

Elder abuse reports increase, but charges are seldom made

Defense attorneys say many charges are unwarranted because the system is unfair to suspects.

By JOE NEWMAN
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Reports of abuse of the elderly have increased each year but in many of these cases, criminal charges are never filed.

From July to December of 1993, the department of Health and Rehabilitative Services investigated more than 700 abuse claims in Palm Beach County, said Lois Peterson, program administrator for aging and adult services.

About 63 percent of those cases involved self-neglect, Peterson said. The other cases were allegations of physical abuse or financial exploitation.

Prosecution is often difficult because of the mental state of victims, some suffer from dementia or Alzheimer's disease and are often the only eyewitnesses.

Some defense attorneys say there are many unwarranted charges of elder abuse because of a system that is unfair to suspects of such crimes.

"In these cases, as in child abuse cases, the action comes first, then people review the evidence," said Kenneth Lipman, a Boca Raton defense lawyer.

Lipman represents Morton Simberkoff, 64, a suburban Boca Raton resident who faces allegations he physically abused his 90-year-old wife and exploited her financially.

"His wife was taken away from him and he has no access to any money to defend himself," Lipman said. "Unfortunately, it's a pity that the evidence that supports Mr. Simberkoff's position won't come out for months."

To charge Simberkoff with financial exploitation, one thing prosecutors would have to show is that he profited while Edith Simberkoff received no benefit. That's sometimes a difficult task.

Two weeks ago, prosecutors declined to file charges against a Boynton Beach woman in a similar case. In that case, a live-in nurse allegedly sedated a 90-year-old man before wheeling him to the courthouse to get married.

While the nurse later wrote checks on the man's account, there was no proof that the man didn't benefit from the purchases of prescriptions, liquor, video rentals, auto repairs and other household expenses.

There are also cases that prosecutors are pursuing, such as the nursing home director who bought a home from an elderly couple for \$6,400, though the property was appraised for \$49,000. And there's a case scheduled for trial in a week in which a son is accused of striking his 72-year-old mother and stealing her last \$8.

"We're seeing all these cases and taking them seriously," said Mary Greene, who coordinates the state attorney's crime against the elderly unit.

There is a need to educate the public about signs of elderly abuse. Banks should be aware when someone who has always been frugal makes a large withdrawal, Greene said.

"If someone's losing weight, has bruises, you should be willing to speak up and report it," she said. Family members should also keep tabs on aged relatives who live in nursing or retirement homes either through direct contact or getting to know a neighbor.

"If my 90-year-old mother married a 60-year-old man, I think I would be concerned."

People can report suspected abuse and neglect cases to state officials at (800) 962-2873, Greene said.