benefit of people that want to speak English -- and in Monterey Park the waiting list always exceeds 50 to 100 people. That was something they didn't tell you when they were campaigning for Prop. 63 -- that people are really trying to make efforts to learn English, but there just are not enough tutors and I'm not talking about tutors that are fluent in two languages. The best tutors are those that are fluent in one language, because they have more incentive to encourage the tutee to speak English if that's what the desire is there.

I think, secondly, there will be tremendous psychic, emotional and sociological fallout from the racial tensions that give rise to the English-Only movement. Racial tensions hurt families; racial tensions hurt children. Racial tensions split parents from children. When I was growing up I spoke nothing but Chinese for the first seven years of my life. When I went to school and learned that there was a whole other language there that the majority of the population spoke, I came home and I was ashamed to speak to my parents in my language. And this caused a tremendous amount of rift between me and my parents for a very long time. And even today, I have trouble resolving those deep feelings of self-hatred that I felt many many years ago growing up as a child -- hearing them ridiculed when they spoke with an accent. I think the biggest effect will be the sense of shame and inferiority felt by children who are not fluent in English and the attention that this particular resolution, Proposition 63 has caused.

Third, I think there will be the political implications that immigrants or foreigners can be easy targets or scapegoats during elections -- and I think we've already begun to see that happen. You want to get elected? Fine. All you have to do is point to those signs, point to those children chattering in gibberish, point to the overcrowding and blame the foreigners and you are going to probably get 50% of the vote -- and I think that's going to be a tremendously negative downside from this type of thing. Although I think the potential for negative impact is great, I think the potential for solutions is also tremendous and I think the future is bright.

I would suggest three areas of concern for your committee and for cities that are interested in attacking this problem before the problems arise. I think first we have to develop a comprehensive program addressed at eliminating illiteracy and actually teaching more and better English. Someone estimated that 10% of the entire population of the United States is illiterate. The need and desire to speak better and more English is not just limited to immigrant families. You will see people who were born here trying to cash checks who cannot even sign their name and have to mark an X every day at the liquor stores in every major part of the city.

I think, secondly, we have to develop a method of conflict resolution at the local community or town-hall level. I wish that in our city we had a group of people like you who perhaps met once a month or once a year -- people who came from all walks of life and who represented the best of each ethnic community. And I wish that we would be able to take testimony and try to anticipate conflict before it rose to the level that we now see in Monterey Park where there is pitting literally neighbor against neighbor and friend against friend. I think that we have to look away from the courts, away from the Legislature. We have to get back to our roots, back to the families, back to the blocks, back to the precincts for conflict resolution.

Third, I think that we have to have a strict policy on signage, that as I said, is democratic in the process and yet constitutional in the output. Signs are the very first indications of problems when people start getting upset about signs. That was the key thing that should have set us off embarking on solutions. Signs are literally and figuratively the lightning rod for polarization in each community and I think you've got to have a very strong policy on that because that's the first instance when people that feel left out of the process, and want to blame the foreigners, will start making it a political issue.

So, in conclusion, all I can say is that I think that racism hurts families -- it hurts children. The stigma of one or two comments at an early age will be left with a child even as he or she reaches adulthood. It will translate into attitudes that will be unhealthy for society as a whole. I like to think of racial incidents in the same way I do child molestation.



It will take only a moment for this to happen but it will live on in the memories for years and years. Thank you very much.

CHRISTOPHER McCAULEY: Thank you very much. Questions for Mr. Eng.

LOUIS VERDUGO: I'm with the Attorney General's Office and as part of my responsibilities currently I'm monitoring all of the legislation regarding Proposition 63 and I was wondering what the City of Los Angeles has in mind as far as some of these bills are concerned. Some of them are very important and would effect, for example, the City of Monterey Park. There are two bills, SB 930 sponsored by Senator Torres and AB 183 sponsored by Assemblymember Harris that specifically exempts local government from the dictates of Proposition 63. This legislative session is only going to last for another couple of months and these bills are moving along. Other bills for example, SB 8, SB 9, SB 135 deal with English-as-a-Second-Language classes, which, again, I think addresses some of the problems that you were talking about -- providing more funds for English as a second language classes for people that need this help in acquiring English language skills. The bills just go on and on and on. But it seems like that is something that this Task Force needs to maybe get to Councilman Woo and other members of the City Council. The time is of the essence here. These are the first slew of bills that are coming through. There's maybe 7, 8, 9 of them and every day I get a new one.

CHRISTOPHER McCAULEY: Would you be able to make copies of those bills available to the committee?

LOUIS VERDUGO: Oh, sure.

CHRISTOPHER McCAULEY: Good. I'd like to recommend that. One of the things I think you're alluding to that is very good. that is that Prop. 63 may not be completely all on the down side. If we can use that as a mandate to teach better English than we could ask -- in the spirit of Prop. 63 -- we should also ask them to allocate more money to teach English literacy rather than to just see it as an attempt to remove bilingual education. There will be some lawsuits coming up by some groups that will try to enforce Prop. 63 on the positive side.

LOUIS VERDUGO: Right. Thus far we haven't had any yet, but they're going to come soon.

CHRISTOPHER McCAULEY: People are mobilizing for that.

LOUIS VERDUGO: And most likely they'll come probably in the fall after the first few bills are enacted into law.

THOMAS FRANK COLEMAN: I'm interested in following up on this idea of a community round table. First, is there a round table like that in Monterey Park?

MICHAEL ENG: No. I think the important thing is that a round table has to have the backing of the local government. The City Council went through a tremendous change and I've made that suggestion but I haven't heard any of the present City Council members take that suggestion up. Several of us made that suggestion a year ago when we saw the racial tensions begin to escalate. But no one has done it in either an official or unofficial way.

THOMAS FRANK COLEMAN: And following up on that, is this similar in concept to the Human Relations Commission?

MICHAEL ENG: Our Human Relations Commission was, unfortunately, emasculated in terms of an experienced loss of staff -- depending on how you want to see it -- and a lot of the players that were important or were at the fore, say two years ago, are completely different now. So I think something that's more of a timely blue ribbon committee that perhaps changes, maybe has a short term of every six months, we have a new representative from this particular ethnic group, might be better because once you appoint someone to say a Human Relations Commission, for better or worse they are there for four years. But yet with the shifting demographics, the players change in the twinkling of an eye overnight and you've got to keep up with that. Yesterdays spokespersons are really not the same as today's.

CHRISTOPHER McCAULEY: Did you have any assistance available from the County Human Relations Commission -- you mentioned City effort was slightly defunded and players changed?

MICHAEL ENG: I know that they had a countywide hearing on Prop. 63 which members of our organization the Coalition for Harmony in Monterey Park -- CHAMP -- some call us chump -- we've been called everything under the sun, but we testified there. They took a very good position against Prop. 63 and that helped us tremendously.

CHRISTOPHER McCAULEY: Well I meant specifically in terms of conflict resolution were any of the county people helpful?

MICHAEL ENG: The only group that came down was the U.S. Department of Justice. They had a conflict resolution team that came down for one or two sessions. Unfortunately the effect, although not their intention, was actually more divisive than when they came in.

TERRY GOCK: Regarding your suggestion on developing a policy on foreign language signs, is there something specific that you might recommend in terms of how would it be democratic as well as constitutional?

MICHAEL ENG: Well, I think the democratic part is very important. I think a blue ribbon committee that set up two or three issues for the year may want to take public testimony on that before some citizens groups go door to door with a petition against the foreign language signs. On the constitutional issue, I think you have to have law students attorneys, teachers, scholars in on the process as well as representatives from the ethnic community that are being railed against. So I think that's what I would see as very important. Our particular current proposal -- now one City Councilman said that his goal is to eliminate all foreign language signage in the city -- I don't think that's constitutional. We've also had a proposal that was enacted saying that, except for large corporations where you automatically know what the type of business they are, then every other business has to have a sign that shows what their particular type of business is. I don't have any problems with that, it's just that it exempts big business like McDonalds. They said McDonalds doesn't have to say hamburger because you see golden arches and already you know you want to puke -- I mean you want to eat hamburgers -- I'm a vegetarian so I can say that. Or Mobil, or once you see Union 76 you don't have to say gasoline. I think that's discriminatory against small businesses.

UNIDENTIFIED: It's surprising to me that someone hasn't challenged Proposition 63. Isn't it unconstitutional both on the level of denying right of free speech and denying just general rights of someone to run a business the way they see fit. I mean isn't one sign one's own business?

MICHAEL ENG: I think this gentleman may know the answer to that more than I do. I think in terms of where I come from people are waiting to see how it's going to be implemented. For example if someone says I'm going to cut out translators for the 911 program in the City of Los Angeles, there will be lawsuits against that. If someone tries to say cut bilingual education or tutorial programs in the schools, there will be suits. I think people are waiting to see. I think it's going to be difficult just to attack it on its face in terms of the way that it was enacted. So I think that's where you should also be alert to. You should have people that are already studying ways -- you have to have an ear to the ground to see how people are going to start interpreting and having their lawsuits either locally or on a statewide basis -- trying to anticipate the friction. Many times when people file the lawsuits they're trying to express a need that they feel has gone unnoticed in their community. They're saying you've paid attention to all those "down" foreigners you haven't paid enough attention to me -- I'm a 50 year resident. And if you can anticipate that, then I think that's the best way of nipping this in the bud.

FRANK RICCHIAZZI: My question is this. It appears that in Monterey Park we do have an extreme as compared to the rest of the State of California. What has developed there is very strong camps on both sides. But Proposition 63 was supported by, I think, 80% of the people of the State of California. And though a percentage of that 80% would have been strictly for prejudicial purposes, I would believe that the vast majority of Californians supported the proposition for some other reason -- something that they felt was wrong or that they felt was needed to be changed. And for those who weren't bigoted and who were concerned and did support 63, what do you think they were trying to say?

MICHAEL ENG: I think it's what I just alluded to -- is that many long time residents of your city voted for it. They said, "We are going unnoticed. You're not hearing our problems. We've been residents for 50 years and we've seen our neighborhoods being invaded with signs and junk food markets and we've seen our children exposed to foreign languages." I don't think that people who voted for Prop. 63 are all racist; I agree with you they are not all bigoted. There is a kernel of sincerity there where people are crying out and that's why I'm saying it's the responsibility of local government to anticipate the tension before it erupts into either racial violence or what I call political violence -- something like Prop. 63. They're trying to say, "I have questions and needs that have not been addressed either in terms of development or in terms of bilingual education or in terms of gang violence on my street." I guess, speaking of gang violence I think that's the key.

CHRISTOPHER McCAULEY: What a great transition...love that! Thanks Mike. Bruce Coplen, Deputy City Attorney, City of Los Angeles is here from the gang violence unit to discuss education and counseling as two components in dealing with the issue of youth gangs. We'd like to welcome him, and thank you for coming.

**BRUCE COPLIN, ESQ.**

**Deputy City Attorney, Gang Violence Unit**

Gaining Control of Youth Gangs

BRUCE COPLIN: Thank you very much. I'm the coordinator of a prosecution unit. What we do is -- we focus intensified prosecution efforts on problems of gang violence. I am, however, familiar with many of the causes of, and potential solutions to, gang violence, and I want to address those a little more today although I can't possibly hope to cover the subject matter in 7 minutes.

I brought along complete statistics from the Los Angeles Police Department for last year. I also brought along the report of the state Task Force on Gang Violence. It has a lot of good findings and recommendations. In addition, I brought along a booklet which was prepared several years ago by an individual in our office which talks a lot about the problem of gangs, their origins, and contains a large segment on graffiti and how it's read. So please look at those materials for your interest.

I think most of you probably are most familiar with the problem of gang violence. You've seen graffiti crop up in your neighborhoods -- all the scrawlings and handwritings on all the walls and buildings that are creeping into many segments of the city. But I want to call your attention to what I think is a much more serious problem -- and that's the problem of gang violence.

Last year in the City of Los Angeles, 187 people were murdered as a result of gang violence. In addition, there were 265 attempted homicides, for a total 5,124 major felonies, including rapes, robberies, and murders -- that kind of thing. I'm not talking about simple burglaries, thefts, or simple assaults where no one died, but rather, 5,124 major incidents like that related to gang violence. That's a 23.8% increase over 1985. So what we have here is a very, very major problem and it's only getting worse. I don't want to be completely discouraging because there are certain neighborhoods in the city which are seeing a decrease in gang violence; notably East Los Angeles, through the cooperative efforts of a great many public and private agencies and groups there has been a significant decrease in the problem in East Los Angeles. On the other hand in South Central Los Angeles, the problem has gotten completely out of hand. What is happening there is that street gangs are becoming involved in sales of narcotics and robberies. The result of this is that it's gotten completely

out of hand. What used to be a problem of zip guns and knives has now turned into a problem of Uzis and semi-automatic weapons. Just the other day a woman who was walking down the aisle of a church was shot dead as a result of a gang fight that happened in front of the church.

The problem is becoming largely profit-motivated also. There are gang members today who own Rolls Royces, who have bought homes in Beverly Hills, who own two Ferrari's -- and I'm not exaggerating. I have cases on my desk where individuals who have had no jobs, who are 21 years old, own a Rolls Royce, paid for outright.

This is not a law enforcement problem strictly. Overall it is a social problem. It's a problem of our families. It's caused by problems in the family and it also affects our families. It tears them apart. We need to look at it from that perspective.

In order to understand the problem of street gangs, we must be aware that there's no one single cause of it. Part of the problem is economic deterioration and the inability to find jobs. Part of it is a result of drug use and drug sales. Part of it is a result of a failure of our governmental and social institutions to address today's youth in a meaningful fashion. Cultural prejudices and ethnic rivalries also contribute to the problem.

In order to really understand the gang problem, you have to understand, I think, the difference in racial make-up of gangs, because every racial group in the city has gangs.

If you're talking about Latino gangs, there are multigenerational gangs where father and grandfather, were both members of the same gang. I think it traces back to language barriers, to cultural issues -- traces back to a feeling of alienation from the majority community.

If you're talking about black gangs, I think you're talking more economic issues. The gangs of today are becoming more and more involved in profit-making activities.

If you're talking about Caucasian gangs -- and there is such a thing although many of you may not be aware of it -- there are many Caucasian gangs who are into satanic and heavy metal types of things. Just last night I saw a report where they found dogs that were skinned in a certain outlying community. One of the possible explanations is satanic groups. So please refer to the materials I brought for some of the greater explanation.

I want to stress that it's my opinion that there are two major focuses of a solution to this problem. The first, although not necessarily the most important one, has got to be increased law enforcement for certain individuals. Because whether you're talking about street gangs or you're

talking about the overall community we have a principle that somewhere between 60% and 70% of all serious crime is committed by 2% of the individuals. This applies for overall community crime as well as for youth crime -- and it also applies to street gangs.

What you have in street gangs is like concentric circles. The smallest group of individuals -- and it's a fairly small group -- are your hard core gang members. These are the individuals who commit the majority of crimes, who are repeat offenders, who are also your cold-blooded killers, who will walk up to someone and shoot them in the face -- and this has happened. Then you have a somewhat larger group of people who are associates who sometimes hang out with a gang, sometimes commit minor crimes, but are not known as hard-core gang members. Then you have a much larger group of people who are called peripherals who are acquaintances or once-in-a-while associates of the gangs. The majority of the crime are committed over and over again by the hard-core gang members and so one component of the solution to this problem has got to be increased law enforcement against the hard-core repeat gang offenders.

Also, and very, very importantly, we'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.

My office has authored, actually I drafted some -- new legislation which I think will go a long way toward providing some solutions. I'd like to call it to your attention. It contains a number of components.

The first one is increased penalties for repeated or hard-core gang members. The second and a major component I want to discuss is a forfeiture provision where some of these Rolls Royces and homes and large sums of money that have been accumulated by gang members would be forfeited. The forfeited money would be placed into a state fund which would be made available by grants to community-based organizations and other groups and individuals who are willing to participate in education and prevention and intervention types of activities. Together I think those two things are very very important toward a long term overall solution. This bill is SB 1555, principal author is Alan Robbins, Senator Art Torres, and Senator Diane Watson have also agreed to be added as authors. It is progressing and will come up for a hearing before the Senate Judiciary Committee on May 5.

I also wanted to make several specific recommendations for this Task Force and for anyone else who is interested. I think, as I said, Senate Bill 1555 is very, very worthwhile. I think we also need to continue to support law enforcement efforts such as CRASH and such as my particular section.

We need to encourage schools to develop and implement a district wide anti-gang and anti-drug curricula. Currently, there are several pilot programs in various schools around the district but there is nothing coordinated and nothing district wide which addresses this problem. In fact, some particular schools have a very major problem and choose to ignore the fact that it even exists. There are no classes, no programs, nothing after school which even attempts to deal with the problem.

The next recommendation is that we have to promote education and crisis intervention programs aimed at parents. As I said, this is very much of a family issue. How are we going to address the problem of delinquent youth unless you address the problems and needs of parents. In particular I am thinking that there ought to be programs in the City of Los Angeles, the County of Los Angeles and particularly the Department of Mental Health, the School District, and also private groups, such as churches and community based organizations, which are aimed at the needs of parents. Parenting courses and crisis intervention hotlines are only two potential suggestions. There are others, but we really need to address the needs of parents in our community if we want to make any inroads on the problem.

I think we need to promote and expand block clubs and neighborhood watch groups. Currently the City of Los Angeles, as well as the County of Los Angeles, supports an organization called Community Youth Gang Services. What they do is they have intervention teams which go to hotspots and try to intervene in gang violence and engage in prevention activities. I think it's a worthwhile program we need to continue to support.

We need a citywide graffiti removal program, not just to improve the visible appearance of our community, but also to send a message to gang members that their activity is not condoned -- that they are not welcome - - that they are not accepted as a part of our society. The longer we leave up graffiti, in effect what we're saying to them, "It's O.K. Go ahead. Continue to do whatever it is you're doing. You are accepted and welcome in this community." So we have to fight back and one of the ways to fight back is by removing graffiti.

We need additional job training and economic development in every segment of our society and particularly in the most impacted communities. Anything that's done to train our young people to get meaningful jobs, anything that can be done which will improve the economic situation of these communities, is going to assist in this problem as well.



Lastly, and not leastly, 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's 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 business, 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 the problem, and which are also going to draw media attention to the group. I think this is something very, very valuable that can be done at very minimal cost is to create a permanent commission in the area of street-gang violence.

Those are my recommendations and please refer to the materials for much more additional information. Any questions?

**NORA BALADERIAN:** I understand that with crack over the last two or three years there has been an incredible increase in gang activity and criminal activity like 238% -- something like that. How can kids look at the profits therefrom and go for minimum wage jobs?

**BRUCE COPLEN:** You're absolutely correct. Why should a person go to work at McDonalds for \$3.50 or \$5.00 or whatever it is they pay an hour when you can make \$500 or even \$5,000 an hour selling crack cocaine? And that is why one of the major components of the legislation that I've written is to seize the proceeds of that illegal activity -- seize the car, seize the money, seize the gold chains, because not only will that raise money for prevention, but it also takes away the status of the gang member who has those possessions. One of the major reasons that people get involved in gangs in certain areas of our community is for the status symbols, to the fancy cars, to have money in their pocket, to enable themselves to do the things that everyone wants to do. So your observation is entirely correct.

**THOMAS FRANK COLEMAN:** There's a bill pending, AB 63 which would increase penalties for bias-related violence. Is bigotry part of the problem with gang violence?

**BRUCE COPLEN:** Actually, the incidences of violence between the various ethnic groups has in the past been minimal, but is actually increasing. The traditional pattern is that gangs fight within their own ethnic group over territory, over dominance, and not generally Black against Brown or Brown against Caucasian. But, actually, it's occurring more and more presently because of the drug situation where you have differing ethnic groups in neighboring communities and they're really vying over the drug trade -- you are having more and more violence based on ethnic types of rivalries.

THOMAS FRANK COLEMAN: So that in the event that that race or ethnicity of the victim is part of the motivation for some of the gang violence, this might be an additional tool if it increases penalties for violence that's motivated in part by bias?

BRUCE COPLEN: I think it certainly would be helpful. I don't think that it's going to be the total solution to the problem but anything that is going to increase penalties for some kind of violence that's motivated strictly on the basis of ethnicity is going to be helpful, not only in the area that I mentioned, but one of the major causes I think of gang formation, not necessarily gang violence, but the fact that you have gangs forming in the first place is a sense of alienation on the part of the group involved; a sense of not being in the mainstream, of not belonging, of not speaking the language. These things contribute to not trusting the social institutions of the majority society and instead, forming your own group for protection reasons. And if you can decrease the sense of alienation that is felt by many of our ethnic communities then you are also going to decrease the tendency toward formation of street gangs in the first place.

CHRISTOPHER McCAULEY: I'm sure that you have been following the news reports about the recent rash of gay bashings in the Silverlake/Echo Park area. I live in that community and there have been community meetings, perhaps some that you've attended even in the last few weeks. It appears that there's a substantial underreportage for a variety of reasons that people who have been assaulted or harrassed or whatever. I wonder if your office is involved in any of the dispute resolutions in that area?

BRUCE COPLEN: I don't believe so. Certainly my unit has not been approached to participate. However, we would be willing to do so. I'm certainly very concerned about any incident of violence by street gangs against any group.

CHRISTOPHER McCAULEY: Well I'm particularly concerned, not only because I live in that community but because there's a perception, and it's important to be very careful about how those perceptions move that Latino gangs are largely responsible. It seems to be from police reports and from the press reports that a large number of those incidents recently involved juveniles. It's not always clear the ethnicity, nor the organizations -- the affiliations of particular people, so there's a documentation question here and there needs to be some work done I think by the police department as well as local government. I just wondered if you haven't been invited, we need to encourage you to do that, maybe proactively as well as encourage the city to include your unit in those efforts.

BRUCE COPLEN: Thus far we've not been included. I really couldn't speak to the issues because I haven't seen the reports.

CHRISTOPHER McCAULEY: O.K. Thank you very much for your testimony. Another question? Carol.

CAROL GILL: Another thing that's cropped up is whole thing on AIDS education that the Guardian Angels are doing. I wondered what your observations were on groups like the Guardian Angels or so-called positive gangs. We've heard good and bad about what they do in the community. What are your observations?

BRUCE COPLEN: Well I think you summed it up -- there's good and bad about it. Anything that they do toward positive education or toward protection of the community is good, but I'm also very suspicious of any group of individuals who wants to take the law into their own hands and feels that somehow they are going to act as their own police force. So, again, I'm not specifically aware of all the reports that are involved or the situation in this particular community because I haven't been involved up to this time.

CAROL GILL: But you see the Guardian Angels and groups like that as fairly autonomous from law enforcement agencies -- they're not working in cooperation?

BRUCE COPLEN: Yes, and I'm very concerned that whatever they do needs to be coordinated, and in cooperation with, law enforcement groups and not there off on their own, thinking that they are going to be their own police force -- because in fact they could be themselves in violation of the law.

CHRISTOPHER McCAULEY: It's a very interesting point. What happens is, as gaps occur in the perceived security of the population, they will create their own mechanism. That's why my question originally to you was about whether your office had been invited to participate, because in those community meetings dealing with gay bashings, the police department is involved in the local parts and it seems to me that there are resources even within the department that could be utilized additionally. If you're an expert in that area, then you ought to be included in that.

BRUCE COPLEN: I don't know about my office generally, whether we've been participating, but certainly it would be a good idea for my section to be included in the future because, if there is in fact gang involvement, then we're the group with the expertise.

CHRISTOPHER McCAULEY: Good. Thank you very much. We appreciate your being here. Our next witness is Dan Sexton from Child Help, U.S.A. who has been patiently waiting, and we're delighted he's here to discuss the issue of family violence in particular components of child abuse and alcoholism. Welcome.

**DAN SEXTON**

**Child Help, U.S.A.**

Child Abuse and Alcoholism

DAN SEXTON: Thanks. What I want to do today is to give you some sense of what is happening out there in the area of child abuse as it relates to alcoholism.

Currently there's a study that I am conducting along with John Conte from the University of Chicago where we got over 1,000 adult survivors of child sexual abuse to fill out a 50-page questionnaire. Fortunately, that many of them responded back to us, and in that population almost 60% identified themselves also as adult children of alcoholics.

What we've been doing in the field of child abuse, and what has been going on also in the field of alcoholism, is that we've been separating these populations off and treating them as if they are separate entities. Many times clients come into my office. They call into our national hotline and they are calling in about alcohol-related problems or they are calling in about child-abuse related problems not realizing that they are suffering from both areas.

Many, many health professionals in the community do not have training in both areas. Recently I spoke at the National Association for Children of Alcoholics Conference here in Los Angeles and found that I was the only child abuse person to speak at their whole national conference. What ended up happening was -- a woman named Claudia Black who does a lot of work with the adult children of alcoholics movement invited me to come to her workshop and in that workshop we talked about both sets of issues. We talked about the adult children of alcoholic issues and the adult survivor of child abuse issues. And what ended up happening was -- many therapists developed tremendous anxiety and were very traumatized when the training was over with the fact that we were now telling them that they were missing a whole set of people by only dealing with alcohol issues. These people come from similar kinds of families and we need to train professionals to cope with both kinds of issues.

People who come into my office as adult survivors almost always have been in treatment with at least two other therapists at some other point in their lives -- and it had never been addressed that they were victims of child abuse as children. What happens most times is when people come into

therapy they do not come in because child abuse is the presenting problem. They come in because they're having problems in relationships. They come in because they're suffering from night terrors. They come in because they're suffering from eating disorders, or drug addiction or alcohol problems. They come in because they can't deal with their children. They come in for a variety of different reasons and upon assessment with them -- and having training in the background you begin to uncover in a fairly short period of time that these people's core issue is that they were abused sexually or physically or emotionally or neglected as children. Generally all those forms of abuse overlap with each other. I have met very few people who just suffered from one form of abuse as a child. So these people come into treatment, they spend their time, their energy and their money going through treatment, and leaving without the abuse ever having been talked about. So they walk out, they might feel a little better about their current relationship or they may have gotten some coping skills to deal with their crisis with their kids, but in six months or so down the road they're back in crisis again. They're still having those night problems, they're still having problems with their eating disorders, they're still having a number of different problems going on that are still not being addressed. So then they go to another therapist on someone's referral -- and another therapist on someone's referral -- and fortunately they finally end up in an office like mine or Nora's office, or someone who has some skill in the area of working in child abuse who knows what to look for and can help these people.

It's tremendous when these people get a sense that you understand what it is that's going on for them, when they finally can say, "Yes, that is what's going on." Because most people who have been victims of child sexual abuse specifically as children block out those memories. It's too painful to deal with. Many of them who come in have no recollection about what happened to them as kids. So, by talking with them, finding out what's going on in their lives, seeing what some of their dynamics are, you can begin to see what is happening for them and can then begin to broach the questions around the area of their violence as children.

For me it's helped that I also was victim of physical and sexual abuse as a child -- so that helps me in a way that I can align myself by disclosing what happened to me also. That doesn't have to be a criteria for working with this population but, for me, it has certainly helped, specifically being a male therapist and working primarily with females. That becomes a real issue and it's a real need in this community and a real need all across this country that, primarily, our child abuse experts are white males -- and that's not just here in Los Angeles County but it's all across the country.

As a therapist you speak at national conferences around the country and 80% of us who are there to speak are White middle-class males addressing female-oriented issues. In L.A. County we now have one child sexual abuse treatment program attached with L.A.'s Parents United

Program that is specific to the Hispanic population -- that's it. There is not one that is specific to the Black or Asian community. In L.A. County there are presently two of us as males who are working with males who were victimized as children around sexual abuse -- that's it. In this community we primarily have services offered for middle-class White females. We have very few outreach programs. We have very little education that goes out to the Black, Asian or Hispanic communities in Los Angeles County. We don't seem to motivate minorities enough to get into this field to go out and work in this area.

As you go around to the mental health programs in L.A. County, they offer masters and Ph.D. programs where there are vastly White, middle-class people in those programs. It's very difficult to go out and try to recruit bilingual people to work in the child abuse field. Those who are in the field are so overworked because there's so few of them available that they burn out very quickly. So we need to find a way to reach out more to the minority communities both racially and sexually in this city to include them and motivate them more to be involved in the child abuse field.

I know within the particular study we did here we found that almost 20% of this population has some sort of problem with gender identity. They were not sure -- you find that a lot with males, "Am I gay because this has happened to me? Or, gee, did this man perceive me as being gay." Most of the cases were males perpetrating on other males. It is not a homosexual act. That's a myth that has been perpetrated for many, many years that these flashers in the park are male gays who are running around out there raping all our small children. It's not. When you talk with sex offenders, particularly pedophiles, and you talk about homosexual acts they're disgusted by it. They think it's crazy. It's not what they're doing.

Some of the major kinds of dynamics that go on for adults who are victimized as kids, and children who are victims of abuse, show up in many of our areas. One of the major things we see is depression -- severe cases of depression that go on for years and years and years -- lots of generalized anxiety and not understanding why I'm feeling this, just anything can set that off. I have a client that I work with now who suffers from tremendous generalized anxiety and her's stems many times from the nightmares that she has. She's a young girl; she's now 18. She was molested by 12 men, primarily her father. The other men in her community -- one was a City Councilman, one was a State Senator, four of them owned major corporations in the community -- she was a girl from Florida who ran away here to California. Her father died recently and in the mail she received a box with pieces of clothing from the age of one year-old with dates and the times that he molested her all the way to the time when she ran away at 15. So these are the kinds of people that we are seeing surfacing more and more in this field.

As you get into dealing with adult survivors more, you're uncovering tremendous kinds of things that happened to them as kids. What we found in this study was that, of the people who were molested, 46% of them were abused by three or more perpetrators in addition to the primary perpetrator. So the primary perpetrator in this sample -- 66% of them were blood relatives, 96% of them were known to the child. Aside from the primary perpetrator, there were also three or more other perpetrators.

Twenty-eight per cent of this population were also adult rape victims and 31% were battered women. So what goes on for many of us who were victimized as children is that we begin to internalize how bad we are, and we begin to find ways to abuse ourselves. It happens continuously. It's a very strong dynamic that goes on. And what we're seeing -- at least with this particular study -- is that there's a pattern that develops for us. We begin to look for ways to continually reinforce how bad we feel about ourselves.

Some of the recommendations that I put into this report for you, one primary one is prevention. We need to step up the prevention in the school system, in the community at large. We have prevention available now, funded through the state. Although when you go out to the school systems, many of them do not know it's available. We need to get that information out to our school districts to know that they do have prevention programs that are paid for, that are available for the students. Also, the prevention programs that go on are not very culturally relevant.

Another thing within the prevention programs is that many of them now focus specifically on child sexual abuse. I had a young boy come up to me recently who had had a prevention program come to his school about two months ago. And he came up and said he wanted to talk with me. So we went off to the side and we had a conversation and it ended up that he was being physically abused at home. And I said, well what happened the last time this prevention program came to your school and he said, "Well, I was just physically abused and all they talked about was sexual abuse so I guess I didn't think anyone cared." And that's happening a lot. We are so focused on the sexual abuse area that we're forgetting about everybody else. In fact the National Committee for the Prevention of Child Abuse, their new national campaign is going to be focused on emotional abuse. So we'll be looking more into that area which is going to bring another huge population of people forward.

Parenting classes are another strong prevention motivator. We have parenting programs available, somewhat throughout L.A. County. I know there is money through the state to do parenting programs through the school systems. But somehow we need to get that word out to the community at large that we are going to be offering more parenting classes. They take much less training skill than it does to train someone as a

treatment specialist. You can use a lot of paraprofessionals, a lot of peer counseling, but we need to somehow find a way to motivate people to come into parenting classes. I think parenting classes should be starting in junior high school.

**CHRISTOPHER McCAULEY:** Yes, but in addition to those parenting programs that are available in public schools, you are talking about community adult programs.

**DAN SEXTON:** Yes. Community Adult Parenting Programs. We are not offering enough of that, or we are just offering that and nothing else to follow up. One of the things we know about people who have been abused as kids who then go into parenting classes is that the information doesn't stick. They still have that old history of how to be a parent which is what they learned from their parents. And until you help them open up and deal with the trauma around their own abuse, the parenting issues do not stick with them as much. But we need to make that accessible -- we have to find a way to get that outreach to parents. There's times I know I've felt in this field that I wish we could mandate, that as soon as people go in for a marriage license, or they find out that the woman is pregnant, that somehow they are then mandated the couple to go into a 16 week parenting program -- but obviously we can't do that. But one of the things about parenting programs that's important is they cannot just be parenting programs for young people before they have their children. It's very different going in and talking about parenting issues and how excited you are about having a child and then having a crying child six months later when you have no coping skills for dealing with that crisis. So there needs to be a follow-up component attached with these parenting programs.

Community education is another recommendation. We need to get written information out to people about the issues of child abuse, about the issues of family violence, whether that's through written information, through public service announcements, through public speaking, we have to find a way to get that information out, and it's got to go out in a culturally relevant manner. Any questions? I'll go ahead and wrap up.

**CHRISTOPHER McCAULEY:** Can we move to the questions then for Mr. Sexton.

**THOMAS FRANK COLEMAN:** I have one that pertains to a legal issue but it may also tie into counseling. I think the statute of limitations is tolled or stayed for child abuse during a child's minority, in other words, the statute does not start to run until the child reaches 18 years-old -- and then they have only one or two years to file suit against the abuser. Is that your understanding?



DAN SEXTON: There are three cases I know that are going on now in California where it has been over 10 years.

THOMAS FRANK COLEMAN: I know that Susan McGrievy is handling one. She was saying she wanted to challenge the constitutionality of the statute of limitations because there's a very short period from the time the person becomes 18. I'm just wondering if -- well since you are operating under the assumption that there is a longer statute of limitations -- I'm wondering if the law should provide a longer statute of limitations? Would this be helpful therapeutically for the victim to be able to sue the parent at the age of 25 or 30 for something that occurred at the age of 7 or 10, or is it counterproductive for the legal process to be available, or how do you view it?

DAN SEXTON: I think that right now there is some movement to draft legislation to change the statute of limitations to a 3 year period of time from when the trauma resurfaces as an adult. Because what we know from most adults who were abused as children is that the trauma gets blocked out and it does not resurface until some trauma sets that off as an adult. So if we then give people a 3-year period of time from when that resurfaces, it allows people who are going through the treatment process to get into a healthier mode where they could then have the option to then file civil damages. What happens for some clients is that it is not appropriate for them to file civil damages. They are not emotionally capable of dealing with it. Others, the anger is so misdirected when you get to that point in treatment the anger is so out of control that if we had that option immediately then it's not going to help either. So I think it's going to have to be a case-by-case kind of issue but I still think it needs to be made available. I think that adult survivors need to know they have that option of going back and getting some sort of money back for all the pain and trauma and finances that they're having to put out to deal with this person who abused them as a child.

THOMAS FRANK COLEMAN: Do you have a specific bill that's pending or is it in the drafting stage?

DAN SEXTON: It's in the drafting stages. There's about 20 of us now who are sort of beginning to talk about what we need to do. I'll only name Linda Laugh from the State research program, contacted me and a whole bunch of us in the State of California on a recommendation from John Vasconcellos' office in Santa Clara County and we all gave recommendations. It's about a 30-page report that went to Sacramento -- all specifically dealing with adult survivors. And all these kinds of things were involved in that. I can get you a copy of that.

CHRISTOPHER McCauley: Please share those kinds of things with us so we can be supportive.

NORA BALADERIAN: One comment and one question. At the Governor's Conference yesterday, one study revealed that of people who were sexually abused as children, of those who went to therapy, 38% were revictimized by their psychotherapist. That's a very high number of people. But, just as a point of information -- people going to therapy don't necessarily get the best therapy.

The other thing is in terms of doing parenting classes, there's so many people who are 11 and 12 and 13 and who are pregnant. I would support starting classes earlier than junior high school. Do you have any feelings about that?

DAN SEXTON: Yes. I think we need to reach kids as young as we possibly can about the parenting issues and junior high school is -- because most of the kids now are in sixth grade starting into junior high school now. So based on the fact that there are kids even younger, maybe we should start in 3rd or 4th grade.

NORA BALADERIAN: Yes, they are 13 I think when they start, 12 or 13.

DAN SEXTON: It's just that it's such a sensitive issue, you know. As you know, when you go out and do prevention and you have to deal with parents, there's a real fear of power loss from them when you are talking with them about how they need to deal with their kids or what you are going to be telling their kids about their bodies and their rights to say "no," and do all of that.

I mean there's already that issue around sex education in schools that I know it's going to be another battle educating them about the fact that now your 9 year old -- we're going to be talking about parenting-issues to in class. That's going to empower kids even more to go back home and say, you know whatever they need to say to their folks. But I think kids are raised, certainly I was and I'm sure all of you were that the family unit is that safe place where we're supported and cared about. And what we're finding from all the information is that it's just not so anymore and that we have to reevaluate how we're going to support that family and how we're going to intervene before it ends up being a societal problem. Because we keep having alcoholics, drug addicts, developmentally disabled, overweight people, violent criminals, prostitutes, gay and lesbians, all these sort of ignored, neglected sort of populations. Many of them are coming from very abusive homes and as a society we have really rejected them.

CHRISTOPHER McCAULEY: Good. Thank you very much. We appreciate your presence and your testimony.

Richard Smith is with us today, he's the president of the Mayor's Advisory Council on Disability and he is here to talk specifically about disability issues and the response of the City to those issues including physical access and employment issues and we're delighted that you are here today with us. Welcome.

**RICHARD SMITH**

**President, Mayor's Advisory Council on Disability**

The City's Response to Disability Issues

**RICHARD SMITH:** Thank you very much for the opportunity to be here. I find myself here under very unusual circumstances. I'm not here really to promote the self-interest of our organization within the city, but find myself somewhat forced to do that because I don't know of any other organizations or groups within the city that are performing that task. That's really the reason I'm here today.

This particular group was formed in 1974 by Mayor Bradley and we report to Mayor Bradley through a special assistant. In theory, the council is made up of 45 members: 15 from the Mayor, 15 from the City Council, 15 members-at-large. In actuality, there are 15 members-at-large, and very few from the Mayor and very few from the City Council.

**CHRISTOPHER McCAULEY:** Who have been appointed, or who attend meetings? (Appointed.) So there are unfilled vacancies?

**RICHARD SMITH:** There are unfilled vacancies due to the lack of participation of the City Councilmembers and the Mayor's Office. This is a very serious problem. Since this is a totally voluntary group, you need numbers of people to be active, but this perpetuates what we're trying to say here today -- that you have very few people trying to do a great task.

One of the problems of the disabled community is that it's very fractionalized on their own proprietary interest. The paralyzed veterans do their thing and the Multiple Sclerosis Society do their own thing. The group that I'm involved with, the Advisory Council to the Mayor's Office has no such boundaries. We cover everyone -- we cover all the problems that come before us. We serve as a liaison between the disabled community and the city. We develop and recommend actions and policies to the appropriate city departments, commissions, and agencies and we initiate and implement needed programs and activities within the community.

Structurally, we have several operating committees. One is Architectural Barrier Advisory Board, and the Architectural Barrier Committee. What this group does, initially it was formed to review the city's Building and Safety Department's problems with buildings meeting the access codes -- a major thing I'd like to come back to in a second. This

thing went nowhere, with very, very little compliance with the access laws. Statewide, there's hardly any compliance with the access laws -- another problem I'll get to in a second. We have been fortunate enough through some very aggressive activities the past year, the Building and Safety Department has finally -- after a year denying there was any problems at all -- they swore there were no problems -- that every building in the City was right. They, finally, after very strong attacks, put forth with great enthusiasm a package before the City Council which was passed in policy and which, with a couple more votes, will be put into final action which will put trained inspectors on the job -- disabled inspectors who understand the problems. Also they are able to not offer any more what they call temporary occupancy permits until all the code violations are met and there's a lot of other policy decisions they are making.

The key point there is none of this came about through the city. We had to go outside, through the Attorney General's Office and some other agencies to get this done because the city denied that it occurred. And this is true in practically every function that you deal within the city. Again, this puts me in a very difficult position because I'm biting the hand that feeds me.

We work with the Mayor's Office, but the Mayor's Office is part of the problem just as the City Council is part of the problem. Below them are the general managers and the department heads. Now what happens in fact is this. We are an active group for the disabled population. We have no budget and no staff support. We have problems getting our representatives from the Mayor's Office to come to our meetings. We have members that are appointed by the Council, but they have to have access to get back to the Council members so they know what's going on.

There are some positive things happening but it takes a lot of work. A lot of the work is not being done through the city. Tomorrow, Joel Wachs is going to introduce a measure -- or he's going to have a press conference to announce a measure -- to have interpretive services paid for by the City in City Hall. Now, this came about as a recommendation from us that he picked up on. It's tough to get in to see any Councilmembers. It's impossible to get in to see the Mayor. And if you're going to be effective we have to develop a means of getting into these offices to talk to these individuals. Writing letters to them, making phone calls, asking for appointments, if any of you have tried it it's a very difficult task. They are all very busy people. But you get nowhere until the city recognizes that if they don't set up a process -- if it's us, if it's another group, fine. I'm not going anywhere. I have no ambitions past this, but the need is there, and some of the examples of some of the problems that I'll leave you, I'll leave you some of the notes that will give an overview of all this.

For example, the 911 telephone service that has been mentioned a couple of times, if you are deaf and you try calling 911, you're going to get a speaking operator, who is going to hang up on you because you can't talk to them. We talked with some people from the city who operate the system with the police department and they blamed it on A.T. & T. And they said to talk to A.T. & T. about it. The technology is there. Why wasn't it built into the system? No one asked. Nobody talked about it. And I don't know what's going to be done about it. There's a lot of resistance to even want to talk about it, as everything is.

With housing, the City is governed by architectural barrier laws from the state. We're trying to get the city to be a little more receptive in passing regulations on a citywide basis and some of these things are this: the apartment regulations on a statewide basis in point of fact say that no one has to build an accessible apartment house. The state regulations are so lax that if a builder builds a step up to a door, the building is inaccessible so he doesn't have to make it accessible. This is a disastrous regulation. Now to get this changed is a monumental task that a group of 15 or 20 people are not going to be able to go to Sacramento and get these things changed rapidly. We will try.

We need to make you aware -- the keyword through all this and through all the problems you are going to hear is awareness and unawareness of disabilities is really hard to overcome. Last week I was up in Sacramento and they gave me an inaccessible hotel room and the gentleman that brought our luggage up -- we were arguing with him as we always do -- everytime we check into a hotel and get a promised non-accessible room and he didn't see why we were so upset about this. I could take a door off and get into the bathroom. I backed into the bathroom and he saw that I was -- it occurred to him later in the day that I was stuck in there. I couldn't use the sink, I couldn't use any of the facilities but I could get in the room, and he was really impressed I could get in the room until he thought about it and finally occurred to this singular bellhop that this ain't working. What he thought over the years has worked doesn't work. So that awareness struck him.

I was at a hearing with Councilman Woo and Councilwoman Pat Russell and a gentleman who raised a question I think with Wachs about the interpreters -- he wanted to speak at this hearing of the Transportation Committee. He had to leave because there was no interpreters. This is where that action came about. I just want to reiterate this because I want to shock everyone. There is not one interpreter in City Hall. There is not one interpreter in City Council meetings -- nowhere. If you try going to City Hall and you're deaf, you try and transact business forget it. There is no one.

Getting back to housing; with the housing regulations, the apartment regulations, as I said, really don't exist. What's happening now is that builders have caught on very rapidly that if they get a permit for a building as a condominium then it doesn't need any regulations. It's just like a single family dwelling. They don't have to make it accessible, they don't have to make it adaptable, they can do anything they want, and that's what's happening.

Now out in the San Fernando Valley right now there is an apartment complex that just opened with 1,296 units. They were given a high density variance. They were financed 80% by the Community Redevelopment Department which is not one of my favorite people -- they don't care at all. I got news for you. I'll let them get on my back real good. When something gets into their hands they call the shots, they call how things are going to get built and they don't require anything. This is a serious problem. But they are privately owned -- so they come under the laws of being private -- they permitted them as condominiums. Even though they're labeled, and they're titled and they're given high density variances for apartments, the city does not require any accessibility.

Now something on a positive note, on what can be done -- what I'm recommending is that when the City Building and Safety and the Planning Department gives a high density variance -- that they require accessibility. They can do that without legislation, they can just say, "We want it." And if the builder doesn't want it, then they don't give them the high density variance. That's a very easy thing to accomplish today. Doesn't take any legislation, or permits or anything. To go past that takes some city ordinances. But the city, if it's going to be a leader in accessibility and barrier-free design, it's going to take some bold steps. And it's going to take some input from various groups to get this accomplished.

A gentleman spoke earlier about the homeless, he was quite right. If you're homeless and you're disabled you're in trouble. If you're in any group and you're disabled, you fall through the cracks. The people who are looking for apartments can't find any. People who need employment -- we're working with the city right now to try and get them to waive the requirements of the Civil Service exams if it's not required of your job, if your disability is not part of the job, then it doesn't relate to the exam, to waive it. There is some conflict with that. But if your job is a typist, why do you have to lift 50 pounds? Some of these type of things. A few years ago there was a news story of a state policeman who was fired after some years because he became disabled. He lost his leg. He had an office job, but he was being dismissed because he could no longer broad jump -- I think 15 feet or something. Laws are one thing, but common sense and decency are another and this is where you get hung up.

With the Department of Transportation it's -- they are another one. They operate what they call a community service transportation service. These systems are not fully accessible to the disabled.

I don't think any disabled people like paratransit systems. They're very discriminatory because they wind up being primary systems rather than secondary support systems. But the City Councilman all like paratrans -- these local services -- because I think it helps them get re-elected. But they're not fully accessible. But the Department of Transportation says they are. And because they say they are, that's it.

Now one of the things I want to convey to you -- and I'll talk about some of the more positive things -- is this: the Mayor has been in office a length of time, he's got a staff of people that work under him, he's got a lot of general managers. As an example of our conversations with the Department of Transportation, we met with a representative of the Mayor's Office and a representative from the Department of Transportation over this issue and about a week later I got a letter back signed by the Mayor, even though he was not at the meeting, but he quoted verbatim everything this guy said, so I questioned who wrote the letter. But Mayor Bradley told me that the Department of Transportation was doing a great job, but they're not! The systems are not accessible. You wait two weeks, three weeks, a month, on some of these services to get on them. They're atrocious. The Fairfax Trolley is not accessible even though the Councilman in that district says it is. These are severe problems. You can't get around. If you can't get to your doctors appointments, if you can't get out into the community, you have a problem.

We're not going to be driven back 15-20 years -- the gains that have been made by a lot of people over the years because of these things. But you have to understand where they're coming from -- and where they're coming from is the department heads inside of City Hall. Their jobs are on the line. And every time you write them and you pose a problem to them, the general response is, "No, we're doing a good job." So we ended up going outside the Mayor's Office, which causes us a bit of a problem. It's difficult to go to City Councilmembers. We wind up going to Attorney General's Office. We wind up going all over the place trying to get problems solved just because the department head said he was doing a good job. Some of the people at the county level know the same problems. The same things happen there even though they have a little bit better resources.

CHRISTOPHER McCAULEY: Mr. Smith, in the interest of time, can you summarize the positive things you wanted to conclude with. Then we'd like to have some time for some questions.



RICHARD SMITH: Yes. Indirectly, I've covered a lot of these things, but the transportation programs need to be looked at until they're accessible. The city needs to take some strong action on the housing and the apartment issues in the city so that the people have housing areas. Common areas inside of apartment complexes should be considered to be public areas -- they're not right now -- they're considered private, which makes no sense at all. Again, that's to get around the accessibility regulations. I covered the employment applications, interpretive services, the architectural barriers, these are all the areas that need to be improved.

The city should pass a resolution stating that Los Angeles is to be considered a barrier-free, discriminatory-free city in all aspects of social environment which affect the disabled.

And the last one would be in education. Some work desperately needs to be done in the school system to start turning out individuals who are capable of going into entry level jobs, where especially disabled people cannot be placed -- they are available but they cannot be placed -- because they are not trained in just the rudimentary skills to get an entry level job.

If anyone is interested in coming downtown to some of our meetings we meet the second Monday of every month and we are very busy in all these problem areas and I'd like to ask for your assistance.

CHRISTOPHER McCAULEY: Thank you. We can provide that.

THOMAS FRANK COLEMAN: I have a couple of suggestions or questions that may address this whole panoply of issues that you discussed. From what you say, it appears that the city government, or the people of the city through their government, have given the disability issues, through this council, very low priority, very low status. The Advisory Board was not created pursuant to an ordinance or the administrative code. It was a nice makeshift thing that maybe worked for awhile but it appears it doesn't have full participation right now. And I'm wondering if a recommendation from our group would be well received by your group, if, down the road in our report we make some recommendation that maybe it's time for the Council on Disabilities to become a full city board like the Women's Commission, or Human Relations Commission, or some of these other commissions with a staff member and with a budget that's responsible to you, not the Mayor or somebody else. Would that be well received or has the time come for that?

RICHARD SMITH: I thank you for raising that. It's something I was going to mention that I thought I'd leave out just for the time being because again I don't want to sound too proprietary and pushing our own agenda items, our own council and such, but yes, that's exactly what's needed.

THOMAS FRANK COLEMAN: You could call the department heads to your full board meetings, asking them to come and meet with you to testify or whatever.

RICHARD SMITH: Yes. In lieu of that, that's why I was giving examples of testifying in front of -- when Pat Russell saw that this gentleman couldn't testify in front of this committee because there was no interpreter she was shocked, I think legitimately shocked, that this existed in City Hall. No one thought about it. And this gets back to awareness. Awareness is what to the disabled community is probably the most important support you can use. People are just not aware. They are just not conscious of the problems that come about. Then yes, this is the only answer to solving this problem.

THOMAS FRANK COLEMAN: As a follow up to that, the other thing I'm wondering -- the Mayor makes 199 appointments to various boards and commissions. To your knowledge are there any disabled people that are serving on these? For example, is there a member of the Board of Building and Safety Commissioners who is disabled, or the Housing Advisory Board that advises that body? What I'm getting at is if there are disabled people who can advocate out of experience on behalf of the disabled community right there on the various boards that deal with these issues -- like the Board of Building and Safety Commissioners -- would that help? And has that occurred, do we have those types of appointments being made?

RICHARD SMITH: There is one member of the Building and Safety Appeals Board who is disabled -- a non-visible disability. Outside of that, I don't know of any other disabled Commissioners on a Commission level in the City of Los Angeles.

UNIDENTIFIED: This is a point of information...the President of the Board of Transportation Commission is disabled. In fact many of the points that you raised might be better brought to the Board of Transportation Commissioners. I think they'd be more receptive.

CAROL GILL: Sue Ridenaur will be testifying this afternoon, a disabled person who has worked extensively with transportation issues in the City.

RICHARD SMITH: She's involved with the County issues though, she's not a City Commissioner.

CAROL GILL: No she is not a formally appointed person but she's a long time activist.

RICHARD SMITH: Oh, there are many activists out there. But I think the question was in the City structure -- are there any disabled

individuals in these different agencies that bring forth these problems -- and there aren't. That's the basic answer.

THOMAS FRANK COLEMAN: Or at least we're saying it's underrepresented.

RICHARD SMITH: In the Housing Authority there isn't. In the Community Redevelopment Agency there isn't. I've been disabled for 15 years and my wife would not sit here and tell you that she understands for one minute. And she's very close to me. She will not for one minute be able to put herself in my shoes and answer questions for me -- what I need and what I don't need. And I think any disabled individual has the same situation. Non-disabled persons cannot put themselves in the shoes of a disabled individual. You don't see what they see. You don't see the one-inch rise in a curb. It's impossible. It's impossible to train someone to this extent and this is what's needed -- to answer Tom's question -- more disabled people functioning inside the city government.

CHRISTOPHER McCAULEY: Well you've posed very eloquently I think the challenge of being truly inclusive. So many of the issues that we're talking about in terms of making -- whether its family issues or however we define them in family diversity -- real solid contributions as opposed to token efforts, and I think that's what you describe here is a very sad picture. I appreciate the candor of what you're saying because it's better for us to know exactly what is being stated and not done than just the high points of achievements. I mean we really need to engage those questions and problems and those can be reflected in the report.

UNIDENTIFIED: I'd just like to applaud your candor. I had an experience about two days ago in which a neighbor of mine had a friend visiting who was disabled and we finally realized that our entire area is non-accessible and I had never noticed it before so I think your raising these issues is very important.

RICHARD SMITH: Let me make one point. I don't know if this will come up later or not but recent studies showed -- I think it was 25% of the adult population (a social security study) over 18 are disabled. That's not including any children and not to frighten people with all these housing regulations and things that need to be changed. Start counting down -- 1 out of 4 folks because it's going to happen; someday in your life you're going to break a leg, you're going to have a problem. You're going to have a sight impairment. And if society does not work toward these goals and these ambitions you are going to find yourself locked out as much as that poor other guy. And it is exactly why we're working so strongly on these issues. Because it's going to happen. But it's so hard.

Kenny Hahn is such a great man. Two years ago, a year ago, I don't think he would have realized he was going to have a stroke. It does happen and we need to work for these things.

CAROL GILL: I want to make a comment about this and maybe a question as well and that is I heard over and over in your testimony today the phrase "lack of awareness" and I have to agree with you and I would like to add maybe a stronger statement of that to a dependent and that is not just lack of awareness but prejudice. I think that we in the disability community have been really uncomfortable pointing our fingers and identifying prejudice where it occurs and I think part of that problem is that because of the fractionalization and our difficulties coming together as a group, we've had a difficult time recognizing ourselves as an oppressed minority group and certainly everyone else in society has had that problem.

I think maybe what we need to do -- and recommend to the City Council as well -- is some kind of position statement that disabled people in the city will be recognized as a bona-fide minority group with issues related to oppression and discrimination and prejudice. Maybe with that recognition we can go forward and start formally instituting these changes and appointing the correct people. I think because of the general populations concern about being 1 of 4, one of the 25%, there is a personal resistance to facing disability issues. It's personally threatening. I think that's one of the factors that underlies the special prejudice that disabled people experience and because of that very factor -- that we are vulnerable -- I think it's been difficult to get people to address these issues -- like what happens when you want to get into a building and there are steps.

I'm concerned a little bit about the makeup of the City Advisory Council now, the Mayor's Advisory Council in that, as you pointed out, we have all volunteer members. I like the idea of having a budget. I like the idea that the decisions about it would be made by the people with disabilities. That's been a real problem. I know myself, I have turned down a request to be on your committee because I simply haven't got the volunteer time left. There aren't enough hours in the day and enough money to get people with disabilities to these Task Forces, unless there's some assurance that they will be powerful. And until this point, this particular Advisory Council has been so powerless that it hasn't been worth the time and the trouble for many disabled people to serve on it. And so I welcome the suggestions to make it more formal.

CHRISTOPHER McCAULEY: Good. Thank you. We have three witnesses in the room and I need to move very quickly to them. Thank you very much.

RICHARD SMITH: Thank you very much.

**CHRISTOPHER McCAULEY:** Sister Elizabeth Thomas has patiently waited to come forward. She's the Executive Director of Media and Values and she is here on a very interesting topic: the media and it's impact of families, particularly school programs.

**SISTER ELIZABETH THOMAN**

**Executive Editor, Media and Values**

**Families and Media Literacy**

ELIZABETH THOMAN: When I was a child one of my favorite television shows was "My Little Margie." Some of you might not even be old enough to remember it. I loved Ann Sothern's independence and determination as Margie. And even now I remember the experience of feeling, "When I grow up I'm going to be like her." My father, on the other hand, disliked the show intensely and for awhile declared it taboo in our house. Pushed by my "Why, Daddy?" his reason was that the character of the father was rather a blundering fool and was always outwitted by his wily and manipulative daughter. He didn't want me to see and learn such disrespect. Although as an adult woman today I would rather he had been more concerned about the sex-role stereotype which Ann Sothern's character was based on, I have to admit that my father's and my ongoing battle over "My Little Margie" was formative in many ways.

First, although I had disagreed at the time with his decision not to let me watch it, I do remember respecting that decision because he explained it to me. At least I knew it was not imposed out of whim. Secondly, and more importantly, our discussions taught me something else. They taught me to look critically at what was coming across that fabulous phosphorescent tube. While his reason for my not watching may have been a bit old fashioned, the fact that he analyzed what was coming into our living room and commented vociferously on any ideas and images he disagreed with, inspires me even today. Perhaps it is no wonder then that his daughter grew up to be the editor and publisher of a magazine called "Media and Values."

Backed by a non-profit coalition of educational and religious organizations -- Catholic, mainline Protestant, and Jewish -- Media and Values is the core of an emerging media awareness movement based on the work of Brazilian educator, Paulo Freri. Using a four-step analysis, reflection, and action process, Freri, if you know any of his work, revolutionized literacy education in Latin America and subsequently in many countries around the world. Now at Boston University, Senor Freri continues his profound influence in the education field.

At Media and Values, we have applied his methodology to the issue of media education -- recognizing, in a way, that many Americans are just as

illiterate and deprived when it comes to reading the mass media as uneducated peasants are in understanding labor contracts, prayer books, or the daily newspaper. Using Freri's methodology, we have developed an approach that helps young people and adults learn to process the messages and images that bombard them daily from television, films, cable T.V., radio, billboards, videocassettes, advertising, records, tapes, and all the other media that are in our living rooms, our kitchens, bedrooms, cars, even the bathroom shower -- that we attach to our wrist, put over our ears, strap to our waist, that we encounter in stores, schools, churches, the workplace, and especially the street.

Freri calls his process the "circle of practice" but it's really an upward spiral. And as long as you already have the copies of the magazine, I call your attention on page 12, there's a model of that in the article as I go through this. But it's really an upward spiral of what each person knows best: his or her own life experience. From there the process moves through a series of questions which basically cover four steps in the ongoing evolution of a person's consciousness.

The first step of awareness simply asks, "What's going on here? What's happening to me, to my family?" It's a descriptive state. Then we begin to put two and two together in a kind of analysis step, "How did this situation develop? What resources are being used or gained? Is anybody winning? Who is losing? And who's deciding? What is happening to the relationships of the people involved as a result of this situation?" And you may be certainly familiar that this social analysis process is used in very strong social issues as transportation in East Los Angeles or almost any of the issues you've got here, for example, the questions of homelessness. We've applied it -- the social justice community has applied it -- deeply to all the social programs we raise so it crosses many boundaries. I'll apply it to media in a minute. In the third step, reflection, we ask, "What ought to be happening, what is right, just, fair, what do others say about this situation or ones like it, for example, the wisdom of our elders, the ethical imperative, human courtesy and civility, our religious traditions, perhaps even our scriptures?" Finally, we begin to formulate some action, how things might be different, what can I or we do to change things? Applied to the process of media in our society this method can easily be a framework for a family, say, to consider the impact of a new video cassette machine they got a few months ago for Christmas.

Some questions they might ask include: at the awareness level, "What is happening in our family?, in the months since we got this thing?" Analysis: "Who's using it? Who's not using it? Does anyone feel left out? Who decides what will be watched? How do those decisions take place? How much money is being used?" Economic questions: "Can we afford less? Can we afford more? What would we be doing if we were not using the VCR?" On a reflection level, the questions might be: "Deep down, is the

VCR contributing or detracting from our family relationships? Is it really right to copy tapes that belong to others? Or, perhaps just because we, that means the adults, can have explicit movies in our home, does it mean that we should?" At the action level, some questions might be: "What changes can we make in our use to get the best use out of this VCR? Should we build a library of family tapes that will both entertain and inspire us? Should we make it a family policy not to illegally copy tapes?"

Clearly such a process applied regularly to our media consumption patterns would help every family, and the individuals in that family, of whatever age or composition of that family, to learn to be more intelligent and aware consumers of today's mass media.

Our critical consciousness, I emphasize, will not necessarily be all negative. Indeed, one of the marvels of our age is the great potential of new technology to bring humankind together, to create understanding, to explore new frontiers, to experience the thrill of accomplishment of learning. But that will never reach it's full potential in a nation or in a city of couch potatoes. Consciousness and awareness of the role of mass media in our lives is a major task for our society as we move toward the year 2000.

We'll convey to the Task Force to investigate the ways the City of Los Angeles can use its influence to alleviate problems currently affecting Los Angeles families.

In the area of media I have three suggestions:

(1) Encourage the development and implementation of a media education curriculum through the school system -- elementary, junior high, high school, and especially adult. Just as children learn to read words in print, they need also to learn to read the powerful, audio and visual images of today's mass media, and the subtle influence of new technological innovations. No longer can such a program be considered a luxury curriculum.

(2) Encourage the family and social service systems to be sensitive to the media connection, particularly in dysfunctional home situations. One reason children may be undernourished, could be because advertising popularizes junk food and sweets. What can be done, then, to educate the family grocery shopper about the persuasion techniques that are aimed, not at entertaining her, but at getting money out of the family pocketbook? The key here is to educate, what I call, influence leaders: family counselors, social workers, scout and youth leaders, teachers, librarians, perhaps by holding conferences and workshops, providing resource materials, or even the commissioning of the development of a media awareness checklist as part of the ongoing social service process.



(3) Because the Los Angeles area is so intimately tied to the multiple industries that create this media culture, the city might very well challenge this private sector to increase its social responsibility for the impact of its products on the larger society. I have been impressed with the way film and television producers have recently volunteered to monitor the images they present of drug use and abuse. This should be applauded, and more done to encourage the entire industry to participate in and perhaps even fund some of the programs I've described.

For the record, I'd like to introduce for your further consideration the ideas contained in the recent copy of Media and Values entitled "Making the Media Work for You." This primer on media awareness contains a number of articles by researchers and writers on the ubiquity of media today and the challenge and responsibility of becoming and staying aware. I particularly point out "The Geography of Media," by University of California, San Diego researcher Michael Shudsen, "Making the Media Work for You," an excellent checklist for families to review their media use, and a blueprint for responsibility which outlines further the Freri process I described above. A copy of each issue is provided and more are available. Thank you.

CHRISTOPHER McCAULEY: Thank you very much. I never guessed that after Pedagogy of the Oppressed this is how Freri would show up in my life years later. Interesting. Interesting. Questions?

One question I had was about the -- I don't want to say this was an omission -- but you didn't discuss anything about cable or anything that's directly related by the city. Would you comment on that a bit?

ELIZABETH THOMAN: Yes, I thought about that. I just felt I couldn't go on forever. I do know that the City of Los Angeles is very much involved in cable right now and I think that needs to be monitored and really looked at in terms of cables' potential -- both as a service to the city and as a potential for education. Cable has had a very up and down life. For awhile we thought it was going to go out, that it wasn't going to survive. I'm very disturbed that it's come down to real economics of cable. I shouldn't have been surprised but had hopes, like so many of us, that cable would open up the potential for public service, for public access, for education, for City Council, for all the services that are needed. Instead, it's become just another commodity, just another vehicle for selling viewers to advertisers. I think that's a real tragedy and needs to be addressed.

CHRISTOPHER McCAULEY: Is that a topic that you will be addressing? Obviously, any part of the media or mass media that has direct regulation by government, whether it's federal level, or in this case, these franchises, and negotiations, elaborate negotiations are taking place. There's a point there where you can introduce some questions, so it may be

that either in your journalism efforts in this it might be an area that might be interesting.

ELIZABETH THOMAN: Well, again, my field really is media education not regulation or drafting legislation or even testifying. This is the first time I've ever testified anywhere. But there are other agencies that do that, both nationally and locally and I really applaud that. I just have 18 hours in the day you know. But we are very concerned about the education and I still feel that to educate the consumer is a big piece of it because, ultimately, and especially with cable broadcasting available. You just turn the TV on and it's there. With cable you have to make a conscious choice. We're either going to buy it or we're not. We either have to look at the services that are available, will they help our family, will they help our household, or not? And at that level, the education of the consumer about what's available, what's not available, what they're being ripped-off about, whether they can afford it or not, the potential benefits of the cost of that, all those kinds of questions need to be raised, or an education program provided for the consumer to make an intelligent and informed choice.

CHRISTOPHER McCAULEY: I'm totally in agreement with you. The point -- I'm not perhaps saying it clearly. There's a point at which the public policy aspect can be engaged. And if your mission in this journal is about changing some of that awareness and that level of consciousness, where that will get engaged in the reality of everyday choices that people make, in the marketplace, it will be in City Hall, it's going to be at these regulatory agencies, and as we're learning from various statements that are made, the fact that the Commission or Task Force or Regulatory body exists may not necessarily mean that somebody is engaged with a question. So it may be that, if these things, like encouraging certain things to happen with social agencies -- and those are funded agencies -- this is where we need to engage that. So that's the kind of point I was trying to make. Thank you so much for being here. We appreciate it.

ELIZABETH THOMAN: Thank you.

CHRISTOPHER McCAULEY: Roberta Achtenberg is the Directing Attorney for Lesbian Rights Project. She is here to speak on gay and lesbian families -- couples, children, discrimination that's experienced against them. We appreciate her taking the time to travel from San Francisco to be here today.

**ROBERTA ACHTENBERG**

**Directing Attorney, Lesbian Rights Project**

Gay and Lesbian Couples/Families

ROBERTA ACHTENBERG: Thank you. I think it's incredibly commendable what you're studying the way families actually function in society rather than the way we imagine they do. When we look at our families we sometimes think, "Our family is the aberration because it's not the 2.3 kids." It's only recently that we've come to find out that, in fact, the aberrations are not the exceptions; in fact, our families are the rules and the other families are the exceptions. And that's an important awareness I think for most of us.

It certainly is important one for people in the lesbian and gay community to recognize that we are people with families and that we are family people. This is an incredible link of consciousness for our community and one that we are attempting to get others to recognize as well. The perception of us is that we are neither people with family nor family people; that our mere existence is antithetical to the creation and preservation of family structure; that we don't have significant relationships that we care to preserve and protect -- and those are myths -- myths about "family" that the public in general needs to be disabused of.

I have brought for purposes of entering into your record a relatively well documented paper entitled "Preserving and Protecting the Families of Lesbians and Gay Men" written by yours truly. It's a publication of the Lesbian Rights Project and I'll be submitting it to you for your perusal. It basically outlines the disabilities under which lesbians and gay men suffer in their efforts to preserve and protect family structure -- whether those families be families consisting of adult mates or families also including children. The litany is long and I know that you are aware of many of the issues that are presented here, but it certainly gives you documentation or something to site if you're at all inclined to do that.

I have also brought with me a publication called "Recognizing Lesbian and Gay Families-Strategies for Extending Employment Benefit Coverage," which, without sounding too presumptuous, is probably the definitive piece, at least at this point in time. God knows more needs to be done and I know that perhaps the report that is generated by your Task Force will increase the amount of information in the field I suspect that it will. This is, at this point in time, a definitive piece on the inequitable distribution of

employment benefits to the employee based on his or her marital status as opposed to the kind of more equitable distribution which we advocate here and which I'm going to talk a little bit more about.

Equitable distribution of employee benefits has to do with the employee's actual needs. It has to do with what provision of employee benefits should be about -- which is to preserve the, let's say, for example, the health of the employee. It has to do with the kinds of things an employer should be concerned about that provide a basis for justifying the distribution of employment benefits. This booklet outlines pretty well for you the discrimination that is being faced by non-marital families in this area both economic discrimination and discrimination in the sense of injustice in and of itself.

Equitable distribution of benefits focuses on our ability to provide for our family partners in the same way others are able to provide for their spouses, in terms of their needs for health care, in terms of their needs for dental care, their needs if they survive us, if we are the main breadwinner in our family. It deals with our ability to provide for our children, as well, particularly if they are children for whom we are economically responsible but they are not children who are related to us by blood or marriage. Our ability to function to protect and to preserve family units that in fact we have created is severely undermined by the present system by which employment benefits are distributed and I know that you're going to be taking a very close look at that issue.

I don't mean to restate things that you may have heard from other witnesses, but merely to reiterate to you that I think it is a critical issue facing our community. It's an issue of economics and it's an issue of social justice. I want to encourage you to do all that you can to see to it that the City of Los Angeles tries in some very positive, aggressive ways to address this particular injustice.

I have a number of suggestions of ways that you might proceed. Many of my suggestions don't necessarily represent a large price tag for the City of Los Angeles. The city as employer could do a number of things to equalize the distribution of employment benefits among its employees without respect to their marital status. I know that you are going to be talking in depth about bereavement leave being extended to non marital families -- out of the sense of justice to the employee who is not married and who's primary emotional mainstay may not be someone to whom they are related by blood or marriage. I don't believe that there's a significant price tag attached to extending bereavement leave to married employees and non-married employees alike on behalf of their primary emotional mainstay and certainly that's an area that could take shape relatively quickly and wouldn't have much cost attached to it.

Additionally, you may want to look at not only the city as employer, but the city as providing all kinds of services, where, for example, family memberships are given. I don't know if the city runs playgrounds, or various and sundry recreation programs that may be available to families on a discounted basis, but often the definition of "family" doesn't include the nonmarital family, and therefore the lesbian and gay family is often excluded from discounts, etc.

Now, when you talk about developing criteria for the definition of "family," you sometimes get into a discussion -- 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?" Let me say that one thing that we encourage, in terms of the way you analyze this problem -- and the kinds of things that you decide to do about it -- let me say that I believe that the criteria will vary, depending on the problem or issue 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're 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 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 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. You would not be the first entity -- if you were to adopt a recommendation for the city as employer provide health care benefits to its employees and its employee family partners as well as to its employee spouses -- you would not be the first entity to do something like that. Certainly you could look at the experience of other entities to see how it is they avoided problems of 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.

Without going into the various criteria that might be utilized in such a situation, let me just commend this resource to you and say that it is possible -- in our experience. We do cite a number of successful programs in here, and certainly that kind of information, perhaps the staff of your group might like to look into it to provide you with in more depth information.

Let me say there is nothing in law that prevents the city from extending such benefits to nonmarital family partners. I was asked to comment on this, since I am the attorney who litigated the Hinman v. Department of Personnel Administration case, which is an intermediate Court of Appeal case. We sued the Department of Personnel Administration on behalf of a gay state employee who sought to cover on his dental benefit plan his family partner -- the same way heterosexual state employees were allowed to cover their spouses. We attacked it as a violation of equal protection law and as a violation of the Governor's Executive Order which prohibits employment discrimination on the basis of sexual orientation. We were not successful in that litigation. That's only the opinion of one District Court of Appeal, let me say. Nonetheless, the fact that it is arguable that equal protection doesn't require it or that the Governor's Executive Order isn't violated by virtue of dispensing employment benefits on the basis of marital status doesn't mean that you can't take some affirmative step to eradicate that form of discrimination -- and it is discrimination. It is discrimination that costs lesbian and gay workers tremendous amounts of money. The truth is that we pay twice for things that other people do not. The truth is that we do not enjoy the same ability to protect our family partners as heterosexuals do to protect their spouses and we do not enjoy the same ability to protect our children as heterosexuals do to protect their children -- if, in fact, those children are the children of our partners and therefore not legally ours, but if we are responsible for their economic survival.

So those are just issues that I point out to you, there's no law against it, although I think that there is a moral law -- an economic law if you will -- that actually militates in favor of it and I would encourage you to examine as a viable option for trying to equalize the benefits that the city provides gay and lesbian families and nongay and lesbian families.

The other thing that I would commend to you is a resource that I did not bring with me, and I would like to provide you with it. Mayor Feinstein, when she vetoed our domestic partner legislation in San Francisco, for which she has gained my eternal emnity, she did appoint a Task Force to investigate the issue -- to demonstrate her good faith that this was not an anti-lesbian or anti-gay action on her part, that it was merely a reflection of the fact that the legislation was flawed or that the concept was not viable. In any event, she appointed a Task Force to examine the viability of providing this kind of benefit to city employees and

that Task Force did issue a report which she then tried to see that it never saw the light of day. I'm trying to find a copy of that report so that you might have the benefit of some of the research that's already been done. Let me say that it turns out that one of the recommendations of that report is that partner benefits be extended ----to the extent that they might be extended to nonmarital families, they should be extended to lesbian and gay family partners only. It is not my opinion that if you were considering legislation like this or providing this kind of benefit -- the city as employer providing this kind of benefit to its employees -- that you not limit it to lesbian and gay employees and their family partners but that you extend it to all nonmarital persons with family partners. Practically speaking, that creates for you an additional interest group, although it's a relatively weak interest group. We all imagine somehow that there's a group of people, heterosexual people who live in non marital relationships and are organized politically around the fact that they live in a non marital relationship. In my experience, having been organizing around this issue for a good amount of time, it's actually not the case, it's not one of their sources of primary identification and usually it turns out to be that its an interim measure -- that they're either in between marriages, or it's not viewed as a permanent situation for the most part. This is not to say that some people don't live in long term nonmarital relationships indefinitely, some people do, and some people still have political scruples about whether or not marriage is an institution into which they want to enter. But for the most part, as I say, it doesn't constitute them as an interest group. Nonetheless I do think that it broadens the base, takes some of the sting away from the accusation that you're providing the special benefit to the lesbian and gay community, that horrid special interest group and I think politically speaking it would probably be a wise inclusion.

I do believe however that you should not pander to the notion -- since there is no way to know who a valid lesbian or gay persons' valid partner is -- that we should not talk about including every member of a persons family. If Susie lives with Aunt Maud and Aunt Maud is somebody who should be eligible for this kind of benefit -- we are talking about the truth of most peoples living situations, we're talking about their mated relationships and we are talking about the ability of an adult to provide for his or her mate and in that respect, I don't believe that the argument about Aunt Maud is a valid one. We would have to figure out how people can provide for extended families in order to answer this particular question. I don't think that's a viable solution. Including Aunt Maud basically would guarantee that the price tag would be so high that there's no way that you could extend the benefit to those for whom I believe it should be intended.

Let me just sum up and say I think you could look into this, that it is something that you could do, but there are many benefits that you could be providing. Nonmarital families are general, lesbian and gay families are particular, they don't necessarily have price tags attached to them and this

would be a large step toward helping lesbians and gay men preserve and protect the family relationships that they are creating.

There are many functioning family units in our community that public policy and law presently are undermining. All the speakers who preceded me were talking about what happens when the family breaks down and I think its commendable that you are looking at what government may be doing inadvertently to help the family break down. There are things in the case of lesbian and gay families that in fact you are doing that could relatively easily be undone. There is mental health to be gained from this. There is economic viability to be gained from this. There is a modicum of social justice to be gained from this as well.

So with that I would say that I'd be happy to answer any specific questions that you might have.

CHRISTOPHER McCAULEY: Thank you very much Roberta. Questions?

DIANE HIMES: Just to respond a bit to what you were saying. We have the programs from San Francisco, from Berkeley, from two other cities I don't remember at this moment. We are including --trying to recommend the cafeteria approach for benefits -- and that would indeed include heterosexuals who are un-married. I'm just laying to rest a little bit of the concern that I heard. I personally have called Mayor Feinstein's Office and I've also had the Neighborhood Arbitration Bureau which I helped fund, start up there, asked Mayor Feinstein's Office for their report. "Say what?" is the best answer I've gotten. So one thing I'm curious -- and this is completely away from the domestic partnership issue for a moment and strictly focuses on lesbian issues -- we've had a lot of testimony in the gay community and not a lot of testimony absolutely totally focused on lesbians. I am interested if we have an increasing violence rate in the lesbian community as we are experiencing in the male gay community. It's not my experience that we do. I would like some input on that.

ROBERTA ACHTENBERG: You mean domestic violence between lesbians?

DIANE HIMES: Domestic violence between lesbians, yes, but also hate violence. We're mounting a major campaign in the Assembly right now with AB 63 redefining discrimination and intimidation and hate violence. It is the perception of the Sacramento crowd that hate violence in the gay community is strictly against male gays. If that is not a fact, I would like your testimony to that and/or any other than practical approach, anything you'd like to say about implicitly lesbian issues that I as a middle-class White woman might not necessarily know and I might be able to have your input from a different viewpoint -- because you have a broader reach into the lesbian community perhaps than I.



ROBERTA ACHTENBERG: Let me say that anti-lesbian violence usually manifests itself in the same way as violence against women does generally. By that I mean, women are more likely to be raped as a result of violent encounters with men -- and that's as true for lesbians as it is for heterosexual -- so it usually manifests itself in a different way. You probably suffer from underreporting in the same way that women in general don't report rapes. Lesbians don't report rapes as well. I think that lesbians are less visible than gay men in the same way that women are less visible than men. I think that's true in the mainstream media -- the women are usually the reflection of men as opposed to the other way around.

Basically, one of the ways women get by is by trying to remain somewhat invisible. How you get past a construction site. The plight of any woman is significant when we're talking about that -- and that's true for lesbians as well. So you spend a lot of time as a woman, as a lesbian, trying to figure out how to get by and avoid confrontation. So that would be my answer to that. There is increased violence against lesbians and gay men to the extent that there are now gay identified neighborhoods, to the extent that people want to be more "out," to the extent that people want to be able to -- within reason -- express publicly their affection toward one another; and we're not talking about having sex on the street corner, I'm talking about holding a hand, kissing on the cheek and that kind of thing. You will have increased violence against lesbians precisely because they are lesbians. Nonetheless it manifests itself in ways that violence against women usually do.

Regarding the issues that are specific to lesbians let me just say that the the Lesbian Rights Project was created ten years ago. We are a public interest law firm. I should say that I'm a lawyer and my experience is that of litigation, public education, a little bit of lobbying. The reason that the Lesbian Rights Project was created ten years ago was to address the need of family that weren't being addressed by any other kinds of organizations either outside or within the lesbian/gay community.

Family issues have always been of primary concern to lesbians because we are women. Probably a third of us are mothers of children -- and that number is growing partly because inside the lesbian community as true with the gay male community as well with the new emphasis on family and the understanding of the importance of enduring relationships. We are seeing an increased desire on the part of lesbians, for example, to have children after recognizing one's sexual orientation. It used to be the case, that lesbians had children, as I say, one-third of us do, that we have them in the context of a heterosexual relationship.

You have a phenomenon in the City of Los Angeles of which you should be aware which I think is a very positive phenomena -- I suppose others might disagree. Lesbians having children after recognizing that they

are lesbians. Let me say that there's also a great desire on the part of lesbians and gay men to become both adoptive and foster parents of children. And I saw one of the areas you were looking into is the health of the foster parent family. Let me tell you that there is a tremendous amount of discrimination going on in your city, in your county. We get calls all the time from Los Angeles County against highly qualified families, lesbian and gay families who would like to become foster parents for example of appropriate children who are being discriminated against by your social service agencies. By discriminated against, what they're not doing is they are not looking at what the child might benefit from, whose home they might benefit from placement in. What they are doing is trying to screen out highly qualified applicants solely on the basis of our sexual orientation because of some misguided notion that it can only do harm to a child to be placed in the home of a lesbian or gay man. So we say that a desire to have children, a desire to parent children is one that's particularly coming to the fore in the lesbian community and that's true in the lesbian and gay male community as well.

DIANE HIMES: Do you have any statistics on the adoption discrimination?

ROBERTA ACHTENBERG: I've probably only been contacted ten times in the last two years by women who -- and you have to understand that this is women who can find out about the Lesbian Rights Project and place a long distance call which limits the number. But basically I would encourage you to look into this and to the extent that I know you're a city Task Force and that means that your jurisdiction is limited but certainly you can encourage your department of social services to do education around this issue. We have found, and I do a lot of education of social workers on issues about lesbian and gay parenting and the appropriateness of lesbian and gay homes, and we find that education is really a critical key. It's not very expensive and it certainly opens people minds. You probably have a dearth of qualified foster homes in your area and I'm sure you do, everyone does. And it would be wrong of you not to take advantage of this rich resource. There are many people in our community who are qualified to be foster parents. There are many people who are not, and would be, inappropriate placements. We don't have either a monopoly on good parenting or bad parenting or qualifications to be parents -- but then I've also observed that neither do heterosexuals. So I would encourage you to look at those things and I would say parenting is the issue that's specifically emerging in the lesbian community right now.

DIANE GOODMAN: On the issue of parenting, I read somewhere, and can't find where I read it, there were two women who were able to adopt somewhere in the Bay Area. (Joint adoptions, yes.) Is that being done regularly up there or is that an isolated incident?

ROBERTA ACHTENBERG: Now we've done three and the Department of Social Services is -- the policy which I am presently challenging says -- that they will no longer make positive recommendations in cases involving nonmarital couples -- that's their euphemism for lesbians couples -- where non marital couples seek to adopt a child jointly. It's a totally preposterous on their part because it denies the child the benefit of having two legal parents, two people who are obligated to support the child.

What they're doing is perceiving correctly, somehow that it strengthens the existence of lesbian-centered families and that's something they don't want to see happen. So they let three go by and now they're trying to promulgate a rule that says you can't adopt kids jointly if you're a nonmarital family. And I know what the motivation is, I discovered their memos that reveal it relatively clearly -- and I think they're dead wrong. They are not looking at it from the point of view of the child who could who can have two legal parents. We try to provide children with two legal parents all the time. It just so happens that we don't want to do it when they happen to be same-sex parents and I think that that's bad public policy and I think that it's bad from the point of view of the child who they're supposed to be protecting and whose best interest all this is supposedly being done.

DIANE GOODMAN: I have read some of your "Recognizing Gay and Lesbian Families" I haven't gotten all the way through it yet and I have a question with regard to economic versus noneconomic benefits. You were talking about creating distinctions -- the need, not necessarily for a system like the Berkeley Ordinance or that kind of thing for some benefits, but the need to have some distinctions for other benefits.

I'm trying to figure out if we need to design two systems -- one for the big benefits and the other for little benefits -- or if one will do and if that will mess with the little non-economic benefits.

ROBERTA ACHTENBERG: O.K. You're talking about the city as employer? (Yes.) In my view it's strategic and it depends on how much bureaucracy you want to develop. I don't know how difficult it would be strategically because I think that you might want to go after the noneconomic benefits first just because you can demonstrate thereby the viability of a program where you give a designated beneficiary as opposed to automatically making the spouse the beneficiary. I would start there and I would develop a system that could easily be developed into the system whereby economic benefits could follow. I don't think that they have to be precisely the same and I don't think that there's that much bureaucracy involved in making them different and I think that it may be appropriate that they be different. The interests of the employer varies, and the reasons they provide these benefits vary depending on the kind of benefit that it is.

CHRISTOPHER McCAULEY: O.K. Thank you very much for being with us today. It's good to see you. Patiently, prepared, Sue Moore is here. She's the Director of Lesbian Central which has become a very important part of the Gay and Lesbian Community Services Center. She is addressing the topic of gays and lesbians, particularly maintaining stable relationships. Welcome.

**SUE MOORE**

**Director, Lesbian Central  
Gay and Lesbian Community Services Center**

Maintaining Stable Gay and Lesbian Relationships

SUE MOORE: Thank you. I really appreciate being asked to testify and be able to get myself out of the up-to-my-ears grass roots situation that I'm in in Lesbian Central and to adapt an entirely new identity.

I'm going to make my remarks short and sweet because I'm sure you're all hungry for lunch and I have been sitting here very impressedly listening to the previous testifiers and couldn't agree more with the need for media advocacy awareness and for the extension of benefits as described by Roberta. I have three bases of experiential awareness on which I am making these remarks. I'm not a researcher, I'm not an academic. I am by profession a psychotherapist and have been doing social service in the Gay and Lesbian Community Services Center for a little over a year. I have been myself a lesbian in a series of monogamous relationships since 1957 and have experienced what has been called "serial monogamy" which is thought to be a peculiarly typical form of lesbian relationship.

Most of my remarks will be addressed to the issue of lesbians. I think that they can be generalized to gay male relationships as well but I do think there are specific issues, and since I am a lesbian -- that is my area of knowledge and expertise -- so I will be addressing that particular form of relationship.

I have worked in community mental health for many years. I've worked as a psychotherapist in straight society and have done family therapy. And this morning I woke up from a dream which I thought was very odd until I was sitting here with this long period of enforced reflection -- reflecting on the fact that in 1969 or 1970 when I was doing family therapy at the Illinois State Psychiatric Institute -- a real intensive period of gay liberation -- I became very uncomfortable working with family therapy and began to understand that I was healing people and helping people in contexts but I was not in a position to help myself. And I began to feel, "Why am I helping these people when I am not in the position to provide similar services to myself and would get the same kind of support when my family became dysfunctional?" At that point I began to give up the practice of family therapy and concentrated on individual and couple therapy and went into community mental health.

I have a private practice. As a psychotherapist it's very easy to get into the position of studying only lesbians and having that perspective and having that perspective alone. I have strenuously resisted that because I believe it's important to see lesbian relationships within the context of relationship and identity formation at large. And so my remarks about lesbian relationships and identity have to do with the fact that I see them as being particularly vulnerable and at risk. I will read these remarks which I have for your record.

Lesbian and gay relationships are formed within a homophobic society hostile to their formation and hostile to committed same-sex relationships. This has implications for the health and stability of not only lesbian relationships and families but our identity. We receive no institutional support in the form of insurance, employment or retirement benefits. Families or friends are often unsupportive of us or openly hostile and disowning. When we are in trouble as couples we frequently have nowhere to turn for support save the lesbian community. This vulnerability and isolation has implications for the functioning and emotional stability of couples, families, and individuals. We are, as individuals, and as couples (and parenthetically I have to say in my series of five serial monogamous relationships I think I have learned the hard way what I'm talking about). I'm not excluding myself from any of these remarks. I have experienced them personally.

We are often highly co-dependent demonstrating various patterns of addiction and enabling. Because there is so little external support, we often think of ourselves as renegades, bandits -- "It's you and me against the world, baby." This is the typical emotional posture of a lesbian. This in turn sets the stage for an unhealthy confluence or fear of honest confrontation or communication. As a result of this there are many ramifications to that inability to be confrontive and fully individuated within those relationships. As a result we experience a high degree of substance, emotional and physical abuse. When couples break up under the severity of economic and emotional pressure such transitions take place often usually without the benefit of familial and social support. Since there is no legalized marriage contract for lesbian and gay couples there is little recourse in sorting out financial resources and obligations. This can be a very hairy deal in resolving or uncoupling from a lesbian relationship.

I have recently treated a couple who have embroiled themselves financially with one another. This sets up a tremendous capability of emotional abuse, the vulnerable partner usually deciding they have to get out of the relationship, and they can end up on the street completely penniless with the other partner emotionally taking the ball and running with it. I've seen this again and again and as a matter of fact I have been in that position. I have left a relationship penniless. Individuals experiencing a breakup are emotionally at risk under the best of

circumstances. With lesbian couples a breakup can set off a vicious circle of vocational, financial, and emotional instability. Lesbians can expect to receive little support or understanding from co-workers and employers when the going gets rough. They are often estranged from family so they cannot move home as an emotional bridge. At the same time they are unlikely to receive solid support from other lesbian couples who are themselves often coping in a marginal fashion. It's really hard.

When Jay and Susie are having troubles, you say, "Can I come and live with you?" Right now, because all of a sudden you're the single woman, you're the threat. You may want to get into a sexual liaison to bolster your self esteem. So as a matter of fact, the support that lesbian couples receive from other lesbian couples is often very tenuous. They might say, "We'll help you just a little bit, but don't get too close right now." For lesbian women this may mean moving quickly into a new dependent situation without having worked through separation issues with the first relationship. Hence, the serial monogamy. This results in what I would call a very significant mental health issue for lesbians, and I include myself in that population.

We have what I would call an accumulation of emotional debt, or deficit as we get older. That is to say because we are resolving situations incompletely, without support, these situations are not fully resolved, and after five relationships, you can imagine you've accumulated a certain amount of emotional debt. Without a lot of therapy and support that can result in an increased vulnerability financially and in every way. This may mean a descent into drug or alcohol abuse. There's a lot of talk about the intensity of alcohol abuse and addiction in the gay and lesbian community. I think we need to look at why that is. Alcohol and drugs are support where there is no other support. People begin to draw on that kind of support when they don't find anything else around them. Sure there's a lot of alcohol abuse in the lesbian community -- in the gay and lesbian community -- we need to look at where that's coming from. It may mean a descent into drug or alcohol abuse, loss of a job, severe disruption and dislocation or even homelessness. A new round of troubles surrounds such individuals and shelters for the homeless are both havens for the homophobic and heavily dominated by men. Lesbians are women. Women are very vulnerable in such situations. Lesbians are doubly vulnerable in those kinds of situations. There are to my knowledge no transition houses sensitive to the particular needs and vulnerabilities of homeless lesbians.

The remedies that I would like to suggest -- I'm sure have been mentioned by other witnesses, but I've tried to cover all the bases here so my remedies are global.

The city government can and should provide leadership for the entire community by the extensive examination and updating of its public policies around bereavement, library privileges, etc. as Roberta addressed.

**Public education:** we need a broad based educational program geared to demystify and diffuse homosexuality, that is, to promote the concept of family diversity starting in the public school system, but also extending to all institutions, medical, psychiatric, legal, and social service. This means that public colleges, public schools, should be encouraged to include courses in family diversity and there should be extensive in-service training in hospitals, public social service agencies, and so forth, on family diversity and homosexuality, and on homophobia.

**Research:** a variety of research projects in community settings, coupling and uncoupling issues -- family issues for gays and lesbians -- should be funded.

**Acknowledgement:** obviously we are an invisible population and are never given the chance to -- even if we should want to -- acknowledge that we exist. A lot of lesbians and gays are going to continue to want to be positive because they really certainly fear the continued oppression that we all experience. Application forms, records of various kinds, should have space for individuals to acknowledge their same sex affiliations on an optional basis.

**Benefits:** that's pretty obvious. We need to look at the whole system -- insurance, health and retirement benefit packages. It's funny -- I'm working at the Gay and Lesbian Community Services Center, and we also have health insurance which does not provide for same-sex relationships or benefits and the reason is: it's too costly. It's expensive and prohibitive, but what kind of message does that give to those of us who are working there -- a lousy, a shitty message -- pardon my language. My grass roots are showing.

**Media advocacy:** I couldn't agree more with the importance of understanding and beginning to look at the effects of media and our invisibility within those pictures that we are inundated with. We need a heavy look at advertisements, public education documents and programs which should as a matter of course include pictures of same-sex partners.

**Support:** we need a ton of support if we are going to get out of the unhealthy patterns of confluence, ghettoism, etc., that we experience in the gay and lesbian community. I would just suggest that, as a beginning, we need couple counseling programs. We need mediation -- family mediation, divorce mediation -- whatever you want to call it. We need that just as much as heterosexual couples, if not more. We need particularly -- and I am especially interested in seeing this -- transition houses for women who are homeless. Homelessness is a result of the decent into emotional, physical, psychological abuse that starts with the pattern of beginning to uncouple. At that point the person is particularly at risk to become homeless. If we have transition houses where people can begin to establish



healthy dependencies as opposed to the co-dependencies that we are seeing in lesbian relationships, then homelessness need not occur. Questions?

THOMAS FRANK COLEMAN: I just wanted to see if this makes some sense here. In one of the remedies, you talk about support. In my studying the issues of domestic partners and gay and lesbian couples, it seems that from a legal point of view we have no support for uncoupling. I mean a heterosexual, married couple has some support. They have a conciliation court, and they have a family law court, both of which are pretty much a matter of routine -- a lot of times they don't even need an attorney. If they do have attorneys, the attorneys know how to operate within the system very easily. I mean that system's been developed over years and you don't have to learn a new system like Marvin vs. Marvin -- Marvin created a new system.

One of the students in my classes took a look at the possibility of extending the family law court to the uncoupling of gay and lesbian relationships. The conciliation court could be made available to gay couples. to encourage us to think it out first before we separate. The law already allows for a conciliation court to be used for a variety of family relationships other than a married couple, but that the system is not responding to us because, we are not demanding it, and also out of fiscal fear. By law, the county does not have to operate a conciliation court. There seems to be fear that if gays can use that system, that somehow our county Board of Supervisors would react adversely or negatively. I'm just wondering if you think it would be helpful if the conciliation court were made available to gay and lesbian couples who need counseling and support? There could be training and so on within that court and maybe that should be a goal we should strive for since it technically doesn't require a change in law.

SUE MOORE: That sounds like a very obvious alternative and something we should pursue.

NORA BALADERIAN: The question I have really relates to the work that you do, and is not a recommendation. My work is with persons with developmental disabilities and the males have a great deal of trouble getting services from the Gay and Lesbian Services Center. I have not located, found, identified women with developmental disabilities who are lesbians. Do you serve them? What percentage of your clientele are developmentally disabled?

SUE MOORE: I have not done outreach to that population. There are any number of populations that need outreach. We are just beginning to meet the need at the level of those who are able to walk in the door. I think there needs to be an extensive outreach to populations such as you mention.

DIANE HIMES: You are funded by the city at this point, am I correct?

SUE MOORE: The City of West Hollywood also the basic core grants of all the entire Center, funds part of my program.

DIANE HIMES: Because I know that the Center came to MECLA and asked them for assistance to speak with the City Council for additional funding. What I was curious about is, if the Lesbian Central had written separate grants specifically for women, or if you were allocated a part of the general grant, and if so, what percentage of the general grant or grants to the Center is given to the women's section of the Center?

SUE MOORE: Lesbian Central is, of course, not the only service for women within the Center. It is just identified as a service for women as a political, social, advocacy corrective. That is to say, this population needs special support so we're going to identify this population and give it funding. We receive a grant of 40% of our budget from West Hollywood. Sixty per cent comes from the general grant, and funding for the entire agency. of which there are somewhere in the vicinity of 49 separate grants from various sources -- public, individuals, etc.

DIANE HIMES: I guess what I was asking is, from that group of grants that is given to the entire G.L.C.S.C., what percentage is cut to Lesbian Central? Do you have any idea?

SUE MOORE: No, I don't, and I should know that.

DIANE HIMES: I would love if you could update us on that, because -- it's somewhat the feeling of some of the women in the community that -- a lot of the women in the community are helping the men a lot and them men are not necessarily responding to some of the women's issues of abortion, etc.

SUE MOORE: Good question. I will research that immediately.

CHRISTOPHER McCAULEY: Good. Thank you very much for being with us. Delighted to have you here.

Jay Westbrook wears a variety of expertises; today the American Society of Aging, and we've asked him to come by for a statement, particularly on respite care, the critical issues. Jay.

**JAY WESTBROOK**

**Gerontologist, American Society on Aging**

**Seniors: Respite Care for Caregivers**

JAY WESTBROOK: I'm very pleased to be here today, more pleased than you know. I almost got arrested on the way here and you will learn why during my presentation. As I was telling Karen, I'm a Phil Donahue-type presenter. I like to walk and talk and interact and time constraints forbid that so I'm going to have to stand and read my statement which drives me crazy but will allow more information to be put into the record.

Briefly, my affiliations are American Society on Aging, where I'm a planner, gerontologist, media coordinator, I teach at U.C.L.A. Extension, I'm a Center Fellow at the U.C.L.A.-U.S.C. Long-Term Care Gerontology Center, sit on the Long Term Care and Elder Abuse Task Forces of the County Area Agency on Aging, and I'm also a private consultant on a number of gerontological issues.

Although this testimony today will eventually define and discuss respite care, and focus on what role the City Council or the city itself can play in its promotion, I will first present some background information -- a framework on which to hang the thoughts, if you will.

**Background:**

First, our society is graying, that is, in our society the number and proportion of those over 65 is increasing, and the 85-plus age group is the fastest-growing age segment in our society. Those who are 85+ are the group most likely to develop long-term chronic illnesses which leave them functionally impaired and in need of some form of home care or care in the home if they are to avoid institutionalization. There are two implications to that.

**Implications:**

The first is that the burden for this in-home care will fall primarily on the spouses, siblings, and children of those elderly as government policies currently discourage reimbursement for care that is not either skilled nursing care or rehabilitative. That is, the government will not reimburse for what is known as custodial care. There has to be a chance, there has to be an indication that the person will get better, not just be able to be maintained at that functional level.

The other implication is that many of the caregivers themselves are aging, experiencing declines in physical integrity and in earning power. That what was to be their golden years of travel, recreation, and relaxation, many will find themselves expending time, energy and money to care for aging parents, and some of the money spent in delivering that said care may well be money that will be needed in the future for the caregiver's own care.

Second, it is cheaper to care for all but the sickest of the elderly in the home rather than in an institutional setting and certainly the home setting affords more dignity and quality of life for the sick elder than does an institution. However cost-containment policies continue to force and/or keep the frail elderly out of institutions such as the development of DR.'s which force the people out of hospitals early, they're going home quicker and sicker than in the past. At the same time that this is occurring, federal funding for home health care is being cut faster and at greater rate than other health services for the elderly or for any other group.

Implication:

The implication of this is the same as above, the burden for caring will fall primarily on spouses, siblings, and children of aging parents.

Third, families are changing and doing so in a number of ways. There are fewer children being born per family, and they are being born when the parents are older than they had been in generations gone by. Families are increasingly fragmented because our mobile lifestyles, geographically-distanced children from parents and from one another and our society is changing from one of traditional families to one of nontraditional families such as single and divorced parents raising children, and nonmarried couples with or without children.

Implications:

The implications of this are that in the future there will be fewer children to share the burden of caring for an aging parent and therefore the real and perceived burden experienced by those caregivers will be greater than in years or generations gone by; and in childless families, it will be aged spouses and aged siblings that have to serve as the sole caregivers.

Fourth, there's been an increase in the number and the proportion of infants being born with birth defects that permanently impair physical and or cognitive integrity and functioning. Public health officials have projected that these increases will continue, not decrease. At the same time, the number of disabled elderly Americans is expected to double in the next 30 years.

Implications:

The implication again is that the burden of caring for these disabled individuals will fall primarily on their families -- again because of the government nonreimbursement for custodial care, and some families will have the double burden of caring for disabled family members of both the younger and older generation, that is, for parents and children with physical or cognitive challenges.

Fifth, women are becoming a greater and more integral part of the labor force with almost 70% of those women between 35 and 44 years of age, and 60% of those between 45 and 54 years of age currently in the workforce. Their work is vital to their development as people, invaluable to the nation, and often necessary from a perspective of family finances. At the same time, it is women who have traditionally been the caregivers of aging parents -- both their own parents and their husband's parents.

Implications:

The implications of this are that women are going to be forced into a lose-lose situation, which is typical for women; let's force them into that situation. The choice is allow a frail parent to be institutionalized even though you don't want that or give up their role in the labor force and suffer the personal and financial losses tied to such leaving while at the same time denying the country as a whole the contributions which women have to offer.

Finally, families currently provide the great bulk, approximately 80%-90% of the care for elderly Americans, including, not only financial assistance, but helping with the activities of daily living, that would be bathing, dressing, eating, toileting, those kinds of activities. And also with housekeeping, home repair, bill paying, transportation, etc.

Implications:

The implication of that is that given the load that families are already carrying, it is unrealistic to ask them to do more without offering them support for their efforts.

Respite Services:

The next part of my testimony will focus specifically on respite services.

Among gerontologists specifically, and human service providers in general, respite is one of those terms kind of like case management, that everyone uses but which means something different to each individual.

Some consider one type of service or program respite while another may not. Now part of this confusion arises from the fact that respite is something offered to caregivers while most existing programs and services are offered to care recipients. And in the attempt to reconcile the myriad definitions I've heard people use in defining "respite," I turned to the popular edition of Webster's Dictionary and found "respite" defined as "temporary relief." Well, the information presented thus far makes it amply clear that there is currently a tremendous burden being carried by families and individuals delivering care to their aging parents. And that burden will only increase in the future.

Gerontologists and other human service professionals have long bemoaned the lack of adequate respite services that provide temporary relief from the burdens of caregiving. They say that in the City of Los Angeles there are almost no respite services. Well I must differ with that assessment. Given the above stated definition of "respite," I claim that within the City of Los Angeles respite service is readily available and highly utilized.

Here is the respite of which I speak -- the syringe, alcohol, marijuana, cocaine, elder abuse, "Let's lock Mom in her room, let's tie her to a chair so that I can go out and get the shopping done" -- these are the kind of respite that exist right now in the City of Los Angeles. This is where I almost got arrested for coming here. I had to show the officer my paper; I had to show him my cards; I had to show him this was Kleenex in here, not cocaine; that this was a cigarette, not a joint. So, he'll have something good to talk about when he gets back to the station.

Yes, respite is available in the City of Los Angeles but the wrong kind of respite obviously. These items may provide temporary relief, but they all tend to exacerbate the problems of both the caregivers and the care recipients.

I would say that the dictionary definition falls short of what professionals know is required of a good respite program. 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 you 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 help 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 the need? 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's prescription drugs, not street drugs. Depression is 300% higher in those caring for an aging relative -- not with Alzheimers --just an aging relative.

The Traveler's Insurance Corporation study indicated that 20% of their employees over the age of 30 are now 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's 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 decline. Clearly the ongoing burden of caring for an aging relative has tremendous cost for society and for the individual.

In addition to the above, it has been demonstrated that the caregiver's mental health, social and recreational participation and suggested well being are compromised. It will only get worse as AIDS becomes more and more of a problem and there are not facilities to put an AIDS patient in, even if you were willing to suffer the guilt attached with institutionalizing somebody that you love. And the same is true as D.R.G.'s push people out of hospitals sicker and sicker. There aren't nursing home beds to put a custodial case in -- someone who is driving you out of your mind, such as a mom who who asks you 15 times an hour the same question, who leaves the burner on the stove every time she fixes tea.

Therefore, let us quickly examine what the City Council can do to help provide respite services to our community's caregivers:

(1) I would urge the City Council to recognize by proclamation those existing respite care programs which are of exceptional quality and which address the needs of caregivers.

(2) I urge the city to conduct a survey of all city employees in every department to determine the number of employees caring for an aging relative, the amount of time they spend on caregiving, their perceived burden, and what they feel would most help in the lessening of that perceived burden. Then actions, which truly meet the needs of those employees could be developed. These might include grandiose projects such as the city sponsoring adult day care centers at job sites, or something as simple as flexible hours, so that you can come to work early, get off work early and get to the adult day care center to pick Mom or Dad up before it closes.

(3) I would urge the City to help establish support groups for caregivers which could do a number of things:

(a) provide information on the health or cognitive problem the aging parent is experiencing,

(b) provide information about community services,

(c) and increase feelings of support while at the same time lessening the perception that the caregiver is in this all alone.

(4) I would encourage the city to create tax incentives where possible, or zoning variances for businesses that create adult day care centers for their employees aging parents. There are many who say that this movement will go fast, much more than child care because they view child care as women's work, but the executive, by the nature of his position is older, or her position, and is probably experiencing problems in caring for an aging parent and therefore will be more sensitive to the need for adult day care for parents than for children. I don't buy that. I think this is going to have to be pushed and fought for just as hard as has child care, although there are those as I said that will disagree with me. The executive, he or she sitting up in the office with a six-figure salary is usually able to afford whatever kind of care is needed to provide himself, herself, and family with respite.

(5) I would urge the city to use its influence at the state and federal level to lobby for more funds for custodial care particularly in-home custodial care which in itself provides respite to the families.

(6) I would urge the city to develop training material, such that both volunteers and paid workers could learn the skills necessary to deliver quality respite services. There is an unemployment problem in this country. There is an unemployment problem in this city and there is a need for skilled respite workers. There seems to be to be a wedding there. A natural match if it is approached properly. This is perhaps the most important.

(7) I would urge the city to work closely with the County of Los Angeles in the implementation of the Los Angeles County masterplan for respite care services. I don't like to see duplication of effort and the wasted money that goes along with that. There is a huge, thick, very recently put together masterplan for respite care services in Los Angeles County. As a member of the Area on Aging's Long-Term Care Task Force I have had legislators come from Sacramento and chastise us and say that although we have the greater amount of elderly persons in the state, most of the grants, or a disproportionate amount of service grants and demonstration programs are awarded in northern California for one reason and one reason alone -- there there is unity between the service providers. They have a coalition of 84 service agencies that provide care from one end of the age spectrum to the other. And they work together when a proposal



comes up for grant money they work on it together and the agencies work together. In Los Angeles that does not happen and there is certainly within the Area Agencies on Aging there is conflict between city and county. There is a certain amount of cooperation but probably greater conflict and I think that this is one of the most -- in terms of respite -- this would be one of the most important times for the city to work with the county.

(8) Finally, as Los Angeles has replaced New York City as the melting pot of the country, that is, we exhibit more cultural diversity than any other city in the United States and these culturally diverse families often encounter barriers such as time barriers, cultural, language, or transportation barriers to health and social services or they may even be unaware of these services. Therefore, the City Council should push for and even develop on their own public service announcements -- "P.S.A.'s" -- about existing and developing respite services available through the City of Los Angeles. Further, those P.S.A.'s should focus on the removal of the above-named barriers to utilization. Lastly, the city should work with the media to assure that those P.S.A.'s are placed in or around shows which are watched by those individuals or groups whom the city is trying to target for the services identified in the P.S.A.

I thank you for allowing me to testify before this Task Force and hope that you found my comments helpful. Any questions, or anything I can do in the future, feel free to contact me.

CHRISTOPHER McCAULEY: Thank you, Jay. That was very good, very comprehensive. We have time for maybe one or two questions.

CAROL GILL: Your demonstration with the beer cans was certainly what I would expect from a good media consultant. You understand the importance of visual drama and I'm sure you also understand the impact of words. And I'm concerned about the words "burden of care". Although they certainly are realistic and truthful, it has become a burden of care, but I think it's important to clarify for the record that it becomes a burden because of a society that doesn't consider aging a part of life or disability a part of life and doesn't provide for -- not burdensome care -- it shouldn't be that. What it should be is reasonable and dignified attendant services.

JAY WESTBROOK: When I used the word "burden," what I'm referring to are families that are trying to live the American dream -- work hard, take care of their loved ones -- when there simply isn't enough, there aren't enough hours in the day to do everything that needs to be done. We don't need to speak here about a child with birth defects or someone who's 89 years old and has Alzheimer's. It can be as simple as somebody who's hurt on the job and left paralyzed, has their legs crushed -- suddenly the income falls out. There isn't much insurance and the work involved in taking care of that person, when the government doesn't offer any kind of supportive services, is what I was referring to when I said "burden".

CHRISTOPHER McCAULEY: Thank you both. I believe Lynn Warshafsky is here. Lynn is the Director of Counseling at the Gay and Lesbian Community Services Center and she is here to make a statement about family violence, particularly within gay and lesbian relationships, and what resources exist or do not exist to support that kind of a stability in families. Welcome.

**LYNN WARSHAFSKY**

**Director of Counseling  
Gay and Lesbian Community Services Center**

**Violence Within Gay and Lesbian Relationships**

LYNN WARSHAFSKY: Thank you. I want also to introduce -- sitting in the back row there -- Barry Levy. Barry is a licensed clinical social worker who works at Didi Hirsh Mental Health Center and has been very involved in the battered women's movement. While I am doing the presentation, both Barry and I will be open to any questions that you might have.

I've been asked to discuss violence in a general sense within lesbian and gay relationships. I want to note at this point that I'll be discussing domestic violence specifically, or battering, rather than other forms of violence. For purposes here, what constitutes battering is conceptualized similarly in the gay community as in the heterosexual community. Quoting from a book on lesbian battering, edited by a woman by the name of Carrie Lovel, battering is defined as "violent and coercive behaviors whereby one partner seeks to control the thoughts, beliefs, or conduct of the other partner or to punish the partner for resisting the perpetrators control over her/him."

I feel that I need to preface this discussion of lesbian and gay partner abuse with the statement that raising this issue in the public forum is perceived as very risky by many lesbians and gay men. In the gay and lesbian community's effort to bring legitimacy to the relationships they face homophobic attack, misperception, misunderstanding, and so tend to be very protective of those things which might in some way be harmful to them as a community or to them as individuals. But I speak here because I think it's really important that lesbians and gay men be able to seek help for and discuss their relationships -- all components of them -- without feeling that their homosexuality itself will be scrutinized, but rather the behaviors and feelings that disrupt their family unit.

Domestic violence does exist in lesbian and gay relationships. Anecdotal evidence suggests that such battering appears to follow many of the same patterns as heterosexual battering. We can speculate, though we don't know that battering exists with the same prevalence in gay and lesbian relationships as in heterosexual relationships. In Los Angeles, lesbian partner abuse has been addressed within the community over the

last four years or so. Again, female partner abuse remains unaddressed in any organized fashion. For lesbians, most of the work on domestic violence has come from grass roots organizing and from lesbian/gay community agencies. Despite the efforts of these individuals, there is still a great deal of silence surrounding lesbian battering including silence within the lesbian community -- and it's a silence that is only beginning to be broken.

Efforts to understand the prevalence and dynamics of gay and lesbian partner abuse, as well as the couples' service needs, has resulted in surveys, needs assessments, research, and some level of direct service. Most of what we know comes from anecdotal evidence from organizations who provide direct services to lesbians and gay men. Additionally, lesbians who have been battered are starting to speak out and some of their stories have been published and that is the book that I made reference to when I gave you a description of what battering is.

There is still a lot that we need to learn. We need to understand the differences and the similarities between lesbian/gay domestic violence and heterosexual domestic violence in order to assure that our services are as appropriate and sensitive as possible. We can assume that those issues which are unique to the gay and lesbian community -- internal and external homophobia, coming out, struggling to maintain a relationship that has no legitimacy in the culture as a whole -- compound some of the problems that lesbians and gay men face. Both lesbians and gay men have difficulty identifying the violence in their relationships as abuse specifically, and have difficulty in stepping forward to seek help.

Battered gay men and lesbians may defend themselves and they may defend themselves more frequently than a heterosexual woman does in a heterosexual battering relationship, and sometimes defense is confused with co-battering or mutual battering which it is not. Disbelief and denial is not an unusual reaction for a battered individual. For lesbians, this may be exacerbated by the commonly held belief that women are not violent and that women do not hurt one another. Male socialization teaches men that they cannot or should not be victims. We can speculate that fewer gay men than women identify violence in the relationship as battering and then seek help. For gay men also the problem is exacerbated by even fewer services or resources directed toward their needs.

Theoretically, the shelters that are available for battered women would also accommodate lesbians who have been battered. However lesbians who have sought help from shelters have often experienced homophobia and sexual orientation discrimination. A battered lesbian may find it difficult to shelter her children if the biological mother is the battering partner. The battered lesbian has no legal right to take the children from the battering home environment even if she feels that they are also threatened. Some lesbians may utilize shelters but never mention

that their partner is a woman -- if you can imagine what that would be like to finally seek out help but not be able to identify the gender of your spouse. Finally, protecting the safety of the battered lesbian can present unique problems since the batterer --herself a woman -- can present herself as a battered woman in order to gain access to her partner in the shelter.

Lesbians and gay men have reported many negative experiences with law enforcement and thus do not tend to see them as their protectors, as a resource for them when they are in need or as people who will take their concerns seriously. In some cities, police file mutual assault charges when intervening in a battering situation, leaving the fact of partner abuse unacknowledged. I've heard about this from a number of different cities around the country and frankly don't know what the situation is in Los Angeles on this score.

Another problem for the battered lesbian is that seeking help could jeopardize their child custody.

I have one or two recommendations that I would like to make to the City of Los Angeles:

(1) It is recommended that that the City Attorney's Office convene a time-limited task force comprised of law enforcement, community agencies, shelters, and key individuals in the lesbian and gay community to examine the issue of lesbian and gay partner abuse specifically.

(2) It is recommended that such a task force gather information from agencies and shelters working with lesbians and gay men, from battered lesbians and gay men themselves, from law enforcement and other sources to assist the Los Angeles community in furthering its understanding of lesbian and gay partner abuse and the barriers to effective use of service.

(3) It is recommended that following input from above described groups that the task force make further recommendations on how to best help battered lesbians and gay men.

(4) It is recommended that the city support and encourage research which will help us understand the similarities and differences between domestic violence in heterosexual families and domestic violence in lesbian and gay families.

(5) It is recommended that the City Attorney's Office take reports of discrimination based on sexual orientation experienced by gay men or lesbians who have been battered and who have not been fairly assisted by law enforcement or the courts.

(6) It is recommended that the city assures that homophobia workshops are provided to law enforcement -- perhaps through a training for trainers, whatever the method, and that family courts and police intervening in domestic disputes be trained to be especially sensitive to the needs of the battered gay men or lesbians.

(7) It is recommended that the city support domestic violence programs designed specifically for lesbians and gay men, including education programs or community speakouts, through funding such programs in full or in part.

(8) It is recommended that the City of Los Angeles provide full legitimization to lesbian and gay family units in the diverse forms that they're constituted.

(9) Lastly, it is recommended that the city require all city agencies, including those funded in whole or in part by the City of Los Angeles, to formulate policies which explicitly state their intent to protect the rights of lesbian and gay families and treat lesbian and gay family units with the same level, kind, and quality of services and benefits provided heterosexual married couples.

To overview: Lesbian and gay partner abuse is a known problem among lesbian and gay families. While the incidence is not known, anecdotal evidence allows us to speculate that it probably has the same rate of prevalence in the heterosexual community as in the homosexual community. Further, we can assume that battering dynamics are similar in homosexual and heterosexual families, though the gay and lesbian experience will be colored by such unique factors and internal and external homophobia, coming out, and struggling to maintain relationships not validated by the culture as a whole.

Lesbians and gay men have faced discrimination and insensitivity by traditional social services agencies, shelters, law enforcement, and the criminal justice system, and thus may be much less likely to seek help from these sources.

Lesbian and gay men fear homophobic insensitivity if they come forward for help and such fear can leave a battered gay man or lesbian protecting his or her batterer rather than having to confront an insensitive and anti-gay system.

Legitimization of the lesbian and gay family is essential. Such legitimacy can be provided through domestic partnership laws which provide that lesbian and gay relationships constitute a legal partnership with all the rights afforded heterosexual married couples.

Changing attitudes -- as I think we all know -- is long term work, and it's important work. It's also important that city agencies, again including those funded in whole or in part by the City of Los Angeles, reflect their commitment to sensitive and accessible services through the written policies and procedures.

I want to also commend the City of Los Angeles Family Diversity Task Force for your work in seeking to understand the issues that we all face and for acknowledging that "family" as a social unit really encompasses a broad range of lifestyles and configurations. Thank you.

CHRISTOPHER McCAULEY: Thank you very much. You covered a lot of ground and it was very well done. Questions. (No.) Do you have a written statement that you can leave for the record? (Yes.) The book that you mentioned, you mentioned the author but not the title.

LYNN WARSHAFSKY: Carrie Lovel edited it and it's called Naming the Violence, Lesbians Speak Out About Battering. I referenced it in this testimony, so it's there. And it is the only written work at this point on lesbian battering specifically.

CHRISTOPHER McCAULEY: Good. Thank you very much. Sue Ridenaur, the Chair on the County Commission on Disability, is with us this afternoon, specifically to address some of the areas for needed improvement in public transportation. We've mentioned this briefly in some previous testimony, but we appreciate her presence here this afternoon to further underscore what a critical issue this is. So we appreciate you coming. Thank you.

**SUE RIDENOUR**

**Chair, County Commission on Disabilities**

**Needed Improvements in Public Transportation**

**SUE RIDENOUR:** My name is Sue Ridenour. I am Chairperson of the Los Angeles County Commission of Disabilities. I'm very happy to be with you today and talk about disabled people and the issue of public transportation.

Several changes in the public transportation scene have resulted in local jurisdictions (cities and counties) becoming public transportation agencies. They are now designing and developing and funding transportation systems which serve the general public.

The primary causes for these changes are:

- 1) reduced federal funding;
- 2) the availability of local transportation funds (LA County Prop. A); and,
- c) the federal requirement for an increased emphasis on utilizing the private sector in the delivery of public transportation.

Public transportation and delivery is a new endeavor for local governments. The previous experience with transportation has been almost exclusively limited to NONPUBLIC transportation programs serving specific segments of the population:

- 1) by providing services to alleviate the effects created because public transportation systems were minimal or nonexistent in some localities;
- 2) by providing service because a social injustice existed within the community -- the PUBLIC transportation systems that did exist were not accessible to people with physical disabilities. (And they have called this service the Elderly and Disabled Dial-A-Ride type service).

Now that the local jurisdictions are planning and designing and providing general public, how are they doing as it relates to serving people with disabilities? It appears that many jurisdictions have come to regard their segregated Dial-a-Ride service as an end unto itself -- thus,



disregarding the accessibility features on the public systems. The City of Los Angeles is no exception to that.

To give you some examples of their disregard:

1) The downtown Dash system did not contain a lift in the specifications until disabled people loudly complained over that fact.

2) The Fairfax Trolley, which the city claims is accessible because it has a portable ramp inside that the driver will take out and utilize, and push you up into the vehicle and then back down backwards (but it's so steep that it cannot be negotiated, even in a powered wheelchair, by yourself.

3) Another area is in San Fernando, Sunland, and Tujunga. The general public Dial-a-Ride system was developed with one of its primary features being the transportation of people in the hills and living away from bus stops, down to the bus stops so that they could get there. This system too was not designed or planned to be accessible and that was said that was because disabled people had their separate Dial-a-Ride service called "Val-Trans" in that area.

Rather than insure that handicapped persons may use public transit systems, as prescribed by law (and I have brought copies of my presentation as well as a recent Attorney General opinion regarding this issue and how the law applies to private sector contracting that I will leave with each of you today) it would appear that many local jurisdictions are in fact keeping citizens with disabilities from using transportation systems which serve the general public. Disabled people are being deliberately discouraged from using these public transportation systems by the continued use and expansion of separate systems which restrict usage and really are substituting for accessibility on public transportation.

Although the City of Los Angeles is beginning to expand the public transportation system to provide service to those who have not previously had public transit and to reduce the need to depend on the private automobile, it continues to erect unnecessary obstacles to the use of these systems by people with disabilities.

A well coordinated multi-modal public transportation system which includes elements such as rail, fixed route transit, deviated routes, feeder systems and shuttles allow for effective use of the system by people with disabilities -- and they are the very elements which make the system more convenient and usable by those who are not disabled, thereby reducing the dependency on the private vehicle and creating the well-utilized public transit system. As the City of Los Angeles develops such a system may they recognize that disabled people are a part of the riding public and

provide the access to each of the public transportation components in order for people with disabilities to attain the spontaneity of travel and the freedom of movement essential to further participate in the community family and function as productive members of their family unit.

Additionally, the City of Los Angeles should not JUST specify a lift on a public transportation vehicle but should also require that the equipment used for service has enough clear aisle space, adequate seating space, maneuvering room, and adequate wheelchair securements to accommodate the majority of the popular mobility equipment that is utilized by disabled people today. They must also assure that the equipment and the policies accommodate those who cannot, who can walk, but cannot climb the regular vehicle bus steps.

I'd like to move on to another issue which is not commonly recognized as a means of public transportation -- the public pathways and sidewalks provided in our modern urban setting. They are perhaps the most universally used means of getting from point to point over a relatively short distance. This holds true for disabled people as well as anybody else, and the most common problem faced by disabled people in downtown Los Angeles is the almost complete lack of curb cuts. The city needs to embark on a systematic program to cut the curbs at intersections and alleyways throughout the downtown area.

No matter how one travels to downtown, once there one can hardly go half a block without encountering a curb. Improved access to buildings and improved employment opportunities have enhanced the lifestyles of disabled people, thus making it more necessary for them to be able to move about freely. This necessitates an aggressive approach to making the public pathways accessible.

I'd like to thank you for the opportunity of being here and I'd be glad to answer any questions that you may have.

CHRISTOPHER McCAULEY: Thank you very much. I again want to thank you for being very specific about certain deficiencies. It's very helpful to us.

SUE RIDENOUR: I tried to limit my remarks on transportation to those areas specifically where the city is involved in that delivery system.

CHRISTOPHER McCAULEY: That was very helpful. I appreciate that. Are there any questions?

THOMAS FRANK COLEMAN: Good. I take it that you have already addressed these problems to departments of city government. What kind of response are you getting from, for example, the Public Transportation Committee of the City Council?

**SUE RIDENOUR:** I do not serve on the City Advisory Committee on Disability, but I am aware that several people on that committee, and other individuals and organizations have communicated with the city. I think that primarily the city felt that because some systems were operated by private sector enterprises the city did not have to regulate them on access. But, the Attorney General's opinion, which I have just received yesterday in fact, I hope will help everyone realize that privately run as well as publicly operated systems are public transportation -- and all of those systems must have the accessibility features on them.

**THOMAS FRANK COLEMAN:** Richard Smith, who is the President of the City Advisory Council on Disabilities, was here earlier today. He had told me privately that as far as the level of support from the city for their particular Council, that he'd been trying for a year to get stationery and the city still has not provided stationery. I'm interested in the differences in commitment to disability issues by the city and by the county. Are you receiving moral support, attitude support, as well as money from the county? Do you think that the city needs an official Commission on Disabilities, so that the status of the City Council on Disabilities is elevated to something with a little more muscle, so that and can deal directly and interface with the department heads, rather than having to go through the bureaucracy to get to a department head? How does your County Commission function in comparison with the city advisory committee?

**SUE RIDENOUR:** The County Commission was established by ordinance -- so it is official. Supervisor Edelman and I, several years ago, initiated the concept of a Commission on Disabilities, and it was formulated at that time.

The Commission is comprised of 16 individuals. The individuals must fit and fill certain categories so that all kinds of disability groups are represented. Fifteen members are appointed by the Board of Supervisors, each Supervisor nominates 3 individuals to be appointed. The 16th position is filled by the Department of Rehabilitation who appoints the individual who will represent them on the Commission. The the ordinance spells out the duties of the Commission and it is primarily to advise the Board of Supervisors on issues dealing with disability. As a part of that, we are to work with the various departments on those issues and I have found them to be responsive -- I mean, at least, respectful.

That does not mean that we always agree and we often do take issues to the Board itself where agreement has not been reached within a department. For the most part I find that the departments do sit and meet and talk and listen, and I have seen many changes occur on a variety of different issues in that process and through that process.

We are provided staff as many of the other commissions of the county are, from an office which primarily is called Commission Services. Staff people share duties for the various commissions and they do primarily the letter writing and the secretarial type duties necessary to operate.

We are primarily, I would say, the office for disability within the county. There is no other separate office in the county. The city, I think, does have something called an Office on the Handicapped. However, I find that probably is to our advantage because all complaint type things, all issues that come to the county itself, do come to the Commission because whenever anything comes in, the Commissioners themselves actually review that material -- which may not occur with the system that is in place with the city.

THOMAS FRANK COLEMAN: That clears up the point of comparison. Good.

CAROL GILL: I just wanted to add that I think a demonstration of perhaps a bit of a power differential in the two organs is that -- as Richard Smith pointed out -- the violations of the Department of Building and Safety went on for a very, very long time. They were talked about and were protested and so on, and when it moved to the County Commission on Disabilities things began to happen, and I think that's a real important...

SUE RIDENOUR: Well I think one thing that did occur on that issue is that when the complaint was brought to us, that there were problems out there. The first thing that we did, after realizing the numbers of complaints, was go to the Board of Supervisors as an agenda item to ask for an investigation. So I think that in and of itself because at that time the Board said, "You know we do want buildings to be accessible. We don't know what's going on and we do want this studied and looked into." So I think that has made the departments much more responsive in dealing with us.

DUNCAN DONOVAN: Does the Commission act in any way as the Board of Directors to the Rehabilitation Department?

SUE RIDENOUR: No. It is just advisory to the Board of Supervisors.

CHRISTOPHER McCAULEY: O.K. Thank you again for your testimony. We appreciate you being here. Jean Conger, Executive Director of Southern California Women for Understanding, is with us this afternoon to talk about domestic partnerships -- gay and lesbian couples -- and the agenda says "other lesbian issues," which I think gives you a great opening. Welcome, Jean.

**JEAN CONGER**

**Executive Director,  
Southern California Women for Understanding**

**Domestic Partnerships and Other Lesbian Concerns**

JEAN CONGER: First of all, I want to thank you very much for inviting us. For those of you who don't know it, although you probably do because Kathy Hamilton is secretary of our Board of Directors, Southern California Women for Understanding is a lesbian educational organization that has been in southern California since 1976. We now boast over 1,100 members and growing rapidly, and we're really pleased to have this opportunity today to talk about domestic partnership.

As you know, society benefits when its members form interdependent, socio-economic units such as the family, and although families have been described and defined in different ways throughout history, there has always been societal recognition and support of families. There's been the recognition of family needs and attempts to meet them and there have been economic benefits that have been given to families such as family discounts for health plans, insurance plans for families, tax benefits, tax breaks for families, etc.

I think the right wing has done a great deal to encourage that and frankly as a community, as a gay and lesbian community, we are very much in support of forming family units. Society benefits because there are people to take care of individuals and the burden is not left to society as a whole.

Gays' and lesbians' attempts to form family relationships also have a long history. Homosexuality has been practiced in societies throughout history but our relationships have no consistent history of recognition or support. There is a popular stereotype of homosexuals as promiscuous sexual beings. However the early Kinsey studies showed that, of those individuals who were categorized as predominantly homosexual, 71% of the females and 51% of the males had limited their sexual experience to no more than one or two partners -- figures which correspond almost exactly to those for heterosexuals.

Our own S.C.W.U. study of lesbians in the greater Los Angeles area -- by the way we had over 1,000 responses from people, from lesbians -- showed that 86% of those women preferred long-term close commitments,

and 65% indicated that that was the type of relationship that they usually have. So that those close, long-term commitments are happening. They are there and we need to recognize that.

I looked at the list of people presenting testimony today, and I happened to catch Lynn Warshafsky's testimony on issues of self-esteem and the stresses that homosexual relationships are subject to in society. So it is really a tribute to our desire for these relationships that gays and lesbians are able to form lasting relationships in spite of the incredible odds against us.

Homosexuality is criminalized behavior in 24 states. That has got to put tremendous stress on a relationship. No highly-visible positive role models for relationships exist. When I say highly-visible, I'm talking about the media; I'm talking about television specifically.

Last week I testified before the L.A. City Commission on the Status of Women which was holding hearings on the images of women in the media, and I testified on the images of lesbians in the media -- which is basically invisibility -- we're not there. And when we are there, unfortunately we are very often shown as man hating, murderers in some instances -- that's the most recent experience -- there are some award winning shows that have had positive portrayals but I'm not going to go into that here. I'd be happy to supply a copy of that testimony if you'd like it.

In addition, the pressures of the society force us, in a sense, to become almost a subculture -- and this is the prejudice and discrimination that occurs when lesbians and gay males are out in the workplace, and generally in their lives. So as I said it is a tribute to our desire for these relationships that they are actually happening in spite of this.

The sexual orientation legislation that has been proposed or passed to date has been mostly symbolic although most of it has been highly publicized. The one you're probably most familiar with is the the Sexual Orientation Ordinance which is part of the L.A. Municipal Code, Sections 49.70 - 49.80. And I must say that, although it got a lot of public relations mileage, it still did not extend benefits to to the people that it was meant to affect. It didn't extend the benefits of employment to gays and lesbians concerning pensions and survivor benefits. It did not extend these benefits in terms of health plans. It didn't extend the benefits in terms of sick leave or bereavement leave. In other words, people who are in relationships cannot take sick leave to care for sick partners. They cannot have partners -- dependent or otherwise -- covered under their health plans. They cannot take bereavement leave no matter how long standing the relationship, should their partner die. And this is frankly outrageous in a city that says it cares about gays and lesbians.

To our knowledge, little or no effort to educate those affected by the legislation took place when the legislation was enacted. These are businesses; business establishments; city employees who deal with the public every day, who deal with gay and lesbian clientele in our city agencies; employers who are covered under the law; and the protected individuals. I do not think that much effort was expended on telling those people whose rights this legislation was enacted to protect what to expect from it and what sort of action they could take to correct wrongs.

The domestic partnership legislation that has been proposed -- the one I'm most familiar with is the one in West Hollywood -- is mostly a symbolic piece of legislation. It has very little enforceability. It has very little utilization except as a symbol of a commitment at this point. As a matter of fact, I checked this morning and there are 134 couples who have applied for domestic partnership registration in the City of West Hollywood. So it is being utilized even though it's a fairly new thing.

At the state level, AB 1 has been heartbreakingly close. We all know that the governor vetoed it after a long campaign to have it passed and I don't think it's a reality in the near future. I would like to think differently and I will work to see that it is, but in fact I don't think it is a reality.

I don't think we can wait for the state to do anything, nor can we wait for the federal anti-discrimination bill because I think that has very little chance of passage in the near future. As we get a more democratic congress and senate we maybe have a better chance, but I don't think it is a reality in the near future. So I think the city is going to have to act here. We are prohibited from marrying in any state of the United States.

Homosexuality is not a choice, it's not a lifestyle, it's who we are -- for a very large portion of society. Some of us found it out later in life than others, after being married twice and two children, personally. It is who we are and we need to accept that fact and we need to move on. The cause of homosexuality is not known. There has been more attention paid to changing homosexuals -- more research has gone into how to change homosexuals -- than has been spent on studying who homosexuals are.

Our recommendations for what the City of Los Angeles can do in terms of recognizing the family relationships of gays and lesbians are the following.

In terms of administrative recommendations, we recommend that employee contracts concerning sick leave, pension and survivor benefits, health plans, bereavement leave, and other benefits of employment -- where there is a definition of "family" -- that the language be changed immediately to include partners in gay and lesbian relationships. I would leave the

language to the Committee. I would not suggest language, but I think something that provides for partners in gay and lesbian relationships to be included in the families. Please don't require individual employee units to negotiate it. If the city is serious about this -- if they are serious about granting rights to gays and lesbians -- don't place it as something that needs to be bargained for as most other rights and benefits are. We're not asking you to chose if you should have a health plan, the idea is that, if you are going to have a health plan, make sure that it includes partners or dependents of gays and lesbians, dependent or not -- we're not just talking about dependent partners. As it stands now it's something that could be negotiated in individual memoranda of understanding and contracts. Can you imagine saying to Blacks, "You must negotiate your employment rights into your employment contract." That would be horrendous to us, and so is this, frankly. I think this needs to happen immediately.

Develop and implement programs to inform all the people who are affected by the existing ordinance, the Sexual Orientation Ordinance. Involve community organizations in this development -- implementation and evaluation of the effectiveness of these programs. That would include city employees, business establishments, employers, educational institutions, landlord and tenants associations, and also public education to make the people whose rights we are protecting aware of what their rights are and what recourse they have in securing those rights.

I'm aware of the L.A. Police Advisory Task Force and the program that they have to try and sensitize the police department. I am part of a program. I work with Judge Rand Schrader to sensitize the county sheriffs deputies on the same thing. I have to tell you that laudable as these programs are, I really don't think that taking an hour or two in training is sufficient to do the job that needs to be done t sensitize people who are responsible for our safety in the issues and they are supposed to be protecting a very large percentage of the population. So I think it's real important that we involve community organizations and the people who are affected in the development, and in the implementation, as well as also in the evaluation of these programs, and that there be build in evaluation mechanisms to programs that are developed.

I also would hope that where the county is contracted with to provide services for the city -- health care services, for example -- that sexual orientation nondiscrimination would be extended to those contracts as well. One of the things that is very notable I think is when lesbians go for gynecological care for example, it is almost always assumed that they have relationships with men unless they actually sort of fight and say, "Wait -- I don't need birth control. Wait -- I don't have a sexually transmitted disease." Quite frankly, I don't know if you're aware of this, but while there is no case of sexually transmitted AIDS between lesbians, there also is a very, very, very, low incidence of sexually transmitted disease in general



between lesbians and so a lot of taxpayer funds frankly could go to testing and treatment that isn't necessary in the first place; but because of the insensitivity of the health care providers, people are not able to bring these issues to their attention so some sensitivity is needed in the county relationships as well.

Recognize and legalize to the extent possible -- I recognize that marriage is regulated by state law not city law -- but recognize and legalize the committed lesbian and gay relationships in more than just a symbolic way. Extend health care benefits and any other benefits accruing to a family member such as pension, survivor benefits, medical leaves, bereavement leaves, etc. Support those lesbian and gay couples who wish to be parents through adoption or foster parenting. There's a very good foster parenting program -- the Triangle Project I believe it's called for lesbians and gays who wish to be foster parents.

Promote an understanding of these committed relationships in agencies which deal with the public social service and housing agencies of the city - - domestic or family violence programs, the City Attorney's Office, the law enforcement agencies. This could be brought about through the programs that I mentioned earlier under the ordinance, under the Sexual Orientation Ordinance.

And secondly, mandate recognition of lesbian and gay relationships through city contracts with vendors such as insurance carriers and, essentially, I think, wherever the opportunity arises to do that.

We feel that, as the second largest city in the nation, Los Angeles is in an excellent position to provide leadership in developing a sensible and workable plan for lesbians and gay men -- to provide the societal support and the benefits of employment which should be available to all human beings.

S.C.W.U. stands ready to aid the Task Force, Councilman Woo, and any other organization or agency of city government in developing and implementing and evaluating these programs.

CHRISTOPHER McCAULEY: Thank you. That's a very generous offer which we accept and will take you up on, by the way. Are there any questions?

THOMAS FRANK COLEMAN: On the issue of evaluation, I'm very interested in that because we're real good on symbolism and not on follow-through to the point of actually evaluating what's happening.

If you could develop some additional ideas on what that evaluation would look like I'd be interested on getting some more input on that

because, as you said, we have the Sexual Orientation Ordinance on the books and it's underutilized, not widely known. The meaning of it is somewhat questionable, and it would be helpful to have some evaluation. Maybe if we could get a little more specifics on it, if you have the time, we might be able to plug it into our report and see something happen in that regard.

Also on the issue of city contracts with vendors. I'm glad you said that because it's an area that basically the lesbian and gay community has ignored. You are the first witness that mentioned that -- city contracts with vendors -- and it just so happens that there is a specific code dealing with city contracts. When we were real high on symbolism and got a Sexual Orientation Ordinance, we did not amend that and so that needs to be updated so that we're not awarding money in contracts to people who would be violating city laws.

So thank you for bringing that to our attention and we can truly say this recommendation came out of the community rather than something generated within the Task Force. I would just like to compliment you for your insightfulness in that regard.

JEAN CONGER: Thank you. I think one of the things that has made us more aware is the fact that just recently West Hollywood entered into a cosponsorship -- if you will -- with Playboy Magazine on their jazz festival. Many of us took offense at that -- as women -- that Playboy does indeed exploit women. I know that Christy Hefner has been very generous, or tried to be very generous, with a lot of women's organizations with the money that comes from the Playboy Foundation. But many of us have -- and it's caused some strife in the organizations -- turned down that money because we feel that it is important to understand that we cannot take money that comes from that kind of an enterprise. So I would hope that you would look at that, whenever you are dealing with vendors. For example, Coors Beer, Carl's Jr., are other examples. There is a whole list of contractors, people, businesses who are well known for their discriminatory employment practices or who put the money that they make from all of our community into oppressing part of our community, whether it be women, minorities, gays and lesbians.

CHRISTOPHER McCAULEY: And Jean, also you mentioned your testimony also before the Commission. Could you get a copy of that on the media issue. Thank you very much. We appreciate it.

Janet Witkin, the Director of Alternative Living for the Aging is here to speak to us for a few minutes about alternative housing arrangements for seniors. She has an exemplary program that a number of us are familiar with -- and some may not be -- so we'd like to hear more about that, as well. Thank you for being with us.

**JANET WITKIN**

**Director, Alternative Living for the Aging**

**City Support for Alternative Housing for Seniors**

JANET WITKIN: Thank you for inviting me. I thought that what I would do is give you a brief history of Alternative Living for the Aging, and a brief description of our programs, and then respond to your questions.

I started Alternative Living for the Aging in 1978 because I felt that older people really needed alternatives to living alone, and alternatives to institutionalization. At that time I was taking a group of teenagers through a board and care home not far from here and I was appalled at the older people who were there who were well. If they were ill I could understand why they had come to a place that would offer them some care, but for the ones who were alert and fit I couldn't understand why they would go into a board and care home which I perceive as kind of institution because life is regularized. Breakfast is at 8 and lunch is at 12 and there's staff and all of that.

So I asked a couple of the older people there who were fit, I said, "Well, why did you come here?" I'd go every Saturday morning with a group of teenagers, so I got to know them. And one older man said, "Well, Janet, my wife died and there's just really -- we don't have kids, and I didn't cook very well for myself, so I didn't eat very well and my doctor said I shouldn't be alone." So the bottom line was: to not be alone. This man entered an institution, I thought, prematurely, inappropriately, and unnecessarily. I asked one lady why she was there, and she said someone had been mugged on her street so her daughter felt she would be safer in this place. So again, there was no perception of options or choices. It was either that you live alone and you deal with the lack of security of that, or the lack of good food or the high cost of that or the loneliness -- or you go into an institution. Nobody seemed to think there was anything in the middle.

So that's what we at Alternative Living for the Aging have been doing for the last nearly nine years now. 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. Someone has a two bedroom house or apartment, their spouse has died or maybe sometimes a couple wants someone to move in with them. Typically, if one person in the couple is a bit infirm, the healthier person might want someone who is more of a peer to talk with. So that's all it takes is an empty bedroom and some cooperativeness and flexibility and an ability to compromise. So we are matching 35 to 45 people a month. We have two types of matches. We have what we call share matches where we match older people with older people. We don't really match. We refer people to one another. We are social service workers, interview people in our office, rather extensive, in person, one on one interview, and we now have developed a computer program where we are keeping this data base where we have 300 to 400 people at any given time who would like to find a roommate, so that we have probably the pool of older people looking for roommates. So we have these share matches which are between two older people who can basically take care of themselves, usually. And we have what we call exchange for service matches where one person in the pair is perhaps a bit infirm or frail and would like the other person to perform some services for him or her, and that could be a younger person. A younger person could be performing some services for an older person; so then we would be doing an intergenerational match. We have been able to match up some homeless women this way. We work with the Good Shepherd Shelter, and Turning Point and some other shelters where they know -- the shelter staffs know -- what we're looking for. We're looking for reliable people who are mentally ill or who are not drug or alcohol dependent and who could live with a senior and be a help and so that's been a gratifying service that we've been able to offer because then the homeless, or the sometimes about to become homeless living in a home and sometimes a little bit of a salary from the senior. It's typically limited because about two-thirds of our clients are women and they typically wouldn't want a young man to live with them.

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 opened co-op one nearly five years ago. It's a large, Spanish duplex that we added on 2,000 square feet to in the Fairfax area. We have 9 bedrooms and 9 baths there, and we kept the existing living rooms and kitchens and we have a cook come in and do 5 dinner meals a week and they're on their own for breakfast, lunches and weekend meals so that they have the freedom, so that it's not institutional. They just come together at night, 5 nights a week, like a family comes together. And that's been going like I said for five years. Right now we have a few spaces in that house which is pretty unusual. It costs \$395 a month including 5 dinner meals a week prepared by a cook there, and including all the utilities; they each have individual air conditioners; it's a security building. It's about to go up to \$405 a month but it's cheaper than just about anything else around. These

people have to cooperate and get along obviously. They have to be relatively healthy, cooperative and flexible in order to live in this kind of environment while they have their own rooms and baths, they are on K.P. for dinner meals so they have to set the table, serve, clear, and clean up. We have house meetings. At the beginning of the house we had meetings every week, they are every other week now. It's been going for years so we have meetings every third week.

And then we started Co-Op Two on January 15 of 1985 -- we opened our second house. We have 14 bedrooms and 14 baths there, also in the Fairfax area, and the same set up. Then we just opened our El Greco apartment. We just had our big opening celebration last Sunday and we moved this historic building, the El Greco from Timberton in Westwood where it would have been demolished. Councilman Yaraslovsky called me one day and asked me if I'd like to have this courtyard building -- the only thing was I had to move it. It's not a bargain. I don't recommend it. But we did it. We put it on double empty in Fairfax. We've never torn down any buildings and we've never displaced any people for any of our projects I'm proud to say. We have an empty double lot in the Fairfax area and we moved the building in four pieces. You move a building -- I believe it's Sunday through Thursday night from midnight to 6 a.m. -- because when you come down Pico Blvd. you come down both sides of Pico Boulevard. So we took off all the red tiles off the roof in Westwood and put them in on Fairfax, we took the bricks out of the courtyard and we built the fishpond just like it was. Anyway, the fishpond is now the big project of the seniors, they're really into overfeeding the fish, but they also clean the pond. This is really a wonderful project.

We have 12 apartments, there are 6 singles and 6 one-bedrooms so that it's not our typical project of people sharing units. But we screen the people very, very carefully just as we have for our other projects for flexibility, cooperativeness, ability to function in a community. And they really are an amazing group. There are a couple of 87-year-old men; we have Blacks, Hispanics, Catholics, Christians, Jews, and they're celebrating their birthdays together -- they have initiated this. The place has just been full for a few weeks, but they've initiated like potlucks for the March birthdays and we paired them in buddies so that they look in on each other every morning so that everyone knows that everybody is up all right. But one 87-year-old gentleman said to me the other day, "You know, Janet, yesterday afternoon I asked Kurt if he wanted some crackers and some cheese and a little Chablis and we were sitting out in the courtyard and other people joined us." I ask you, "Where can you get that?" They're having a great time and they are low income seniors and I think many people would envy their lifestyle.

We broke ground in Santa Monica a couple 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 6 two bedroom, two bath apartments, a community room and kitchen and this will be primarily for the seniors of Santa Monica because the City of Santa Monica gave us the bulk of the funding.

Originally our roommate matching program was funded by the Federal Administration on Aging as a model project for the United States. When Ronald Reagan became President we could see that we were not going to continue to get those funds and so we set about to diversify our funding base and we did that in a variety of ways. I worked very hard with Mike Woo on developing a bill that became the Shared Housing Procedures Law of the state and it now funds some twenty programs throughout the State of California. And we applied for Los Angeles City Community Development and Community Service Funds and we get a significant portion of our roommate matching program from the City of Los Angeles. Some of the ways that I've thought of that the City of Los Angeles could be helpful to Alternative Living for the Aging and thereby to the seniors in the City of Los Angeles are of course, additional funding. It's a very tight budget, as you all know, down at Community Development Department. But with additional funding we could reach out and serve more seniors. We primarily serve L.M.P.A.-3, a name of a planning area - Wilshire, Hollywood, towards downtown, and Fairfax, and it's a good chunk of the city. We don't restrict ourselves to that, but we're evaluated on that every month so we do have to target that area.

Something the city could do, I'm not quite sure how, but to discourage or, if possible, outlaw landlords for upping the rent if a senior wanted a roommate to move in. That's not been a big problem for us, but I always say, "Did they lower the rent when your husband died?" And I never heard that they did.

The city could assist us with outreach by having some sort of citywide newsletter of senior services and events that really was out there and functioned. The city could assist us in publicizing our services at their senior centers and nutrition sites. I get around to a lot of the sites but it could be coordinated by some..like the city Area Agency on Aging or something like that.

The city could do information and referral trainings where we at Alternative Living for the Aged could come and speak to the I.A.R. workers and thoroughly acquaint them with our programs so that they could in turn pass that information appropriately on to the seniors who they serve so that they're not sending us people who we can't serve and vice versa.

For capital projects the city could continue to provide grants and below market rate loans, sometimes from bond financing, and the C.R.A.

from tax increment bonds -- as they have done with our co-op houses and El Greco apartment community. We have utilized a variety of private and public funds for our capital projects.

Our work is described in the 1986 Medical and Health Annual of the Encyclopedia Britanica. We were invited to submit something for that. We've testified before various congressional and state committees, in Sacramento and in Minnesota and we really appreciate the support of the City of Los Angeles and particularly of Councilman Mike Woo and of Councilman Zev Yaroslavsky in our work. Mike was on our Board for years and Zev has always helped us and had the vision to see that we were creating new ways for older people to live. You couldn't always measure the cost of a capital project in dollars and cents, you had to measure it in terms of human life and the quality of life.

I think the quality of life for people in our project is second to none and it's not only the seniors who benefit from living together but their families benefit. There's a ripple effect because the children are so much more comfortable knowing that their parents are in a secure, friendly, safe environment rather than living in a building where the landlord hates their guts or can't wait to get them out to raise the rent -- which is the case all around us. So that the children of these parents enjoy them more and are not be burdened with some of the concerns that we were before. So thank you for having me, and do you have any questions?

CAROL GILL: I'm interested in how this all began. You said you understood that if someone had a health problem maybe the other more traditional forms of residence were acceptable or reasonable, but not for people who were fit. And I listen to that and I think this may sound like a facetious question but it's not. When I retire from my life as a clinical psychologist and disability activist am I going to be able to find a place in one of your buildings?

JANET WITKIN: Yes, I can see where that could be misleading. We've actually had people who are in wheelchairs, we've had handicapped people; we're talking about people who can take care of themselves. We don't have any service providers in our projects and so as long as people can help each other out, or people can help themselves out there's no problem.

CAROL GILL: What about people like myself who have to hire an attendant. Would your facility be open to someone like me bringing an individual in daily?

JANET WITKIN: Do they live with you? (no). I don't see a problem with it. What we're always looking at the mix and the health of the group as a whole. So that if you, or whoever, seem like they would get along

with everybody, there would be no problem. We probably would interview the attendant too because we're looking at a household. So we just want to see that people get along. That's our purpose.

CAROL GILL: Then that truly is an alternative to board and cares and a lot of senior residence facilities that say if you're in a wheelchair, if you use a cane, if you have an attendant, you can't live here.

JANET WITKIN: Right.

BETTY HANNA WITHERSPOON: When last we talked some years ago there was some interest in the ability to get federal subsidies on the rent payments themselves. Has that come through?

JANET WITKIN: You mean like Section 8? (Right). We had not obtained Section 8 for our projects. We have attained the ability to utilize an individual's Section 8 certificate on our projects and we have, I think it's just one person. We kind of pushed and pushed through the Housing Authority and you weren't there to help us, but we found somebody who did help and we are able to offer people if they are willing to help, we'll help to some degree. We don't have advocates on staff. Yes, we could use it but we've never gotten our Section 8 in. And I don't know that it's impossible, it's just a battle we haven't had time to fight.

ADELE STARR: What kind of a backlog do you have, people trying to get in?

JANET WITKIN: Oh boy. In terms of the roommate-matching, we have 300 people that are looking for a match at any given time, that our workers are working with and referring them to one another and we have meetings of our clients, where they get to meet each other once a month and then also they're referred to each other, they can meet individually during the month. As far as the houses, we have spaces right now in our houses. There have been some changes, so we're dealing with people in their 70's, 80's, and 90's. A couple of people did move on to board and care because they really -- one guy came to me and said, "I really have to have 3 meals a day." So the people have chosen so far to leave, when they realize they need care. So we have spaces right now at co-op, but El Greco's full.

CHRISTOPHER McCAULEY: One of the things that really is clear, I think, with your program, Janet -- and I've had very limited contact -- is your community support. They hold these huge bashes every year to raise money for the organization and fund raising end of things and I've come with Mike and Zev both to those, but in an enlightened society we would like to hope that the public sector would play a significant role in doing this kind of work. Clearly it has not. I mean it's your initiative and



people that are very committed to this kind of program that made it happen in probably a much more loving and creative way than if the government had had direct involvement and not letting some other people handle it. So it's been a beautiful kind of match in that way.

I'm not sure how many cities -- I was curious to know if there are other cities around the country who have either replicated this model or are using one similar to it.

JANET WITKIN: Yes, there are many cities throughout the country. We were one of the first to do it, but as I mentioned, there are some twenty programs now funded through the legislation and I worked on in the state and then throughout the country there are many more shared housing programs. Many of them are very small and struggling and you know everyone's just going after that little piece of funding, or whatever.

I don't think that anyone will feel secure about the funding. And in that regard I think it's really important to recognize that when you match up someone to share housing, in a certain sense you have to be careful. You've kind of created another housing unit, because you've freed up a unit and who around here creates 35 to 45 units a month? We match 35 to 45 people. I'm not saying that you don't need housing production. We need housing production -- all kinds of housing -- so that people truly have some choices.

BETTY HANNA WITHERSPOON: As you match folks up, what is your ability to reach across the ethnic diversity that this city has, because we're talking about seniors who have some very...

CHRISTOPHER McCAULEY: Clear cut ideas!

JANET WITKIN: You know, you're asking if we make interracial matches and things like that.

UNIDENTIFIED: Whatever, Janet. It was that nobody who had been referred by a council who was black had ever been matched. And I need to hear from you if that's... (I'm sorry say that again.) That nobody who was black, who had been referred had ever been matched.

JANET WITKIN: When was that?

UNIDENTIFIED: Out of the Fair Housing, out of one of the Councils. Is that possible? Do you get interethnic, interracial matches?

JANET WITKIN: I would have to ask my social workers, I know we've matched Blacks, I know we've matched Hispanics, I know we've matched Asians, I know we've matched Asians with Caucasians. We try to go along

with what the people want. We're not here to change these people at their age, so if they want to live with a Black Christian, we'll try to find them a Black Christian. If they want to live with a White Jew, we'll try to find them a White Jew. But if they're open -- and a lot of people are open -- then it's open. And the e El Greco, where their not sharing rooms, it's working out beautifully with Blacks, Hispanics, and Anglos. We follow their preference -- I mean if they're horrible people and terribly bigoted we're not going to match them.

BETTY HANNA WITHERSPOON: And you don't refer them to South Central.

JANET WITKIN: We will deal with people from South Central. If they can just get to our office for an interview, then we can work with them. It's not a problem. As long as we can develop a pool in an area, we don't have to be there. Because we can't afford to be there. We have two people matching people, running the houses and the whole shot. So if we can develop a pool in any given area.

CHRISTOPHER McCAULEY: Good. Thank you very much for sharing all of that. Thanks. Connie Buaya, a youth counselor at Los Angeles Indian Health Center is here. She is here specifically to address the issues of education and counseling for Native American families. This has been an ongoing conversation we've been having over the last few months, so we're glad you're here today.

## CONNIE BUAYA

Youth Counselor, Los Angeles Indian Health Center

### Indian Families in Los Angeles

CONNIE BUAYA: Thank you. Just so you know a little bit more about myself, I work for the American Indian Free Clinic. It's the only large agency left in L.A. County which tries to meet the health needs of American Indians. Unfortunately, because of all the cutbacks and because there's a belief that federal funding to American Indians should be cut and that we should compete like everyone else is in this county, we may not last too much longer. So, hopefully, my testimony will help us to understand a little bit more about our needs.

I'm going to talk a little bit about Indian culture in general, and a little bit about problems in our community here in Los Angeles. We have the largest Indian population of the entire country here. A lot of people don't realize this. Many people have referred to Los Angeles as an urban reservation, and we really have probably the cross-section of all the tribes throughout the country. At the last part of my presentation, I'm make some recommendations.

I'm testifying today because I believe there's a need to educate the policymakers about the diversity of American Indian culture and the American Indian family. I feel that with understanding of this diversity among Indian people we'll be able to develop better programs that will meet their needs. At present I really feel that we're not doing that. I'll be focusing a lot on my experiences with Indian youth, because Indian youth make up about 40% of our population, and because they really need our full attention at this point. You'll understand more after I talk about my experiences have been.

In terms of Indian culture -- what is it? It's a real difficult question to answer for the following reason. American Indian culture is made up of over 300 tribal affiliations, originating from reservations and urban areas across the country. Each Indian tribe has a different relationship with the federal government, depending on treaty law. A lot of people think that American Indians take home a paycheck every month from the government. That's not true. It depends on the tribe, it depends on the treaty, and it depends on how the government reads the treaty. Also, although Indian people share a common bond in terms of their closeness to nature and the emphasis on ceremony for continuity of their culture, the methods by which

they do this vary. Many people assume that because they've gone to one ceremony that all Indians are that way. When they make these assumptions to other Indian people they really turn them off, especially in counseling situations. So you have to be careful with that.

Indian people living in different areas are at different levels of acculturation. Some live as traditional as possible in their environment, and others use their culture only as a point of reference. Some Indians live on reservations, some in urban areas, and some do both during the course of one year, and for many the reservation will always be home. Some Indians go to pow-wows. A pow-wow is a social gathering where traditional dancing occurs, and some go every weekend, some don't -- so as you can see there is no one way which is the Indian way.

The best way to understand the culture is to involve yourself in the culture, and that is to talk to Indian people themselves, talk about the tribe they're from, talk about what they believe in. I've worked with Indian youth and their families in several different settings over the years, and the experience has given me some insight about their struggles in dealing with their teenage years and with feeling good about themselves as Indian.

It is difficult for people in the mainstream to believe that Indian young people might feel shame about their heritage. After all, many people feel a certain sentimentality about American Indian culture because to them it is romantic and unique, and more of a fantasy than a real, actual lifestyle. What the average American youth understand is that they are dealing with negative stereotypes on a daily basis. Every day something comes out on T.V. that misrepresents Indian people, that either just scratches the surface of what Indian people are about or completely misrepresents them. And our youth are dealing with this on a daily basis. Additionally our Indian youth feel a negativity about their heritage from contexts in schools, among peers and in every day encounters with the public. Our youth are processing this information and coming to the conclusion that the odds were stacked against Indian youth and their families. They lived in the poorest of neighborhoods, where gang involvement with the culture whether it be a pow-wow or a ceremony or family gathering. They often identify with other ethnic groups, put aside all the knowledge of their culture, their tribe and even their relatives. Some manage to cut themselves off completely, much to the disappointment of their family and friends. Others slip into and out of an Indian world and a non-Indian world and they confuse an attempt to fit in and feel good about themselves and their backgrounds. Because they find little direction in their quest to find identity and pride they often get involved in alcohol and drugs, criminal activities. Many of them reach out only to find that, because of their age group and minority status, they are not a priority among policymakers in L.A.

A few years ago I worked in a program that received referrals of troubled, at-risk Indian youth from county probation and other sources. Our program was funded to serve 40 Indian youth. In three months we had more than 40, and we had a waiting list. And these youth had lost all interest in school, had been turned off by their teachers and other people in the system, had very poor relationships at home, had become saturated with violence, death, and loneliness. Their families had had no luck in locating any services until we were there. And they were at a point of despair when they finally learned of our program.

Once we began working with the youth we began realizing how much the odds were stacked against Indian youth and their families. They lived in the poorest of neighborhoods, where gang involvement was inevitable. There were few alternatives. They also suffered from very low self-esteem stemming from as I mentioned before, exposure to the negative stereotypes, the atmosphere of alcohol and drug addiction that is prevalent in Indian families, and the pressures from peers to conform and turn against the Indian ways or the ways promoted by their Indian relatives. We attempted in the program to increase their pride in their culture and their good feeling about themselves. And we actively involved them in cultural activities. Our contract said we had to turn these kids around in a short amount of time. I mean we had to prevent them from getting involved in any criminal activities and it was very unrealistic to expect that in three or four months time. So, of course, we didn't do well and we lost our funding. That was the last Indian program until the one I work for now. And that's pretty sad in a city which has the largest urban Indian population -- about 60,000 American Indians. It really takes a commitment, a promise that someone cares and will back them up as they attempt to find out who they are and where they are going.

Because Indian culture is so diverse and our youth come from different tribal backgrounds, and families with different value systems, it requires even more time and patience and dedication. There must be a continuity of services in L.A. available to them. And it must be made up of people who have shown that they can successfully live both worlds, that is bi-cultural - live in both the Indian and the non-Indian world.

Unfortunately, all but one program has survived and I wanted to talk to you a little bit about this program. It's called the Family Life Information Education Program and it's located at the L.A. Indian Health Center in downtown L.A. I feel that this program could really set an example for policymakers, and invite them to come and talk to us about what we do. In short, what we do is we work closely in a community, in the Indian community, to identify youth who may be reaching out to find a balance to their lives. The main emphasis of our program is to increase the good feelings that these youth have about themselves, including their interests and abilities, their heritage, their unique personalities, and their

goals for the the future. Our workshops in cultural activities provide them with the time to share both their negative and positive feelings and to learn to identify strengths to make positive decisions and to grow. We are totally dedicated to the goal and we make efforts to involve the community and to make community members equally dedicated. We have a unit advisory council of Indian businessmen and professionals.

But continuity has been a problem in our community. You have probably noticed that. An Indian program can be around for two years and then gone and then something else replaces it. The program is successful because of all these things and I think too because the Creator is one of our biggest supporters. That's the way Indian people believe.

I would like to make some recommendations to members of the City Council. And in some ways these could be a challenge, but nonetheless important.

I think you should familiarize yourselves with the diversity of Indian culture. The best way to do this is to talk to Indian people themselves. You can attend a pow-wow, you can call an Indian program, and you can talk personally with someone so that you can increase your knowledge about the diversity. It won't be long before you'll realize how important the culture is to all ethnic groups in our society. Our culture represents a balance of good things, a preservation of natural things, of closeness of family and community, of responsibility for all things, more than material things, things that count like family and children. It represents a continuity of something to look to when life becomes hard, a spirituality that can calm us so that we know where we are and where we're going.

Once you become more familiar with this I'm sure you'll recognize the importance of supporting a program such as our Family Life Information Education Program and for expanding the city's services to all youth -- not just Indian youth -- to all youth and their families. All youth need someone to believe in them, to counsel them, to hire them in the summer, and after school, to help them with school, to help their families when their families are in need. We urge the City Council to work closely with our Indian programs and other ethnic programs, and to work with our community advisory committees. I think most of them would welcome the attention that we haven't really gotten over the years. We know that these interrelationships will result in some positive relevant service for Indians -- but we need to see some support. That's basically what I have to say, if you have any questions I'd be glad to answer them.

THOMAS FRANK COLEMAN: You mentioned that there are 60,000 Native Americans in Los Angeles. Is that in the city?

CONNIE BUAYA: No that's in the county. The majority of the population is in the city though. I can't give you an exact figure.

CHRISTOPHER McCAULEY: About half of which, parenthetically, I've been told, and read some demographic features, are Navaho?

CONNIE BUAYA: I wouldn't say half. It's not that large of a percentage. There are quite a few. We get a lot of relocatees from Arizona. It really puts a stress on our community programs because they usually come in large groups. They usually come as a result of some legislation that's going on in Arizona -- some relocation.

CHRISTOPHER McCAULEY: O.K. I just wanted to be sure we were talking about the various tribal backgrounds that people were coming from, particularly from reservation to urban experience.

THOMAS FRANK COLEMAN: O.K. For the record I wanted to clarify that because there was an ambiguity there. As far as something substantive, as far as city boards and commissions and so on, is there some type of an Indian Cultural Heritage Commission or some similar city commission dealing with Indian issues?

CONNIE BUAYA: Yes, there's something called the Native American Indian Commission. Some of us in the community, we wish that their work was moving a little faster -- and I don't know exactly what the problem is -- but I think what we need are more Indian professional working in our communities. And like I'm getting ready hopefully to get my M.S.W. in June and I want to work in my community. I want to do planning, and there are a lot of young people who are interested in the same thing, but just by the same token with federal cutbacks how do you get an education with no help? And that's what's happening? It's real difficult, and everybody thinks Indian people get all kinds of money to go to school. It's been cut back tremendously, and so anything that the city council can do to encourage supportive educational programs is definitely important -- especially social work type, you know human service type training.

THOMAS FRANK COLEMAN: I have two other points. There's a Hands Across the Campus program on 17 campuses in the school district and I think that it's dealing with immigration, and religious diversity, and tolerance, understanding. I don't think it's included Native Americans in its scope. Are you familiar with that?

CONNIE BUAYA: You know, Paula Starr mentioned it and I think she was getting ready or had done some networking as far as that and I'm not sure what the result of it. But it's definitely a good idea and I'll be sure to mention it to her.

THOMAS FRANK COLEMAN: The final thing, this is something I think that cuts across a number of communities. In looking at the City Human Relations Commission, its mandate is to foster understanding and respect and so on within different groups in the community. I took a look at the membership. There are nine members, and I don't think there is a disabled person, I know there isn't an openly gay person on it, and I don't believe there is anyone from the Indian community, the Native American community. It seems to me that maybe a recommendation -- I'd like to get your reaction to this -- would it be helpful to have Native American representation as well as different interest groups represented on an ongoing basis so that when you need outreach you've got all these other similar minority groups to exchange ideas with and so on -- is that something that you think the Native American community would have interest in and support?

CONNIE BUAYA: Yes. Well, actually there is a person.

THOMAS FRANK COLEMAN: There is? On the city or the county?

CONNIE BUAYA: Oh, you're right, it's the county.

THOMAS FRANK COLEMAN: The more I see this, the county commission is miles ahead of the city commission.

CONNIE BUAYA: Right, you're right. We definitely need something like that and like you said we need to work more closely together and we need to support each other. Different ethnic groups need to support each other and in the past I don't think it's been done. I think it's been every man for himself. I would definitely think that would be a good idea and I know that there's some people out there that would man something like that would be representative of us.

DUNCAN DONOVAN: I'm curious. Is there a tendency of the 60,000 who live in the county and city, is there a tendency to congregate to specific geographical locations?

CONNIE BUAYA: No, that's one of our problems is community organization.

DUNCAN DONOVAN: They're scattered all about then.

CONNIE BUAYA: Right. It's one of our big problems when we're trying to reach our community and get the support we need and even help the people that we need to help.

DUNCAN DONOVAN: And is there a tendency then for a large volume of them, because they are isolated, to identify with their neighborhood more than with their tribal background?



CONNIE BUAYA: It depends on the level of acculturation and the state of poverty level -- all those things. In my experience there was kind of a mixture in the people I worked with. Some really related to the minority right there, and then a lot of the kids became involved in gangs, Hispanic gangs, and were taken in and really recognized as Hispanic. Then there were others who lived in isolated areas who went to a pow-wow every weekend and were able to keep those ties going. I just depends on the person.

BETTY HANNA WITHERSPOON: Could I get a clarification of your funding for the clinic, which if I heard you correctly might be endangered. What is the source of your funding?

CONNIE BUAYA: O.K. It's under Indian Health Service monies. It is federal funding. Some of it comes through the state and the federal funding is in jeopardy and the state funding is in jeopardy both. Governor Deukmejian wants to do away with Indian Health Service by next year and he wants us to compete with other county health programs. If you are familiar with treaty law, we were promised health services forever and that's a legal basis and fighting it is difficult because when you're fighting that you're not taking care of business at home and that's been our problem. So I don't know what's going to happen.

CHRISTOPHER McCAULEY: From time to time, we have sharing among Task Force members and Paula Starr, of course, who I think is ill today participates very much in our proceedings and as these funding emergencies come up we need to have those shared with us so that we can be supportive in the networks that exist around the table.

UNIDENTIFIED: Is there a federal office in Los Angeles?

CONNIE BUAYA: No. We must deal with Sacramento.

CHRISTOPHER McCAULEY: And the Indian Health Service at the federal level is in the department of Health and Human Resources as opposed to the Bureau of Indian Affairs which is another department -- so they are not even the same department of government -- different cabinet secretaries differ and everything.

CONNIE BUAYA: You can imagine how complicated it becomes.

CHRISTOPHER McCAULEY: Thank you very much for being with us today. Donzella Lee, project director of the Watts Health Foundation is here to continue a discussion we've had over several of our hearings about particular issues of concern to families in the black community and we're delighted that you're here today.

**DONZELLA LEE**

**Project Director, Watts Health Foundation**

**Family Needs in the Black Community**

**DONZELLA LEE:** Thank you. Thank you for the opportunity to present one perspective regarding the family needs in the Black community. My name is Donzella Lee and I am the director of adolescent services at the Watts Health Foundation.

This presentation is just one perspective which is mine, and it's based on my experience, my work experience in the Black community in the Watts area and throughout Los Angeles county. As you are aware, the Black community is a diverse community in the City of Los Angeles. So this paper will be directed to helping those families most in need and I will talk about the issues of Black families from an historical perspective.

Black families in America, in California, and particularly in Los Angeles have contributed and continue to enhance the development of this country, state, and city. We have a rich history of accomplishment and perseverance in conjunction with the savage history of attack and destruction from within and without.

This rich history of accomplishment and perseverance includes: the formation of functional family units, particularly the extended family; the creation of inventions such as the signal light, gas heating furnaces and such; discoveries and inventions of technologies such as Dr. Charles Drew discovery of blood plasma, Dr. William Daniel, H. William Woo had the first successful heart operation; the numerous contributions of scholars, writers and orators including Langston Hughes, Gwendolyn Brooks, Benjamin Beniker and a variety of other writers; significant contributions in the performing arts such as Marian Anderson, Hubie Blake, Sidney Portier, Stevie Wonder; the establishment of separate and independent institutions to continue the development of Black people such as Black Independent Colleges here in L.A., Charles Drew University, churches such as the American Methodist Episcopal church, N.A.A.C.P., the Urban League, sororities and fraternities, insurance companies and radio stations; the enhancement in the field of sports with sports greats like Arthur Ash, Wilma Rudolph, Jesse Owens, Sugar Ray Robinson, etc; and contributions to world peace in American society, from people like Ralph Bunche, Martin Luther King, Jr., Thurgood Marshall, Shirley Chisholm.

The history of attack and destruction from within and without includes the deliberate separation of families done in the time span of the system of slavery; the institutionalization of racism to create unequal outcomes in education, which is now being evidenced by our high dropout rates and the low percentage of Blacks attending colleges; the problems in access to health care by barriers of cost and location; the problems in the legal system with the high incidence of Blacks incarcerated in all institutions, both juvenile and adult -- anywhere in the nation 45% - 65% of those institutions are occupied by blacks; the institutionalization of racism and the economy which means we don't have any control in terms of decisions; the lack of participation in all facets of economic growth and development; politics -- this country's refusal to elect a black president, or to think it possible, the state's refusal to elect a black governor or to think it possible; the proliferation of violence particularly gangs, drugs, and alcohol -- and the acceptance as if this is the norm by society and some black community residents.

Black families are functioning in a variety of configurations in Los Angeles, including Black families with working mothers, female head of households, male head of households, two-parent families, extended families with two generations of parents in the same household, and teen families. Black families are affected by the same societal pressures and changes as all families in Los Angeles.

The major societal changes and pressures impacting Black families at this time are: (1) the change in American from a post-industrial society to an information-age society, (2) the necessity for women to enter the workforce is now in unprecedented numbers, (3) the lack of affordable childcare and after school care, and (4) the loss of the concept of community, which provided community norms, acceptable behavior norms -- protection and support to children, youth and women.

The following recommendations are presented from the philosophical frame which states that: (1) investing in the uplifting of Black families is investing in the future of Los Angeles, thereby in California and in the future America; and (2) the focus of all policies should be to increase the number and avenues of opportunity and encompass those opportunities with supportive structures.

The four recommendations made to the Task Force are:

1. To establish a viable history of employment which equals employment opportunities within and surrounding Black communities beginning with the age of middle adolescence.

2. Establish a citywide Black Family Day to highlight the cultural, political, and societal contributions of Blacks within the City of Los Angeles.

3. Enforce the right of students to have a free education. If that includes the reestablishment of truant officers, so be it.

4. To continue the continuity of supportive services for families, including Family Life Education programs, gang and drug prevention programs, targeting youth, real employment opportunities particularly targeting Black males, and responsive educational programs.

Thank you for the opportunity.

THOMAS FRANK COLEMAN: I'm interested -- the first one -- did you say to establish a history of employment opportunities?

DONZELLA LEE: Yes. In our community there's a lack of people saying, "Well, I worked when I was 13, 15, 19, 20." They enter the workforce after they've graduated from High School, so they don't have the experience of working; what it takes to be a good employee, what the expectations are of an employer -- those opportunities no longer exist. I was born and raised in Los Angeles and when I was a teenager I had those opportunities. They no longer exist. There are so many federal grant cuts, state grant cuts, our kids don't have the opportunity to practice what they know and who they are.

THOMAS FRANK COLEMAN: O.K. And then the other -- this issue of the implementation of the students right to a free education including the concept of truant officers. This is an interesting notion. Could you maybe explain?

DONZELLA LEE: It's an old notion. That was rescinded and so now we have what we call in L.A. County particularly L.A. Unified School District you know we have anywhere between 40 and 50 percent drop out rate. I particularly work in Jordan High School and at any one time 600 students will be absent from school, just plain old ordinary absent. All the schools I would think would be begging for some kind of enforcement policy to ensure the kids are in school when they are supposed to be there.

THOMAS FRANK COLEMAN: I think the law is still in the books, theoretically -- that it's mandatory education, right?

DONZELLA LEE: Mandatory education but..

THOMAS FRANK COLEMAN: As far as actually implementing it -- there's no effective implementing mechanism?

DONZELLA LEE: Not at all.

THOMAS FRANK COLEMAN: And the truant officers? This would be arresting the kids if they don't go back to school?

DONZELLA LEE: They used to, they used to pick them up and either call their parents or pick them up and take them home or back to the school.

THOMAS FRANK COLEMAN: And how would you identify the truant kids? Let's say that we go into year round schools -- is that going to be an impediment? If one were to adopt this approach how would you know whether the student was supposed to be in school or not -- by just seeing them on sight in year round school?

DONZELLA LEE: That's an interesting concept. I'm not sure if our kids who are in year round schools, don't they all have I.D.'s? All schools issue I.D.'s. I would rather refer you to some principals who could really help you to address that issue. But I know principals are asking for help in that area and that's why I made the suggestion.

THOMAS FRANK COLEMAN: So it needs to be explored. Maybe some type of a study group or task force that could flush this idea out within the framework of the district -- of how to we implement or have an effective program against truancy including truant officers or whatever.

DONZELLA LEE: I would say so. One of the other things about truancy I know is that kids don't think that education is relevant anymore. And the reason they don't think it's relevant is because they know a lot of employed people who do not have jobs. And so why should I go to school to get an education not to have a job? And they also view other opportunities to make money. And those other opportunities make a lot of money -- and there are no taxes to that, I mean you know they weigh their pros and their cons and so you know we're going to have to do something in terms of education to make it palatable to kids -- and to make it interesting and to make it seem like there is something worthwhile in terms of the educational process.

CHRISTOPHER McCAULEY: I'm really appreciate the fact that you added that because I was struggling sort of with the punitive notion of you know capturing this reluctant student and taking him down to school.

With the exception of the most affluent schools in the state, the dropout rate is scandalous all across the state and it's been denied systematically until recently by school administrators up and down the state. I mean I went through a conversation with the Superintendent of Public Instruction or we were telling him exactly where schools were, where the school authorities were falsifying the records to show that the dropout rate did not exist. You know their funding is tied to that, their

success, reputations, so people would try to perpetuate there's a 5 percent dropout rate when it's like 40 and 50 and 60. So there's a problem that transcends particular communities or ethnic groups.

There's something wrong with education and the way we're doing it - where we're not attracting people in a way that they find it beneficial to their future.

BETTY HANNA WITHERSPOON: First, You were going so fast, I got four. I'd like you to repeat four. Then I'd like to know, because my young people are now older, does OSIS still exist?, which is Operation Stay in School? Is that still around?

DONZELLA LEE: Not that I'm aware of. Number four was the continuity of support services for families including Family Life Education programs, gang, drug, and violence prevention programs; targeting youth, real employment opportunities particularly targeting Black males, and responsive educational programs.

BETTY HANNA WITHERSPOON: This is an ongoing battle with the sixties. And I understand why you're targeting Black males because of the incredibly high employment rates for Black male youth. But as you also went down your figures and did a breakdown on what's happening with families and how families are developing, and as you work in Jordan High and as you deal with young women who are becoming very young mothers and who need to be supportive of their children, what would you put out there for them so that they could adequately provide and be adequate Mom's?

DONZELLA LEE: The number one problem that we have with our teen mothers is child care. There is no adequate child care for our teen mothers. There are no subsidized child care programs for teen mothers. My teens tell me that the reason they don't go back to school is because they don't have any child care. I would say that would be the number one issue for teen mothers.

CHRISTOPHER McCAULEY: Is there a parenting program on the campus where you work?

DONZELLA LEE: Most of the High Schools have, I should not say most, but in our area Jordan has parenting programs but they only accommodate 20 parents.

CHRISTOPHER McCAULEY: And does that include child care for those parents?

DONZELLA LEE: That includes child care for those parents.

**CHRISTOPHER McCAULEY:** But only 20 positions or slots.

**BETTY HANNA WITHERSPOON:** When you say parents are we talking about Moms and Dads?

**DONZELLA LEE:** Depending on the relationship of the teen mother with the teen father.

**CHRISTOPHER McCAULEY:** Yes, but we're moving to some emphasis there where -- I used that deliberately to parents as opposed to a teen mother.

**NORA BALADERIAN:** Number four you said responsive education and I don't know what that means.

**DONZELLA LEE:** The issues that we were talking about in terms of making education palatable to kids. Our kids say that they don't want to come to school because it's boring. They don't learn anything. The teachers don't like them. There's no reason for them to be there when they could do other things that they like to do. So education is boring to them. It's not challenging to them. I mean there are a lot of things going on on the school campuses that our kids say is not appealing to them. Even though we've transcended and have done a lot of things in terms of television and making television real creative for kids and them being into television we haven't done the same thing in education. We just haven't responded to where our kids are. And we need to do something.

**NORA BALADERIAN:** I have one other question and it may be real inappropriate and real wrong. I've been told by one person, and had a second person tell me I'm real wrong. I'm struck by the numbers in which Black children and adults kill themselves, through drugs and through suicide, teen suicide is real high. Homicide is the first, number one cause of death among teenagers -- 16 to 25 or something like this. And I'm wondering what kind of community education is done in the area of prenatal education, malnutrition, drug education, homicide, suicide, matricide, patricide -- everything.

**DONZELLA LEE:** You know because the number one problem is funding. It always is funding because it's so fragmented. I mean each individual the city funds something, they fund it for a year and then it's gone. The same issues that the lady who preceded me talked about in terms of funding for Indian issues. State funds for so long and then there's a new government in and they change their focus, the federal government is the same thing -- so the issue is consistent funding to alleviate and address the problems.

Usually what happens with those funding agencies there's no real evaluation component included in those programs to assess whether or not we made a difference. And I think that's important so that people can look at and see what models can work and models can be replicated across the country. Because the problems that are endemic to Los Angeles city are endemic to all large cities throughout our nation which have various ethnic populations in them. We have in our community a high incidence of those things that you described, but again I don't want you to take it out of context because some of the reasons why people feel more comfortable with hurting somebody who looks like them has to do with racism. And racism, like I stated before, is endemic in this country. You know, it's been moved to other levels but it's still here.

NORA BALADERIAN: Is the Watts Health Foundation taking over the issue for all the prevention kind of work?

DONZELLA LEE: Watts Health Foundation has been taking a leadership role in preventative education for 18 years. We have always had an extensive preventive program there and Watts Health Foundation saw the need to particularly target adolescents and that's why there's an Adolescent Services Department.

NORA BALADERIAN: Thank you.

DONZELLA LEE: You're welcome.

CAROL GILL: I don't know if this is an appropriate question for you, but I'd like to get it on the record anyway and that is that, in my step-son's school, I have a 15 year-old step-son who goes to a school that's predominantly White and Hispanic, not a large proportion of Black students. But what's happened in his school is that the tremendous drop out and truancy rate seems to coincide with this mass exodus of trained teachers out of the profession, and their lack of fulfillment and their declining morale and in their place an influx of teachers who are recruited desperately without credentials, without training in skills of being educators and possibly without -- in some cases that we've seen -- a lot of motivation to be with children and to help them develop. There's been a real problem. Is that also true in your experience?

DONZELLA LEE: I think that's true in education period. This country has an inverted priority list. I mean education is not a priority -- they don't pay teachers any money. They don't want to put the money there so teachers can feel good about their profession. There are many excellent teachers throughout the school system and I'd like to make sure that goes on the record, but again this country does not really have a commitment to education, it does not have a commitment to children, youth, or women. So when you talk about those issues -- I mean you know you



have to keep that in context. But that is one of the factors that is impinging on the educational system.

DUNCAN DONOVAN: I never heard of Operation Stay in School before, and I'm sorry that you haven't either. I was wondering if at Jordan High School there's been much cooperation with the Parent Teachers Association in trying to help with the people who are cutting classes and staying out of school.

DONZELLA LEE: Jordan has a wonderful principal and they've been doing a lot of things over there in trying to counteract the problems in terms of attendance and truancy. But thus far none of those things have worked. I think there are some federal grants coming down for schools to deal with truancy problems. But almost all of the schools I've been in who have that problem have access to those funds. And they're trying to address the problem in terms of vocational training, special other kinds of programs to divert kids from the streets. If they're not interested in sitting in the classroom all day there's something other for them to do. So they are trying to address the problem but it's school specific and it's not district wide. And it depends on the principal and the principal's commitment to education in the kids that she serves.

DUNCAN DONOVAN: I wonder if the Parent's group is the place to look for some help and motivation.

DONZELLA LEE: I work with both the advisory council's at Jordan and the parents who attend are interested. And those parents who attend - the issue is the parents who don't attend.

CHRISTOPHER McCAULEY: That's right, and in some communities, the P.T.A. has become an irrelevant institution anyway in many places. I noticed this morning's testimony from Michael Eng who was telling us about some of the activities in Monterey Park in a tri-cultural community. And one of the things we didn't talk about was the fact that in Alhambra and in Monterey Park, the Chinese P.T.A. is the huge P.T.A. In other words, an entire group of individuals felt it necessary to come together in a completely different way and engage the school system outside of that traditional organization. So it was just created as if it didn't exist and that's what engages those principals and those teachers in a different way.

CAROL GILL: I get concerned though when attendance is equated with interest because with all the pressures on parents today to work and to provide the home it's extremely difficult, plus the alienation from the kids. And it's the same thing as with teachers. I mean my point was that society doesn't give teachers an incentive to keep them in this and to make it a true profession and to develop educational opportunities and interest, and I think it's also true for parents.

NORA BALADERIAN: A point of interest -- in Harlem there's a program that addresses issues of teen employment that's also looking at teen pregnancy. And it's a multi-funded, privately funded and publicly funded, that works in a community center. It provides child care, and dinner for the P.T.A. meetings, and classes for the parents and classes for the teens and classes for the little ones, and if they don't come, someone goes and knocks on their door and says, "Mrs. Jones, how come you didn't come, can you come tonight, we're having spaghetti, we have child care, tonight we're doing sewing, or parenting."

DONZELLA LEE: What is the name of the program?

NORA BALADERIAN: I don't know the name. Michael Carrerra is the person who organized it and you can find him with Planned Parenthood in New York.

CHRISTOPHER McCAULEY: Good. Thank you so much for being here. We appreciate it.

DONZELLA LEE: Thank you for having me.

CHRISTOPHER McCAULEY: Dr. Allan Heskin is from the UCLA School of Architecture and Planning. He is here to discuss with us the subject of housing -- how to create more affordable housing for city families, emphasis being on families. Welcome.

**ALLAN HESKIN, Ph.D.**

**UCLA School of Architecture and Planning**

**Creating Affordable Housing for Los Angeles Families**

**ALLAN HESKIN:** Some days I have to decide how damning of the city I want to be and how generous I want to be. It's not hard to be very damning of the city, particularly when it comes to family housing. Housing policy in the city -- to the extent that it exists at all, and there isn't very much in the way of housing policy -- it's extraordinarily dominated by the industry, if you will, the real estate industry. Even if you're talking about affordable housing, affordable housing in this city means a small number of very large private firms that get huge sums of money from the city. You read about them in the real estate section in articles on bond issues, on block grant dollars, on C.R.A. dollars. It's a major industry. And that heavily dominates what happens at the city.

Families are very much not a part of that whole operation. Particularly when you are talking about affordable housing, the emphasis is very much more on senior housing, which, of course, is desperately needed - but is considered much safer than family housing.

**CHRISTOPHER McCAULEY:** Safer political issue or safer housing issue?

**ALLAN HESKIN:** Safer from an economic point of view, and safer from a community reaction point of view. If you're trying to build a senior unit you get less reaction. If you're trying to build a family unit, you get much more reaction -- so it's safer all the way around.

Aside from a general lack of policy, particularly as relates to families, and aside from a somewhat hostile situation, part of my presentation is designed is to try and help you understand why -- at least my theories of why there is no family housing policy -- aside from the fact that the particular economics and the particular people in the business and their economics contribute to this. I believe it has to do with accounting.

**Accounting for the Lack of Family Housing Units**

Every person I've heard who's gotten up here, tells you we serve 40 people, or 45, or we serve 145 or we do whatever. If you produce lots of little units, you produce lots bigger numbers than if you produce fewer but

larger units. Housing is very expensive. It costs about \$100,000 -- give or take \$10,000 or \$20,000 dollars -- to create a housing unit. If you're really subsidizing it to build it, you can build many more one-bedroom or zero-bedroom apartments than you can build 3 and 4 bedroom apartments. And the bureaucracy in the city is very much into a numbers game -- like anybody who is in a social service agency -- they want to report large numbers, as large a number as they can produce.

It not only relates to dealing with smaller units which cost less, or cost less to rehabilitate, or cost less to build, so they are going to produce small units -- they're not going to produce family units, large units. But the other thing that goes in on this is, if you're in the business as a bureaucrat and you want to produce large numbers you don't want to put all your eggs in a single basket. You want to run your money through, over and over and over again. Well, if you want to run your money through over and over again, use it over and over again and produce more and more units, particularly more and more small units, to say we've done 10,000 units, or we've done whatever, you are not really looking for affordable housing. Because if you're taking the money out, somebody has to be replacing that. If you loan \$5,000, \$10,000, \$20,000, you say pay it back, there has to be income there to pay it back. If you're talking about income to pay it back, you're usually not talking about an affordable housing unit in any real sense.

So what happens in the city is: (1) they want to produce small units because they can produce more, and (2) they want to get their money back as absolutely quickly as possible so they can use it again, so they can do more units, so they can justify their existence like any good agency would anywhere -- it's a human feeling.

Unfortunately, the end result of this is often disaster. For example, the city has a program called the Rental Rehabilitation Program, where they make loans of \$5,000 to a private landlord. The landlord is supposed to match that with \$5,000 and then they give the landlord a three-year rehabilitation certificate -- which means that for three years the tenants rent is subsidized by basically a section 8 voucher which says the tenant pays 30% of their income and the federal government pays the rest. Well the city loves this program -- although it only loves it when it comes to small units -- because the \$5,000 and the \$5,000, the \$10,000 isn't enough money to rehabilitate a large unit. So the city actually is sitting on dozens of these vouchers for three and four bedroom units that it can't use. It can use all the one-bedroom units it can get, the zero-bedrooms, and some two-bedrooms, but the three-and-four-bedroom units, it actually has subsidies it's not using. Because the structure of the program won't even allow their use. What they do with these units is they find someone who is usually an investor or finds a piece of property with pretty low rents and pretty low income people in it. They go in and do the \$5,000 match --

they do some sort of cosmetic improvement to the property. If the landlord can get the tenants to move in the meantime, or, in fact, it's not even clear to me that the landlord has to, because after three years the city is basically out of it, your out from under rehab rent control because you've spent the money. What happens is, the property is usually sold within three years. They city forgets about what happened to the property. When this property is sold, they get their \$5,000 back. Until recently, they get another certificate from the federal government, they go out and loan out the \$5,000 and they are sort of going through the city destroying affordable housing. And it is quite remarkable if you look at what this program is doing!

The city loves it because they pay the \$5,000 to a speculator, the speculator sells within three years, so they get the \$5,000 back, they soothe their conscience with this three year rent supplement. At the end of three years, lord knows what happens to this tenant. And the place is cosmetically fixed up and the rents are doubled, tripled, quadrupled in the process. But it produces great numbers. It produces numbers that are outstanding. You can talk in the thousands in this program.

The Redevelopment Agency has done all kinds of housing. They are very proud of bragging about their housing -- and except for what they've done for the homeless which is fairly remarkable -- most of their affordable housing requires that you syndicate it immediately because they want their money back. Even though they have millions and millions and millions of dollars, they want their money back right away so they can use it again. Well, where does that come from? It comes again from speculative market -- people not really in the long term affordable housing business. The Redevelopment Agency has no process to monitor whatever happens to this housing after they build it. They only care about building it. And lord knows what's happening down the road except that the C.R.A. has it's money back, they have big numbers, and who knows what's going on out there. Except we know that the syndication process is a process where you sell the property to very wealthy people who are trying to make money off of it, who are looking to maybe convert it to condominiums somewhere down the line, or some other very favorable economic process.

If you say, "Well, why don't you just leave the money in there and why don't we put in some sort of non-profit ownership or why don't we put it in some public ownership?" That's not what they're interested in. They're interested in production, get the money back, more production, get the money back, and numbers.

Also, the Redevelopment Agency, until very recently, had no interest in families -- again, because you could produce more numbers with smaller units. Recently, there has been some awakening in the Redevelopment Agency, partly in the Hollywood Redevelopment program and partly through

Councilman Woo's efforts in asking, "How is family housing?" But it's something that ought to be asked in every part of the housing program. If concerned Councilpeople, when they saw these reports and saw these numbers, just asked, "Well, how about family housing?" Instead of counting units, maybe they should ask, "How many three-bedrooms have you produced?" Maybe if you changed the accounting system -- you'd get a better result. But if simply we ask the question, "How about family housing? I know you've produced one million one-bedrooms, but how about family units?"

In Hollywood, for example there's a classic example of this problem. Hollywood is massively families, and massively overcrowded. It's almost entirely one-bedroom apartments and it's almost entirely families. So we have this incredible mismatch of the housing stock and family composition and the city has historically been very much part of this problem. You'll find one-bedroom after one-bedroom produced by the city.

Now, another part of this -- and there is some inkling of changing this, but the pressure against it in the bureaucracy is extraordinary -- the private market is even saturated with one bedroom units. We're in a rental building boom right now. We've just been in the midst of it, and I'm sure there are going to be foreclosures and bankruptcies very soon in the private industry because the structure of the zoning laws also tremendously favors one-bedrooms, and the parking requirements tremendously favor one-bedrooms -- both of which relate very heavily to the economics of building.

So you'll find in neighborhoods throughout this area of the city, and throughout the whole city, huge complexes of one-bedroom units. We have basically exhausted that market. We're basically at the same situation we were in the condo boom. Remember how they built condos? Now we're into one-bedroom rental situation the way we were in condos. There are only so many people who can pay \$700 for a one-bedroom and they sort of exhausted them. So I think we're going to find the end of that.

### **Re-Defining "Affordable" Housing**

I'm not sure what horrendous mistake we're going to make next but one of the great problems among all this too is how we define "affordability." So not only is it that we don't think about the match between what we really need -- family units -- and what we build -- one-bedroom units; but, our affordability standards are really something we inherited from the federal government. To the extent that the city can say, "Well, that's what the federal government says "affordable" means -- I guess they're blameless for copying the federal government. But what the federal government says doesn't make any sense.

The federal government defines "affordable" as 80% of the median. That's basically 80% of the average. Well, when very low income (which is now defined by the Reagan administration as 50% of the median), sounds like pretty affordable housing -- except when you think about how they calculate the median.

To calculate the median, they take everybody's income in L.A. County. That includes everybody in Beverly Hills, everybody in the west end, all homeowners, all renters, everybody. So if you look at renters income, particularly and the heavy percentage of low income people are renters, that's about half a homeowners income. The average renter's income is about half that of homeowners. So if you're creating programs either for first time homebuyers or for renters, and you use even a 50% of median figure, you're up in the 80th, 90th percentile of renters. So the city will brag about producing of affordable housing. If you ever ask them, "Well, what is the rent?" You're going to find out for a one-bedroom it's \$400 or \$500 a month. Well, for South Central or Indian populations, or for many other populations, that's not affordable housing for those populations. It is affordable for a particular segment of upwardly-mobile or higher working class families, but for the tremendous percentage of low-income people? Five hundred dollars per month for a one-bedroom apartment is not affordable for any low income people -- it's simply not affordable.

So, even if you look at all these units that they produce, they're not really affordable.

However, when you go to other kinds of Task Forces, I'm on Jimmy Hahn's Task Force -- although I think I'm getting off Jimmy Hahn's Task Force.

CHRISTOPHER McCAULEY: Which one is that?

ALLAN HESKIN: He has a Housing Task Force. Recently the rules have been changed, the syndication rules, and one of the large private developers who has made a fortune off of building affordable housing -- which is to 80% of median housing -- and who has used unbelievable amounts of city bonding and block-grant money is saying, "We're getting out of the business. You can't do it anymore."

They used to say we are building affordable housing if 20% of the units were available to people at 80% of the median. Then they would brag, "We're building affordable housing." Well, so it would be a one-bedroom apartment at \$500 a month, or a two-bedroom at \$650 a month or \$700 a month -- which is certainly cheaper than the market but not really what you'd think of as affordable. And that would only be 20% of the units.

Again the city doesn't have any real way to regulate that other than good faith. There's no real way to really find out what's happening down the road.

Now, the federal government is saying if you want to syndicate -- which is this way that you sell off the property and you get your money back fast -- you have to increase the percentage of affordable units to 30 or 40 percent, and they are throwing up their hands...you can't do this anymore! Developers are saying, "Thirty per cent -- you're crazy; you can't do this." They say this because their numbers don't work out. They can't make a profit, so they're all in a tizzy. Even these guys who are making fortunes off of this -- when in fact it wasn't affordable housing to begin with.

But to show you the nature of the problem, is it costs about \$200 a month to operate a housing unit, a rental unit. So if we're talking really affordable rents more the two, three hundred, three fifty, four hundred dollar a month rent, which particularly when you're talking to the homeless population you heard earlier, that's what you're talking about. Well, with \$200 per month overhead per unit and only charging \$300 per month rent, you're talking about basically a free building. That's what gets me back to this thing about when they talk about they want their money back, if they talk about they want their money back, immediately, if the government says we want our money back, immediately, it's not affordable because it costs \$200 a month just to pay for insurance, utilities and just operating, just general operating cost -- excluding the mortgage. So the first \$200 is just going to keep the roof from leaking, and the insurance paid.

CHRISTOPHER McCAULEY: Are there some remedies that you would suggest that we ought to be particularly aware of?

ALLAN HESKIN: Well, I think the city has to take some responsibility for this. The city's position on this -- I heard the Mayor give a speech not long ago -- he said, "Housing is not the city's responsibility." And that's the general response. That's the general position of the the city. It is not the city's responsibility. As long as the city takes that position we're in trouble.

So, I think, number one, you have to say it's the city's responsibility to make sure it's population is housed. I think in New York City that's basically their position. It's one of the few cities in the country that maybe takes that position -- but the position of Los Angeles is very clear, "It is not our responsibility."

Most cities in this country, major cities have dozens of nonprofits in this business. They have ten times the number of public housing units we have and dozens of of nonprofits in the affordable housing business. We



have virtually a handful of public housing units, when you're talking other major cities, and we have virtually no nonprofits in this business. If we have a dozen significant ones it will be a lot for a city this size.

This city does not support nonprofits. Basically, their position is, "We do not support non-profits in the housing field." That's their position, they make some exceptions, some very glorious exceptions like the S.R.O. Development Corporation, which I make real clear that's an exception. I know there's a push being made to make a nonprofit as part of the redevelopment process in Hollywood, but the redevelopment agency is going just absolutely slow as it can and by the time they create such an organization, real estate values will be so high that it will be so expensive to function that it will be virtually, it will be almost impossible to do anything.

It ought to be that when they create a redevelopment area, the first thing they do is create a nonprofit to look after the affordable housing. The real estate activity in Hollywood, for example, is extraordinary. The buildings are just turning over very rapidly. I have students studying areas now and the amount of speculation in Hollywood is just unbelievable. Any kind of building is being sold, being looked at, being studied. There's people out hustling just about every lot in the Hollywood area. The fact that there's no public entity or nonprofit entity out hustling, looking to save and create affordable housing, while the private sector is going to have a two or three year head start on the public sector, means that the public sector is in real trouble. The redevelopment agency doesn't see the particular need.

CHRISTOPHER McCAULEY: But you're suggesting very specifically that the City Redevelopment Agency should include a non-profit house....

ALLAN HESKIN: Very early in the process of declaring an area a redevelopment area, they should create a nonprofit to actively plan to preserve the affordable housing in that area.

CHRISTOPHER McCAULEY: Any other specific things that you have for us?

ALLAN HESKIN: We should redefine the affordability standard. We should take 80 and 50 percent of the renter's income rather than the average income of the county. I don't see why when we're talking about affordable housing that we have any interest in people who live in Bel Air, and their incomes. Why we average in the people in Bel Air's incomes it doesn't make any sense to me. What do we care -- they're not in the rental housing market.

CHRISTOPHER McCAULEY: And specifically you are suggesting that it's too large a regional base.

ALLAN HESKIN: I'm suggesting that we ought to look at renters and not include homeowners in general. Another possibility would be to exclude the top 20 percentile right off the top and then calculate it. There would be an infinite variety of ways to do it. What's clear to me is the way we do it now does not produce affordable housing. Because we're including a top end that makes no sense to include at all.

THOMAS FRANK COLEMAN: What agency or would redefine affordable -- the City Council?

ALLAN HESKIN: The Council. The Council has the power to do that. They use the figure they use because it's the standard.

DUNCAN DONOVAN: There was something I was unaware of that was on the redevelopment \$5,000/\$5,000 matching.

ALLAN HESKIN: That's an example of one of the programs the city has -- it's a rehabilitation program.

DUNCAN DONOVAN: Yes, but what I was not clear about, was you indicated that when the developer is going for that particular rehabilitation, that the tenant is usually having his rent stabilized?

ALLAN HESKIN: The rent on the unit is dramatically increased. The tenant gets a three-year rent supplement.

DUNCAN DONOVAN: A supplement that's somewhat similar you said to Section 8?

ALLAN HESKIN: It is the Section 8, but it's only a three-year certificate. When I've asked people in the city, "What happens after the end of three years?" They sort of get vague about it. They say, "Well, it gets extended."

DUNCAN DONOVAN: What I don't understand is that you seem to indicate that after three years the rent adjustment controls no longer exist on that unit.

ALLAN HESKIN: Well, you rehabilitate it again. Well, now, it depends how many dollars you've spent. If you've spent \$10,000 on the unit, yes, you get out from under rent control. But \$5,000 of those dollars are city dollars. Also, if you can get the tenant to move in this process, the tenant has this certificate which the tenant can take anywhere for three years. So, if you can encourage the tenant to move, then you...

DUNCAN DONOVAN: I understand that is a mechanism that would be a benefit to the owner of a property. But what I don't quite understand is, you indicate that there would be a sale at the end of the three years, and that there would be a second getting out from under rent adjustment.

ALLAN HESKIN: No, what happens is the city gets its money back. They require that the loan is paid off in the sale. So they're actually looking to give this money to owners, where they're going to get the money back in three years. That's their history. Their history is they get these properties that they're putting this money into. The average time is three years, they get their money back. The properties are sold within three years

DUNCAN DONOVAN: Yes, but you indicate that there's a second getting out from under rent control.

ALLAN HESKIN: No, there is not. It's out from any kind of government regulation at that point, once they've paid the loan back, they're free and clear.

DUNCAN DONOVAN: Whether the tenant is still present or not?

ALLAN HESKIN: Right.

THOMAS FRANK COLEMAN: Is it because there's \$10,000 renovation on the unit that they're out from control?

ALLAN HESKIN: They're out from rent control. The rent on the unit is raised, see, in this process the rent on the unit is raised.

DUNCAN DONOVAN: The rent is raised at the time of development..at first, but I don't understand.

ALLAN HESKIN: It doesn't revert back when the subsidy is gone. When the subsidy is gone, the subsidy is gone.

DUNCAN DONOVAN: And there's already a new rent established. And that new rent is not changed.

ALLAN HESKIN: No. But what happens is -- its a city program that's doing this. The city program is basically helping landlords, giving them enough money, to get them out from rent control. The only thing it does is -- it gives a cushion for the tenant for three years in this process. But it seems to be a strange policy of the city to be going around doubling, tripling rents. The kinds of repairs they do -- the projects are actually are fairly cosmetic. What I've seen is -- they often stucco the buildings, which is a nice thing, you drive around Hollywood and see these pastel stuccos,

sort of boxy units and chances are it's probably one of these projects. They're all over Hollywood, so they've done a lot of units in Hollywood. But the end result is not affordable housing in any way, except a tenant for three years got a rent supplement.

ADELE STARR: I was just wondering -- the redevelopment of these buildings -- once they're sold they make probably a good profit. Are they the same people who -- I often hear about the Councilmen/women getting big donations from real estate developers -- are those the same people who want to perpetuate this program?

ALLAN HESKIN: I think that the housing policy of the city is written basically by those people. On this Housing Task Force I'm on, I am the only person who is not an industry person. I'm not comfortable being there. They wanted to expand the Task Force, because they said we're not enough people. Well, who do they expect -- with banking people, finance people. So with that expanded, they bring in more industry people.

ADELE STARR: Don't the tenants complain after three years?

ALLAN HESKIN: Well the tenant is alone at that point. Sure the tenant complains, but where is the tenant going to be. I don't want to focus too much on that program although I think it's what they call in housing a gentrification program. It's basically set out to take inexpensive units and turn them into not inexpensive units. It's not the only program. You could go through almost any of the programs the city has and they're not producing affordable housing. Most probably the best programs are the condo programs, and they're not very low income, they're only good because they produce about a \$60,000 condominium which is a pretty affordable unit if you're talking about ownership. The advantage to that is -- if somebody moves out of a rental unit into that condominium, hopefully praying there's something behind it, and getting someone into home ownership.

We have vacancy to control, so one of the great ironies of what we do is.... For instance, when you build a senior unit, most of the very low rent units in Los Angeles are occupied by seniors. And the people involved in rent stabilization, rent control, will hear about historically low rents. Landlords will scream about what they call historically low rents. They have a tenant who's been there for twenty years and was there from the beginning of rent control and pays \$150 a month where other tenants are paying \$600 a month, or \$700 a month and they are very upset about why should this person get a benefit? Well the city did a study and found overwhelmingly these people are seniors. So, because those are the people who don't move in 20 years are seniors -- young people tend to be mobile - - so what happens is you build a senior unit. You spend a fortune, you spend your \$80,000, it's cheaper to build a senior unit than it is a family unit. You spend your \$80,000 rather than \$120,000. And what happens is a

senior, who actually is in an affordable housing unit, but maybe is very insecure in there because they're isolated in some way, moves into some kind of more congregate facility -- something like Janet's places -- which are much more supportive. But what happens is -- what you've done is -- you have taken the senior out of \$150 a month unit, spent \$80,000 of government money to build something to put them in and what happens behind them? That \$150 unit becomes a \$600 a month unit, so you've spent \$80,000 of government money to give an incredible subsidy, basically, I mean in that sense, to a private sector landlord who has got an enormous windfall out of the fact that you just spent \$80,000 of government money. Now it's a good thing for the senior who now has not only an affordable unit, maybe a more affordable unit, but now has a socially supportive environment. But that doesn't seem to me to make sense, that you spend so much government money and the senior gets a more socially supportive environment and some private sector landlord gets a \$500 a month windfall, which is most probably an \$80,000 windfall.

BETTY HANNA WITHERSPOON: There are two in here hopefully they can be answered briefly. The first has to do with with the configuration of our elderly population. Assuming that much of that population is in fact in homes, if there was the movement to one-bedroom units, what are the possibilities of freeing up houses that could be used for our larger incoming immigrant new families that may in fact be very large families?

The second question has to do with building multiple-family units on a site. It's my understanding we're covered by some kind of state ordinance that indicates once you go to more than five units per site of subsidized housing we've got to get a vote by the folks to agree to that. So my question is were the City Council to in fact approach the state about getting rid of that, could we in fact see some greater production of affordable family housing in the city of L.A.?

ALLAN HESKIN: O.K. The first thing is that many people have said that we don't really have a housing square-footage problem. We have a distribution problem. It's not just the problem of the senior in the large house, it's also the problem of the very wealthy family in the large house so we actually have enough square feet to house our population. It's not distributed on the basis of the population's needs. It's distributed on the basis of -- can you afford it? So there's no doubt that if we came up with some system to redistribute the housing that we could house our population.

Take the example of the million dollar plus condominiums on Wilshire Boulevard in Westwood. Some of those buildings are empty and in foreclosure. In Europe what they would have done is occupied those buildings. The homeless would have just taken over those buildings. We have a much more law-abiding, placating population than the European population. Take one of those towers. You could house an extraordinary

number of people in them. They are huge structures. So we have a lot of housing. What we do is constantly mismatch our need and our production. Like overbuilding the condos, now we're overbuilding one-bedrooms, and what bothers me is, obviously the private sector builders who want to commit economic suicide have the right to do that. What bothers me is, because our policy in the city is so dominated by that sector, we usually help them! We usually subsidize them to commit suicide. We get into these trendy things and the private sector wants to go. Then some Task Force -- a very different kind of Task Force than this kind of Task Force -- meets at some place and they plan out, "We're going to do one-bedrooms like crazy, we could build you a zillion units," and they go ahead and do these. Very often, there's government money in these crazy schemes. So I think that's what's wrong. I mean we're constantly mismatching. Fortunes are made and fortunes are lost in the real estate industry. If you're in the beginning you make the fortune, if you're at the end you lose the fortune. But it really bothers me that our government subsidizes this.

The other question is that story of why you need a vote -- it's in the state constitution actually. So what happened is, it relates to why there's no public housing in Los Angeles. It's related to that. It's in the same McCarthy era. All that came out of one of the darkest periods, if you will, the least pleasant periods of U.S. history and its housing industry. Then, if you know, Bunker Hill was supposed to be the largest public housing project. Ten thousand units were supposed to be built on Bunker Hill. The project was stopped partly with J. Edgar Hoover's doing, by saying it was a communist conspiracy to do this. And, in fact, one of the leaders of the Public Housing Authority spent a year in jail under contempt because his job was to meet with the public, and at that point, Dorothy Healy, who was a famous Los Angeles Communist was organizing the people in Chavez Ravine to resist the public housing. So he was meeting with Dorothy Healy because she was the organizer of the tenants and so they confronted him in an eminent domain hearing which was amazing with, "Isn't it true that you've been seen with non-Communists?" He would have lost his job if he were to answer. But, being a good civil libertarian, he spent a year in jail. And out of that, that was the last -- we didn't build public housing after that. At that same time, there was a statewide initiative, what you're talking about, to require this vote, if you go more than five units. So it would take a major statewide campaign now to undo what was done. It would be very difficult. Actually, the history though is that after years of those not passing, most of those initiatives pass now. Now the history of those initiatives across the state is actually very good. The question is one of commitment.

One good thing I'd say, something you might be interested in if this commission continues, you might invite the new director of the Housing Authority to come talk because the Housing Authority is going through one of the most extraordinary reorganizations that I've ever seen. I've spent a

lot of time there. Right now it's a mess. Right now it's just craziness because they're changing people hourly and reorganizing and putting in new systems. But the general direction seems to be actually very positive. So it might be a person to talk to what she plans to do because she is doing dramatic things down there. I think it would be very hard for her to do things though because of extreme competition. See there's basically no leadership. You have the C.R.A., the C.E.D., the Housing Authority, competing, backbiting, cutting each other off, going at each other without leadership.

UNIDENTIFIED: Out of Chavez Ravine, there was something but as horrible as that was, and it did happen, Frank Lewison made a totally new career and contributed tremendously to the advancement of civil liberties.

ALLAN HESKIN: One of the ironic things is -- all of this stuff that the C.R.A. writes about -- homelessness projects are being developed out of that money. It's out of the Bunker Hill money that they're doing it. It's the great irony of this, having destroyed all those units.

CHRISTOPHER McCAULEY: Thank you, Allan. And thanks to the Task Force members for sitting through nine hours of testimony. Even though we are all tired, I'm sure you will all agree that it was worth it.