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The New York State Judicial Committee on Elder Justice Newsletter

October 2023 – Vol. II

Message from the Chair:



*Honorable Deborah A. Kaplan,
Deputy Chief Administrative
Judge for the New York City
Courts*

Welcome to the fall 2023 issue of the Newsletter of the New York State Judicial Committee on Elder Justice! While this newsletter keeps our committee members connected, it also serves another, important purpose – making the larger court community aware of myriad elder justice issues.

In this newsletter, among other information, you will find an article about aging and how we might change the narrative around aging and combat ageism. In addition, you will find an article about murder-suicide among older adults, a topic we have studied in our committee. You will also learn about new initiatives at Project Guardianship and how it is changing the guardianship landscape. We have also included some more personal stories in this issue. The fact is that each of us, in our professional and personal lives, are confronted with challenging issues surrounding growing older, and it is important that we share them and learn from others.

Additionally, we profile two committee members – Aurora Salamone from the New York City Department for the Aging, who has recently retired, and Deborah Holt-Knight, Deputy Commissioner, Human Resources Administration, Adult Protective Services.

I would like to take this opportunity to thank Ms. Salamone and Ms. Holt-Knight for their extraordinary service to elder justice generally and to this committee more specifically. And a big thank you to all committee members for their commitment to elder justice and their continued service to the committee. It is a true pleasure to work with you.

NYS Judicial Committee on Elder Justice Members:

Hon. Deborah A. Kaplan
Deputy Chief Administrative
Judge for NYC Courts, *Chair*

Andy Aujla, Esq.
NYS Attorney General's Office,
Westchester Regional Office

Christine Burke, Esq.
Kristen Kane, Esq.
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Weinberg Breakfast 2023 Recap and New Legal Team Member

By The Weinberg Center for Elder Justice

The Weinberg Center for Elder Justice is pleased to share several recent celebrations and transitions. We hosted our Eleventh Annual Awards of Distinction Breakfast this past June to celebrate our brave clients, our team's revolutionary work, and the heroes who make this work possible. This year's breakfast honored two heroes: Avery Fischer, Esq., and Joy Solomon, Esq. The breakfast also marked Joy's final days as founding Director of the Weinberg Center. Signifying the transfer of leadership, Joy presented Deirdre Lok, the new Director and Managing Attorney, with the Red Shoe, initially awarded at the 2014 Weinberg Center breakfast honoring the late Chief Judge Judith S. Kaye.

Malya Levin, Esq. was also promoted to the position of Assistant Director and General Counsel. Malya has been at the Weinberg Center for over a decade and started as a legal intern while she was a student at Brooklyn Law School. Rounding out our legal team, John Holt, Esq. joined the Weinberg Center in March 2023 as a Senior Staff Attorney. John is also a graduate of Brooklyn Law School and previously worked as Director of Legal Services for Project Guardianship.

If interested, please contact: Deirdre.lok@theweinbergcenter.org

NPR Life Kit: How to Reframe Your Beliefs About Aging

By Brian Balmes, Esq., New York State Unified Court System

Dr. Becca Levy, Professor of Epidemiology at the Yale School of Public Health and Professor of Psychology at Yale University, delves into the complex landscape of ageism and its impact on health and wellbeing in her enlightening appearance on NPR's Life Kit Podcast with interviewer and one of the show's producers, Andee Tagle. Their insightful discussion challenges preconceived notions, advocates for positive aging beliefs, and calls for a transformation of societal attitudes towards age.

Redefining Age

Dr. Levy's interview begins with a fundamental redefinition of aging, dispelling the notion that there exists a biological benchmark of what constitutes old age. Human aging is multifaceted and influenced by cultural definitions, societal perceptions, and individual self-identity. This foundational insight sets the stage for an exploration of the deep-seated issue of ageism that affects individuals across the globe.

Ageism's Global Impact

Dr. Levy notes that ageism is not confined to any one region. It is a worldwide concern that requires collective action to challenge stereotypes and promote healthier attitudes towards aging. The World Health Organization underscores this sobering reality, revealing that ageism is a prevailing and socially accepted prejudice affecting nearly half of the world's population. Dr. Levy's discussion of this pervasive issue serves as a clarion call for societal reflection and change.

Rebecca Thomforde Hauser
Center for Court Innovation

Deputy Chief Joseph Hoch
New York City Police
Department

Captain Charles Hollon
NYS Unified Court System

Deborah Holt-Knight
Deputy Commissioner,
NYC Adult Protective Services

Hon. Eileen Koretz (ret.)
Supervising Judge, New York
County Criminal Court

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**Hon. Nelida Malave-
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Arlene M. Markarian, Esq.
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Association of Long Island

Karen L. Nicolson, Esq.
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Thomas E. O'Hanlon, Esq.
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General

The Ripple Effects of Ageism

Dr. Levy goes on to illuminate the broad-ranging consequences of ageism. Negative stereotypes associated with aging can lead to housing and employment discrimination, impede access to healthcare, limit overall life opportunities, and decrease longevity. Dr. Levy's discussion underscores the gravity of these consequences, emphasizing that ageism is not merely a social concern but a profound determinant of individual health and overall well-being.

The Transformative Power of Positive Age Beliefs

The core of Dr. Levy's discourse lies in the remarkable power of positive age beliefs. Her groundbreaking research reveals a staggering insight: individuals who cultivate positive beliefs about aging can add an astonishing 7.5 years to their lifespan.

Strategies to Counteract Ageism

Dr. Levy does not merely present the problem; she offers tangible solutions. She introduces the concept of "age belief journaling," encouraging individuals to record and analyze negative portrayals of aging encountered in daily life. This practice fosters critical thinking and heightened awareness of age-related biases. Additionally, she advocates for curating a diverse portfolio of positive aging images, showcasing stories of remarkable older individuals who defy societal stereotypes. Dr. Becca Levy's book *Breaking the Age Code: How Your Beliefs About Aging Determine How Long & Well You Live* (William Morrow; April 12, 2022) does just this – offering personal anecdotes on the importance of positive age beliefs supported by pioneering psychosocial research.

Empowerment Through Personal Stories

In a deeply personal anecdote, Dr. Levy shares a poignant story about her 75-year-old grandmother, highlighting the profound impact of ageism on an individual's life. While accompanying her grandmother to a market, her grandmother tripped over a crate left in an aisle and suffered a gash on her leg. Instead of receiving an apology, the store manager callously remarked that older people shouldn't be walking around. This experience affected her grandmother both psychologically and physiologically: she felt diminished; she started avoiding her usual activities; and her stress levels increased. This story underscores the real-life consequences of ageism, showing that it is not just an abstract concept, but a force that affects individuals on personal, social, and even physiological levels.

Cultural Variation and Age Liberation

Dr. Levy's illuminating insights on ageism extend beyond the boundaries of any particular culture, revealing the transformative potential of age liberation across diverse societies. Drawing from her experiences and research, she sheds light on the profound impact of cultural variations on attitudes toward aging.

Dr. Levy showcases ways in which societies can challenge ageism and uplift older generations. Dr. Levy cites examples about the reverence for age in countries like Japan, where older individuals are celebrated and integrated into society or to initiatives like Zimbabwe's "friendship bench," where grandmothers meet with people in their communities who are experiencing mental health challenges to listen to their stories and offer advice.

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Geoff Rogers
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Work at Hunter College

Hon. Audrey E. Stone
Criminal Court, Bronx
County

Hon. Charles Troia
New York Supreme Court
Richmond County

Mike Williams
NYS Unified Court System

Such examples empower older individuals to contribute to their communities and underscore that ageism is not a fixed reality, but a dynamic force that can be dismantled by cultivating positive age beliefs, celebrating achievements, and creating inclusive spaces. Cultural variations serve as an inspiring testament to the possibilities of age liberation, inviting societies to recognize and harness the strength, wisdom, and potential that older generations bring to the tapestry of humanity.

A Glimpse into an Ageism-Free Future

In her advocacy for age liberation, Dr. Levy envisions a world where ageism is eradicated, and individuals of all ages are valued and empowered. Through the dismantling of stereotypes, the promotion of positive age beliefs, and the celebration of older individuals' achievements, societies can strive towards greater age inclusivity.

Dr. Levy's appearance on NPR's Life Kit Podcast serves as a catalyst for societal introspection and change. Her research, advocacy, and insights prompt individuals to confront ageism's prevalence and harmful effects, sparking discussions on ways to foster a more age-inclusive and age-positive society. As the world grapples with an aging population, her work offers a roadmap towards creating a more compassionate, respectful, and equitable future for people of all ages.

Supported Decision-Making

By Boris Gelfand, Esq., New York State Unified Court System

Following a pilot program by the Office for People with Developmental Disabilities, in 2022, the New York Legislature enacted the Supported Decision-Making Act (SDMA), which was codified as Mental Hygiene Law (MHL), Article 82. In the legislative findings and purpose behind the SDMA, the Legislature explained that:

“[the] practice of supported decision-making is a way in which many people with disabilities can make their own decisions with the support they need from trusted persons in their lives, and that supported decision-making can be a less restrictive alternative to guardianship”

(MHL § 82.01 [b]).

The process of supported decision-making can vary in its formality. The Legislature chose to follow “a more formal process, resulting in a supported decision-making agreement between the person with a disability (the decision-maker) and their supporter or supporters” (*id.*). The rationale behind a formal agreement is to allay any concerns that third parties might have about the decision-maker's legal capacity and to ensure that the decisions are respected and recognized (*see id.*).

SDMA presumes that *every* adult “ha[s] the capacity to enter into a supported decision-making agreement, unless that adult has a legal guardian, appointed by a court . . . , whose granted authority is in conflict with the proposed supported decision-making agreement” (MHL § 82.03 [a]).

Examples of areas in which supporters assist decision-makers in formulating decisions include:

“gathering information[;] understanding and interpreting information[;] weighing options and alternatives to a decision[;] considering the consequences of making a decision or not making it[;] participating in conversations with third parties if the decision-maker is present and requests [supporters’] participation[;] communicating the decision-maker’s decision to third parties if the decision-maker is present and requests [supporters’] participation[;] and providing the decision-maker support in implementing the . . . decision”

(MHL § 82.04 [a]).

The law specifies both what a supporter must do, such as “respect the decision-maker’s right to make a decision, even when the supporter disagrees with” it, and what a supporter may not do, such as “making decisions for,” or “exerting undue influence upon,” the decision-maker (*see* MHL §§ 82.05 [a] [1], [b] [1]). “The relationship between a decision-maker and a supporter is one of trust and confidence and serves to preserve the decision-making authority of the decision-maker” (MHL § 82.05 [c]).

The law provides for the possibility of informal arrangements between decision-makers and their supporters. However, it specifies that if a written agreement was made with the help of a facilitator who follows regulations developed by the Office for People with Developmental Disabilities, then third parties are *required* to honor decisions made pursuant to such an agreement (*see* MHL § 82.11 [a-d]). The law also provides protection to third parties from criminal or civil liability for honoring decisions properly made in accordance with SDMA (*see* MHL § 82.12 [b]).

The law also grants immunity to a “health care provider” -- who “provides health care based on the consent of a decision-maker [that was] given” on the basis of a properly made supported decision-making agreement -- “from any action alleging that the decision-maker lacked capacity to provide informed consent, unless the [health care provider knew] that the decision-maker had revoked . . . the agreement, or that the supporter had committed abuse, physical coercion, undue influence, or financial exploitation with respect to the decision to grant consent” (*see* MHL § 82.12 [b]).

These and other provisions of SDMA strive to enhance self-determination and autonomy for people with disabilities and to reduce paternalism and substituted decision-making. SDMA will take effect 90 days following the publication of regulations in the New York State Register.

For questions regarding Supported Decision-Making Act or to make comments or suggestions as to regulations surrounding the Act, please contact Haldan Michael Blecher, Esq., Senior Attorney at the Office for People with Developmental Disabilities at haldan.m.blecher@opwdd.ny.gov

The New Guardianship Prevention and Support Helpline

By Deena Schwartz, Esq., Project Guardianship

In June of this year, Project Guardianship introduced a new pilot: The Guardianship Prevention and Support Helpline. This dedicated helpline offers free information, referrals, and support to individuals seeking answers about Article 81 guardianship and its alternatives.

The success of New York State's guardianship system relies on the public's knowledge. Without public guardianship, the current system relies heavily on lay guardians and non-profit organizations such as Project Guardianship. Judges grapple with the lack of professional guardians willing and able to serve in complex, low-fee, or no-fee cases.

Yet, there has been a noticeable absence of a designated hub to provide reliable guidance on Article 81 guardianship. Even professionals, constantly confronted with guardianship, often seek clarity regarding the process, its alternatives, and the array of supportive services. Healthcare workers, social service providers, community-based organizations, attorneys, and others engage with clients and their families about questions regarding guardianship.

Recognizing this need, Project Guardianship launched the Guardianship Prevention and Support Helpline. Our core ethos lies in treating guardianship as a measure of last resort. Our services span a diverse spectrum, including insights and referrals for guardianship prevention; navigating court proceedings; talking through cases with service providers; lending support to overwhelmed caretakers; deciphering legalese and court papers addressing guardianship termination and modification; and more.

The helpline is staffed by seasoned attorneys, well-versed in the nuances of Article 81 guardianship and its alternatives. We welcome both professionals and the broader public to contact us with their questions and concerns. Our support extends across 120+ languages, facilitated by phone-based interpreters and written translation.

New York State Master Plan for Aging

By Eric Jacobsen, New York State Office for the Aging

On November 4, 2022, Governor Kathy Hochul signed Executive Order No. 23, establishing the New York State Master Plan for Aging (MPA).

The MPA is overseen by the New York State Department of Health (NYSDOH) and New York State Office for the Aging (NYSOFA) and builds on New York State's AARP age-friendly designation.

The MPA aims to coordinate existing and new state programs and policies to meet the socioeconomic needs of all New Yorkers as they age. The MPA process creates a blueprint of strategies for ensuring that older New Yorkers and individuals of all ages can live fulfilling lives in good health and with the freedom, dignity, and independence to age in place for as long as possible.

For more information or to reach the helpline, call (718) 750-8474 or visit: helpline@projectguardianship.org www.projectguardianship.org/helpline

For more information on the MPA and to follow its progress, visit the MPA website at <https://www.ny.gov/programs/new-york-states-master-plan-aging>

Featured Podcast



“Don’t let ageism define you.
How to enjoy life at every stage”

NPR’s *Life Kit*, hosted by Andee Tagle with an interview of Dr. Becca Levy, discusses ageism and its impact on health and wellbeing (originally aired on June 28, 2022)

To listen to this podcast, please visit: [NPR Life Kit](#)

The MPA consists of a council of state agencies, a stakeholder advisory committee, and an association resource committee, all chaired by NYSDOH and NYSOFA. Their collective work will culminate in a comprehensive set of recommendations in a final MPA report organized around short-, medium- and long-term goals. Recommendations will include legislative and regulatory proposals at the state and local levels, as well as proposals for public-private partnerships.

The MPA process has engaged over 400 experts representing various New York State and local government agencies, as well as non-governmental stakeholders. Non-governmental stakeholders include representatives from organized labor; researchers in medical and non-medical fields; leaders of community organizations; and executives of home care, real estate, transportation, and technology businesses. These stakeholders work collaboratively on 8 subcommittees and 32 workgroups, which cover a wide range of topics, including housing, formal and informal caregiving, long-term services and supports, retirement financing, and nutrition.

The New York State Unified Court System is an active participant in the MPA process. Joan Levenson, Esq., Special Counsel to Hon. Deborah Kaplan, Deputy Chief Administrative Judge for the New York City Courts, and Sheng Guo, Program Manager of Courtroom Modernization in the Office of Court Administration, participate in the Safety, Security, and Technology Subcommittee, which focuses on financial exploitation, elder abuse, guardianship, and technology development and access. Ms. Levenson was instrumental in arranging for the Honorable Arthur Diamond and the Honorable Lisa Ottley to discuss their work on guardianship issues with the subcommittee.

The following foundational pillars have been identified as subcommittees and workgroups consider various recommendations:

1. Housing access and community planning
2. Informal caregiver and workforce support
3. Affordability of basic necessities for older adults
4. Access to services in, and engagement with, historically marginalized communities
5. Modernization and financial sustainability of healthcare, residential facilities, and community-based aging network service providers
6. Social engagement of older adults
7. Promoting health and access to services and supports in rural communities
8. Combating elder abuse, ageism, and ableism
9. Technology access and development
10. Prevention and wellness promotion and access

Looking forward, the subcommittees, through each of their workgroups, will work to develop a set of recommendations that are linked to each of the foundational pillars. Public input is also a critical part of the MPA process. NYSDOH and NYSOFA are holding town halls and listening sessions throughout New York State to inform communities about the MPA and to hear recommendations and ideas.

The MPA is expected to release its final report in January 2025. Goals and objectives will be organized around 2-year, 5-year, and 10-year benchmarks for implementation and evaluation.

Statement from Weill Cornell Medicine's NYC Elder Abuse Center's Enhanced Multidisciplinary Teams

By Lisa Rachmuth, LMSW, New York City Elder Abuse Center at Weill Cornell Medicine

We want to share this update on the status of Weill Cornell Medicine's (WCM) New York City Elder Abuse Center's (NYCEAC) Enhanced Multidisciplinary Teams (EMDT) in New York City. We have worked diligently to build robust and effective EMDTs to meet the needs of New York City's vulnerable older adults and support the professionals who tirelessly work to meet their needs. Due to recent funding cuts from the City of New York, the services provided by NYCEAC are now very limited. Before these funding cuts, we provided a robust panel of services, including: 9 EMDT borough-dedicated meetings per month; 17 individually scheduled case consultation meetings with multiple older adult service providers; on-demand case consultations with a 24-48 hour response time; and trainings to professionals on various elder abuse and elder justice topics.

Over the last four months, we have worked on a sustainability plan for EMDT meetings and case consultations in New York City. Initially, we attempted to coordinate 5 monthly meetings, one in each borough, but realized this was not sustainable with our current limited staffing and funding. We, therefore, pivoted and combined some borough meetings.

Currently, with only one EMDT coordinator, we can only provide facilitation and EMDT support. The coordinator is also responsible for case consultations. All previously scheduled case-consultation service-provider meetings were canceled. Case consultations will be available through phone or email requests, and we will attempt to respond to professionals within five business days.

We know how valuable the EMDTs are to our Elder Justice community, and we hope in the future to be able to provide more services to the professional community and the older adults in NYC. NYCEAC continues to seek additional funding to support the future of our work.

Thank you to all the dedicated professionals who serve New York's older adult population each day. We value the partnership we have with every one of you.

Murder-Suicide Among Older Adults

By Sophia Kalish & Boris Gelfand, Esq., New York State Unified Court System

Intimate partner violence (IPV) in the context of the growing elder community continues to be a subject of research and planning as to adequate response. Among the various subcategories within IPV, murder-suicide occupies an unfortunate place of prominence. As its name suggests, this subcategory involves a person who murders another person before committing suicide shortly thereafter.

Please contact Lisa Rachmuth at lir2034@med.cornell.edu with questions.

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The national annual number of murder-suicide events is approximately 600, resulting in 1,000 to 1,500 deaths. The percentage of murder-suicide incidents (MSI) involving older individuals rose from 21% in 2001 to 33% in 2014. In Florida, since 1998, the rate of MSI among couples 55 years old and older increased tenfold. The vast majority of MSI was committed by males, with older males responsible for at least one-third of all occurrences.

A typical profile of a murder-suicide perpetrator is a depressed elderly man, with health issues, who has access to a firearm, and who serves as the primary caregiver for an increasingly dependent spouse. Approximately half of all the MSI among older adults involved an older husband who was the caregiver for a wife with a disability. The female victim is typically not a willing participant and may not even realize her fate. The tragedy of MSI lies not only in the violent death of the two spouses, but also in the shock and trauma experienced by children, grandchildren, and other family members.

Often, perpetrators will convince themselves that they are committing a selfless act in order to minimize the suffering of their partner and then commit suicide to relieve themselves of the emotional pain of being separated from their partner. Or, perpetrators might prioritize their own interests and as caregivers for their partners, rid themselves of the burden that has been weighing them down before proceeding to commit suicide out of fear of becoming ill themselves or because they fear prosecution. Taking care of an ill partner becomes too much weight on one's shoulders, and the only thing left to do (in their eyes) is to make an irrational decision.

If the wife is institutionalized, the husband is experiencing grief, loss, loneliness, desperation, and financial pressures. Unable to physically care for the wife, the husband may view it as a failure to fulfill the marital vows of "in sickness and in health." During the pandemic, some measures -- such as social distancing and quarantine -- led to an increase in depression and anxiety. Fear of the virus; anxiety about the lockdown measures and placement in long-term care facilities; and difficulty in obtaining food and medicine all contributed to instances of murder-suicide among the older population.

Some have suggested that long-term caregivers receive little support as the older population, in general, is increasingly isolated. 25% of homicide-suicide perpetrators had a history of domestic violence and the vast majority used a firearm. There is also a tendency to romanticize or explain away the MSI among the elderly, as one article describing an instance of MSI was entitled *Loved to Death*.

Signs of vulnerability to murder-suicide include: (1) incidents of escalating domestic violence; (2) male seeking/maintaining control over the female; (3) relationship characterized by possessiveness; (4) police contact with the household, resulting in restraining orders; (5) presence of firearms in the home; (6) use of weapons in household disputes; and (7) entrapment or isolation of the female partner in the residence.

Retirement Spotlight: Aurora Salamone

New York City Department for the Aging

After working at the New York City Department for the Aging for 42 years, Ms. Salamone retired in June 2023. She has served as a member of the New York State Judicial Committee on Elder Justice and believes that the Committee's existence is something to be proud of. Not only do the courts track elder abuse, but they also look for ways to help older adults.

In addition, Ms. Salamone finds it phenomenal that the professionals in the elder justice field consult with one another on complicated cases and partner with other organizations.

Before her retirement, Ms. Salamone served as the Senior Director of Elder Justice at the New York City Department for the Aging. In this role, Ms. Salamone aided in creating concepts and generating ideas of how to obtain program funding and how to expand existing programs. NYC Department for the Aging operated many elder abuse and crime victims' programs during Ms. Salamone's tenure, including an eviction prevention program and bill payer program.

Ms. Salamone enjoyed that her work in the field was always challenging. She relished the opportunity to review the initial funding strategy and determine how to make it more effective. Additionally, Ms. Salamone helped develop a questionnaire, to be used by over 35 agencies for annual client assessments, which would aid in identifying victims of abuse outside of the victim/adult protective network.

However, Ms. Salamone has also been confronted with challenges in the elder justice field throughout her career. She consistently faced obstacles in securing funding for programs; expanding services; finding new ways to provide services; partnering with other providers; and conducting demonstration programs and research studies in order to justify the need for funding.

Ms. Salamone has presented at conferences across New York State, as well as in Washington D.C., Chicago, Philadelphia, and Los Angeles. She is a co-author of multiple publications and a research study entitled *Under the Radar: NYS Elder Abuse Prevalence Study*. In addition to the NYS Judicial Committee on Elder Justice, Ms. Salamone was a member of the NYC Domestic Violence Fatality Review, New York City Mayor's Taskforce on Domestic Violence, and Downstate Coalition for Crime Victims.

Ms. Salamone will miss her staff, the elder justice field, and the comradery amongst her colleagues. However, she humbly believes it is time to pass the baton to another individual who can be even more creative in the elder justice field.

Committee Member Corner: Deborah Holt-Knight

New York City Human Resources Administration

A member of the New York State Judicial Committee on Elder Justice since its inception, Ms. Holt-Knight started working for Adult Protective Services (APS) in



Brooklyn as a caseworker in November 1985. She finds passion and fulfillment in helping people through her job. Throughout the years, she took examinations to advance her career, and over time held every social service position at APS.

For the last 7 years, Ms. Holt-Knight has served as the Deputy Commissioner of Adult Protective Services at the New York City Human Resources Administration. In this role, she ensures that APS adheres to state laws and mandates while providing services to adults.

In this field, Ms. Holt-Knight has found opportunities to be creative while positively impacting the lives of those served by APS. She enjoys speaking to raise awareness of elder abuse and has presented to various audiences, including the NYPD, the College of District Attorneys, different national conferences, and even her local church.

The field of elder justice is not without its challenges. Ms. Holt-Knight acknowledges the difficulty in hiring people who are willing to work in this field and who have the desire to assist those whom no one else wants to help. She finds hearing ageist remarks especially challenging. These societal biases serve as additional evidence of the significance of the work of APS in raising awareness about the mistreatment of the elderly. Towards this end, she has contributed to the production of an upcoming video for City of New York employees, which is being produced by Cabinet for Older New Yorkers, a mayoral committee.

Ms. Holt-Knight is very proud to be the 2016 Sloan Public Service Award recipient. In addition to the NYS Judicial Committee on Elder Justice, Ms. Holt-Knight is an advisory board member of the National Elder Abuse MDT Training and Technical Assistance Center as well as a member of the Enhanced Multidisciplinary Team (EMDT).

Committee Member Corner: Retirement...Life After the District Attorney's Office

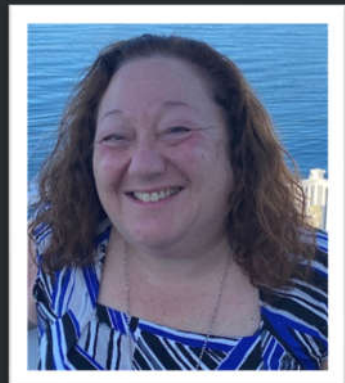
By Arlene Markarian, Esq., Family & Children's Association

The following article is part of the newsletter's corner for personal stories.

After almost 33 years as a career domestic violence and elder abuse prosecutor, I have finally retired from public service on March 31, 2023.

I started my career as a prosecutor in the Brooklyn District Attorney's Office in August of 1990. In 1999, the Kings County District Attorney, Charles J. Hynes, asked me to create an Elder Abuse Unit.

Within a few days, a number of APS (adult protective services) referrals were brought to my desk. I had no idea what I was supposed to do with them. I remember reaching out to a woman I did not know yet: the then-director of Brooklyn Adult Protective Services, Deborah Holt-Knight. Deborah and I became fast friends. We reached out to one another to consult regarding elder abuse cases, and we conducted trainings and conferences together. We always educated one another on our agencies' roles and understood how difficult these cases were to manage. I quickly gained respect for Deborah, forging a valued friendship and deep respect that remains till today.





For almost a year, volunteer knitters, crafters, and alike have been sent to complete projects that have been left unfinished by those who have fallen sick or passed away.

Through **Loose Ends**, a program with over 90,000 volunteer “finishers” in over 40 countries, a countless number of rugs, socks, sweaters, and more have been completed.

For more information:

Loose Ends volunteers complete crafts left unfinished by Alzheimer's or Death: Shots - Health News: NPR;

[LOOSE ENDS](http://looseendsproject.org)
(looseendsproject.org)

I lucked out again when I called a local elder abuse non-profit named JASA. It was one of the best calls I ever made. My relationship with JASA quickly developed and strengthened. While I needed their help in reaching out to elder abuse victims and conducting home visits to assess situations, they needed my help in aiding both JASA and their clients in navigating the criminal justice system. JASA’s legal and social work program was invaluable to me as the Chief of Brooklyn’s Elder Abuse Unit. This is another strong relationship that remains to this day, as I constantly call Donna Dougherty and Dianne Woodburn for explanations on the many aspects of civil law that arise in elder abuse cases. They are so patient with me, and they care so much. I consider them my good friends.

In November 2016, I left the Brooklyn DA’s Office after over 26 years of service and came home to the Nassau County District Attorney’s Office to create an Elder Abuse Unit. I left Brooklyn with a heavy heart, but I knew I left my Unit in very good hands. My new supervisor, the Honorable Madeline Singas, currently a Justice of the NYS Court of Appeals, asked me to bring together Nassau County’s professionals to create the Nassau County Enhanced Elder Abuse Multidisciplinary Team (EMDT). Since Nassau County is home to over 270,000 adults ages 60 years and older, there was undoubtedly a need for an EMDT. I am very proud to say that I accomplished that task! I have to admit, though, while it was not easy, it was not as hard as I thought it would be because of all the dedicated professionals in Nassau County who, without much (if any) begging, eagerly agreed to volunteer to be on this team. We had our first meeting in October 2018 and have been going strong ever since.

On March 31, 2023, I chose to retire because I had an opportunity to work with FCA (Family and Children’s Association of Long Island) as the Coordinator of their *SOS—Safe Observant Seniors* elder abuse program. I started my new job on April 10, 2023, just 10 days after my retirement. No rest for the weary!

I have been working for FCA for over 4 months now. The transition from a government prosecutor to a non-profit program has not been easy for me or my colleagues. I want to take this opportunity to thank my supervisors and team for their patience. This is a work in progress.

I came from a place with a lot of attorneys, specifically prosecutors, who are a special breed of trial attorneys, to a place without a legal program and only two other retired attorneys.

I think some of you will know what I mean when I say that we lawyers have different ways of communicating. I think prosecutors can ruffle feathers at times (actually, many times!). It is our nature to ask many questions, be direct, and want to get to the point. We move fast because we have no choice.

We speak fast because if we do not, a Judge or defense attorney will cut us off. We also do not back down, especially Special Victims prosecutors. We see the absolute worst in people. People who claim they love their victims. People who have made it an art to cover up what they are doing to their families—an art of intimidation and guilt that prevents them from telling people what is happening to them, calling the police, or leaving. Sometimes until it is too late.

To my new FCA family: I know that I handle myself differently than you. I know that perhaps that is the reason I was hired—to be a strong advocate, to explain what is happening in this crazy criminal justice system, and to help you navigate legal systems the best that I can so our clients can hopefully be a little safer and happier in their homes. FCA is a wonderful organization with such caring people. They always want to do a warm hand-off and not leave a client hanging. They want to make sure that the client is heard and not judged. They want to ensure that they offer services to make elder abuse victims' lives just a little bit easier and safer.

While I still miss being an Assistant District Attorney, I have been welcomed into a new home. I am detoxing from my 33 years of constant adrenaline rushes from a job that involved constantly putting out fires. Like other public agencies, prosecutors get little thanks for the hours of hard work that they put in to hold family violence offenders accountable for their actions and to try to make the victims a little safer in a system that, quite frankly, is making it harder and harder to do so every day.

I do worry that perhaps I shouldn't have retired yet. I miss my friends and colleagues at the Nassau DA's Office, especially the Special Victims Bureau, which has some of the most hardworking and caring people I have ever met. I miss being in court and fighting the good fight, but that feeling is lessening (a little) as the weeks go on. Meanwhile, I am fortunate to work with the kind and dedicated folks at FCA...we are all fighting the good fight!

Committee Member Corner: A Long Goodbye

By Captain Charles M. Hollon, New York State Unified Court System

The following article is part of the newsletter's corner for personal stories.

It was in early May – somewhere just before summer took control and laid the coolness of spring to rest. For me, Thursday nights were often spent visiting Mom and spending the night in Brooklyn. These visits always featured pasta, veal cutlets, and rosemary potatoes. Italian mothers never worried very much about carbs or cholesterol.

This particular evening started off much like all the other evenings in Bensonhurst with a “how are you honey?” What followed shortly thereafter was anything but normal: “What day is it today?”

That was a question Cecilia Angela Hollon, my mom, would have never asked. The retired schoolteacher from Public School 97 had a large calendar from Saint Mary's Church in her kitchen. Days were always marked off in black veldt marker, along with reminders that said, “Con Ed” and “AT&T”, because my mom never missed a bill payment and could probably tell you when the bills were due even before the utility companies.

My first reaction to her question was not verbal. I do not know why but I immediately went to that calendar. The “X's” had stopped sometime in early April. A few questions later and a quick look at the checkbook brought home what, for me, the only son of Cecilia and Jesse Hollon, was my worst nightmare. It was the beginning of Alzheimer's. I cannot say I was surprised, which somehow even writing that makes me feel less than.

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My mom was jokingly nicknamed “The American” by her seven brothers and sisters. She was the only one who was born in the States. When the Centoducatis made the journey in 1921 aboard the Duca Degli Abruzzi, they did not expect to add an 8th child, but there were other plans.

All of her sisters were afflicted with Alzheimer’s. Cecilia painfully cared for each one of them as long as she could. After spending a good amount of time talking with my mom that night, she looked at me with an expression I cannot recall seeing before. It was childlike and seemed almost at a loss for words.

“Listen,” she said. “I think it is time you take over, the bills, everything. I will do what you say.”

The 4-year, 8-month journey that started that night was not televised. It was not streamed on Netflix. For anyone who steps into a journey like this, especially as an only child (and as my mom would always add, “he’s my only, but he’s not spoiled”), it is scary. Scary is not a word that is in my repertoire. It has never been since my dad told me when I started little league, “look at the size of you (sans several diets since then) and look at the size of the ball, how could you be afraid of it?” Those words would stay with me my entire life, as handling judicial threats for the court system. The last thing you could ever feel is fear, especially when a judge calls you in fear. The last thing you ever convey is fear. But being scared for my mom and feeling scared for oneself seemed precisely what I felt.

As an only child, some of us compartmentalize things. This was just another drawer that was going to be opened, which was filled with my feelings. Besides the fear, the drain of watching a loved one succumb to this disease is horrific. What started as a drawer turned into a warehouse full of emotions.

As the days and months go by, you look to lean on something, anything that is steady. Something that can provide consistency. Some days with my mom were spent walking through thunderstorms, battling winds, and harsh rain. Then there were the breaks. I would refer to them as moments when the storm would cease for a bit and

somehow, some brightness would peer through the dark clouds.

Work helped. My daily, and often nightly, responsibility was to make sure judges were safe, taken care of, and free to adjudicate justice. Somehow, the balance worked until it did not.

The falling down began. Often, my mom would say, “Oh I’m fine, can you get me a band-aid?” The trips and stumbles were never really cured with a band-aid, but some Sinatra and soup seemed to bring a smile to her face.

What often occurs during days like these is that you lose yourself. Becoming so immersed in the care and the sadness can bring the strongest souls to their knees. There is no cure for what you feel and what the journey is. However, you can be aided by faith, friends, and family.

For those who are not fortunate to have all three of the “three F’s” (faith, friends, family), I advise you to lean on one that you do have. It will guide you and give you strength on days that you will question yourself and your own well-being.

My mom passed at the age of 96 in January of 2021. As a tribute to her, in the fall of 2022, I made the trip to where my mom’s roots began: Assisi, Italy. The trip was therapeutic. In many ways, it closed the chapter for my mom, “The American.” For me, it added to my own faith, strength, and understanding that goodbyes are never forever.



The New York State Judicial Committee on Elder Justice is a standing advisory committee of the Chief Administrative Judge of the Courts pursuant to an Administrative Order dated December 1, 2015.