

We are Family: When Elder Abuse, Neglect, and Financial Exploitation Hits Home

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Research and popular press report alarming instances of familial elder abuse, neglect, and financial exploitation. The House of Representatives Select Committee on Aging found that older adults are at the greatest risk for abuse, and that in more than two-thirds of substantiated cases, the perpetrator is a family member in a caregiving role—usually an adult child (Elder Serve Act of 2009).

Often there are other contributing factors that fuel elder abuse, which include substance abuse (on the part of the abuser or the victim) and diminished capacity of the elder due to conditions such as dementia (Spencer and Smith, 2000). The following true story illustrates what can happen when these factors come into play.

The Visit

In October 2005, police were dispatched to my grandparent's home following a dispute between my parents and my uncle. My uncle, my grandparent's unemployed adult son who was living in the home, became infuriated when my parents arrived for an unscheduled visit and he refused to let them in. Hearing the commotion, my grandmother appeared and insisted that my parents stay, which further exacerbated my uncle's anger. In an effort to keep my grandmother inside, there was a scuffle: several glass panes of a door were broken, and my grandmother and my mother sustained cuts. My father called the police.

When law enforcement arrived, they observed that my grandmother and the home were in poor condition, and that my uncle appeared agitated, inebriated, and unclean. My grandparents were reportedly uncooperative, also unclean, and disoriented. They expressed no concerns about endangerment and declined to press charges.

The exterior of my grandparents' home was in terrible shape, with shattered windows, overgrown landscaping, and broken fencing. Inside, it was filthy and littered with trash. There was little food in the house, but an abundance of alcohol. The police officers insisted this was a case of self-neglect—not of criminal action or intent; they did not create a case or make any further investigation (the only record of the incident was the 911 call that summoned the police). Upon learning that law enforcement would not intervene, my parents, though terrified of my uncle's retribution, reported their concerns to Adult Protective Services (APS).

Soon thereafter, an APS worker made a home visit. Again, my grandparents denied that their welfare was in jeopardy and refused any offers for assistance. The APS worker made the same observations as

did the law enforcement officers: My grandparents were clearly oblivious to the dangers of their environment and required immediate medical attention.

After being persuaded by family, law enforcement, and APS, my grandparents were transported to two different local hospitals. My grandfather was treated for various nonlife-threatening conditions and was discharged within a few days, while my grandmother remained hospitalized for nearly three weeks. I visited often and regularly communicated with the hospital staff about her care. Later, I, along with my parents, uncle, and grandfather, attended a “family meeting” in preparation for my grandmother’s discharge. During the meeting, it became apparent that my grandfather was confused about his wife’s condition and the level of care she would require; he was beginning to show signs of dementia. My uncle agreed to tend to such tasks as transporting his parents to medical appointments, ensuring that prescriptions would be filled in a timely manner, and providing adequate food and water. He also admitted that he had been unemployed for a long time and was working on his sobriety (a glaring “red flag” to me).

Unable to ignore my concerns, I requested a competency evaluation for my grandmother and strongly recommended that she not return home but be assessed for placement in an assisted living facility. I expressed that it was unlikely that my grandparents would receive the care they required should they return home to their son’s care. Nonetheless, it was determined that my grandmother would be discharged to home.

The Struggle

I called frequently in the following weeks. Initially, my grandmother would participate in conversations with some degree of awareness, but this capability slowly faded. More often than not, calls placed would go unanswered. Within months, ensuring my grandparents’ welfare could only be accomplished by contacting authorities to request a check on their welfare. Ultimately, the rest of my family was forced to trust the APS worker, who had promised to closely monitor the situation.

Over the next four years, my grandparent’s home continued to deteriorate. Countless times, concerned neighbors reported suspicious activities to the authorities and APS. My uncle continued to live in the home and, because of unaddressed substance abuse issues, he remained unemployed.

On July 24, 2010, my great-uncle and my husband made an unscheduled visit to my grandparents’ home. The house was in deplorable condition. Despite repeated shouts into the house, there was no response. They called 911. The police arrived quickly and confirmed my grandparents and uncle were inside. They warned my great-uncle and husband that they wouldn’t “last long” when they went inside the house because of the filth and stench, and suggested they call APS. The police made no attempt to rescue my grandparents or confront my uncle. Stunned, my great-uncle and husband left the premises briefly, returning moments later: they were afraid they would not see my grandparents alive again.

Upon seeing them, my uncle was irate and an explosive dispute ensued. Despite my uncle's unyielding hostility, my great-uncle insisted on seeing my grandparents. He found my grandfather scantily dressed, emaciated and weak, dirty, and lying in his own waste. Down the hall, he found my grandmother, dressed in soiled men's clothing, immobile, and confined to a tattered mattress. My grandparents were oblivious to their circumstances, and responded pleasantly to my great-uncle.

My uncle became increasingly violent toward my great-uncle and husband. Feeling fearful and helpless, with no support from the police, they left. That afternoon, I learned of the situation. Immediately, I made calls to the police, APS, and the crisis hotline. I called for days before a crisis worker agreed to visit my grandparents. To my amazement, the worker believed my grandparents were not in acute danger. Shocked and frustrated, I questioned her perception of acute danger. Couldn't she see that my grandparents were suffering and that they had no food, water, heat, or air-conditioning? The supposed top defenders of the defenseless were now my top source of disappointment.

The Intervention

The following morning, I called the police, APS, the crisis hotline, and miscellaneous advocacy groups. I ended each call saying, "My grandparents are going to die if they aren't helped. What is your name, so I can document that you knew and did nothing!" It was now forty-eight hours since the 911 call on July 24; I feared that my grandparents would die before help reached them. The next day, an APS worker informed me that an intervention was planned for that afternoon and would include her supervisor, paramedics, and the police. I was asked to accompany them, and arrived to find a fleet of ambulances, police cruisers, and official government cars in front of my grandparents' home.

When my great-uncle and husband had described to me the conditions they had found, they had spared me the worst details: black mold covered the walls and ceilings; and it was difficult to breathe due to the intense stench of feces, urine, and rotting trash. The cupboards were bare, the refrigerator inoperative, and there was no running water for drinking, bathing, or cleaning. With no operable HVAC system, the sweltering heat was unbearable. The once-beautiful brick home was now a complete eyesore.

I found my grandparents just as my great-uncle had described. My grandfather was wearing the same undergarment and was sitting in the same urinesaturated chair. Paramedics immediately removed him from the home—against his will— and transported him to the ER. He was in a life-threatening condition and unable to maintain consciousness due to extremely high blood pressure. My grandmother was curled up in the fetal position upon a rotting mattress. Maggots were swarming in the waste that she was forced to lie in. Oblivious to the horror of her environment, my grandmother greeted me with enthusiasm.

For hours, the intervention team and I tried to persuade my grandmother to go to the hospital. She refused, stating there was nothing wrong with her. When the APS workers informed her she could not live in such conditions, my grandmother was grossly offended. She told the worker that she had a beautiful home and scolded her for being so critical. Then, at 5:00 p.m., the APS workers prepared to depart. Panicking, I pleaded with them not to leave, but their day was over. They left. Dismayed, I called the afterhours crisis unit.

The crisis worker was familiar with the case because of my many calls over the past four days. She expressed frustration that APS had made no attempt to get an emergency custody order and had passed the case off. Once at the house, the worker quickly surveyed the premises and looked in on my grandmother. Promising that the “nonsense” would end, within an hour she obtained an emergency custody order and instructed paramedics to remove my grandmother from her home. Though my grandmother was hysterical, I was relieved. Both of my grandparents were finally safe.

In the following days, I acquainted myself with the hospital staff in order to help monitor my grandparents’ conditions and to protect them from my uncle. One day, a nurse informed me that my uncle had visited, and it appeared that my grandmother was signing checks for him. While my grandparents were fighting for their lives, my uncle was still using their funds.

The Court Case

I hastened to make a plan for my grandparents’ discharge and to institute a measure of protection for them from my uncle. I felt like a sitting duck, appearing calm and cool on the water’s surface, but paddling like mad underneath.

Despite making phone calls for a full day, nothing was accomplished. During my final call, I was referred to an Assistant Commonwealth’s Attorney (ACA) who was known as a staunch elder advocate. Expecting to reach her voicemail, I was elated when she answered in person. She listened as I explained the situation and my concerns, instructing me to come to the courthouse the next morning and bring any photos and documentation: she would arrange a hearing to request an order of protection for my grandparents. I thanked her and began preparing for the unconventional court appearance (so called because in the eyes of the law, I had no legal authority to request a protective order). Luckily, while at my grandparents’ house during the intervention, I had used my cell phone to take photographs and video recordings; and I prepared a succinct presentation of the circumstances.

The next morning, I met briefly with the ACA who helped me muster the courage to go before the judge.

The judge listened to my story, but explained that I could not ask for this kind of protective order against my uncle on behalf of my grandparents. He said that such an order could only be solicited by the person in need of protection, the next of kin (if the person is unable to make such a petition), or the legal guardian. I stated that none of these parties were able to make the request, and that my grandparents were in grave danger. The judge, with some hesitation, granted a temporary protective order and explained that I should return in two weeks for another hearing to determine if a permanent protective order was necessary.

The judge then asked why my uncle had not been arrested. The ACA clarified that my family had been making reports for years, and that APS was involved, but that a case was never created. Dissatisfied with this, the judge directed the ACA to call the police to get a warrant for my uncle’s arrest. He also advised that I should take the necessary steps to become the legal guardian and conservator for my grandparents. He allowed that this would cost me thousands of dollars in legal fees and require proving my grandparents’ legal incapacity, but would give me the authority to represent my grandparents’ best

interests. Finally, he informed me that in order to represent my grandparents at the permanent protective order hearing in two weeks, I would have to confirm that I had initiated this complex legal process.

By mid-afternoon, I had been interviewed by several police officers and a warrant against my uncle was obtained. He was arrested and incarcerated. The sergeant in charge apologized that his unit had failed my family and assured me that he would do whatever necessary to be of assistance. Though saddened by the measures taken that day, I felt victorious—and exhausted; I knew this undertaking would be all-consuming. Upon returning home, I contacted my employer to request an extended leave of absence (which later led to my resignation).

My mission was to care for my grandparents. Although I lacked the legal authority to act on their behalf, my family respected my wishes, for no one else was similarly involved. I decided to relocate my grandparents to a nursing home near me and hired legal representation for the guardian/conservatorship proceedings. I worked closely with the ACA and investigators to prosecute my uncle for abusing and neglecting my grandparents. My uncle remained incarcerated, with his requests for bond denied three times.

The Aftermath

Trying to put together the pieces of my grandparent's lives was difficult since both were diagnosed with Alzheimer's-type dementia. I discovered dozens of delinquent accounts that had gone to collection—tens of thousands of dollars in debts. I found out that every day my uncle would persuade my grandmother to write him a check, telling her the money was for household bills. He would cash the check at a convenience store, buy a case of beer, and drink it while sitting in my grandparents' driveway. He also abused a variety of prescription drugs.

Further investigation revealed that the city's building inspector was aware of the situation: the inspector had made multiple visits to the property and had left numerous citations for the hazardous environmental conditions. Unfortunately, no action was taken to report these findings to the authorities, despite the fact that the inspector knew an elderly couple resided in the home with their son. Within two weeks of the intervention, the property was condemned. The home, once valued at \$175,000, was reappraised and reassessed. With the permission of the Commissioner of Accounts, I sold the house to an investor for its true value of \$32,000, in order to pay my grandparents' debts and mounting medical expenses.

Through numerous court appearances and continuances over an eight-month period, my uncle avoided going to trial. With an overwhelming amount of evidence, he eventually pleaded guilty to two felony charges of the abuse and neglect of an incapacitated adult. He was sentenced to ten years on each charge and mandated to serve three years incarcerated and seventeen on probation.

My grandfather passed away four months after the intervention and my grandmother joined him eleven months later. Though a tragic story, I find great peace in knowing that they were well cared for and happy during their final months of life. This was my life's most challenging and demanding period, but it was also the most meaningful. I will forever cherish my memories of my grandparents.

Conclusion

In retrospect, there were ample opportunities for professionals to intervene. In order to prevent elder abuse and neglect in the future, there must be better inter-agency communication, more personal responsibility taken by agency staff members, collaboration between well-trained professionals, and increased community awareness. Focused research, preventative programs, reformed policies and practices, and increased social awareness of what constitutes elder abuse can help to protect older people and, ultimately, eradicate this heartbreaking problem.

Jeannie Jennings Beidler has a degree in social work from George Mason University and fifteen years of related work experience. Learn more about this case through her blog, "My Journal; Their Journey," at www.jennings411.weebly.com. Beidler can be contacted at jeannieb2@gmail.com.

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