

Critical Conversations: Preparing To Talk With Family About Aging Issues

Webinar

November 28, 2018

MINNESOTA
ELDER JUSTICE
CENTER

The Minnesota Elder Justice Center

- ▶ **Mission** - Mobilizing communities to prevent and alleviate abuse, neglect, and financial exploitation of elders and vulnerable adults.
- ▶ Focus on:
 - ▶ Public Awareness
 - ▶ Professional Education
 - ▶ Public Policy
 - ▶ Direct Service

Today's Webinar

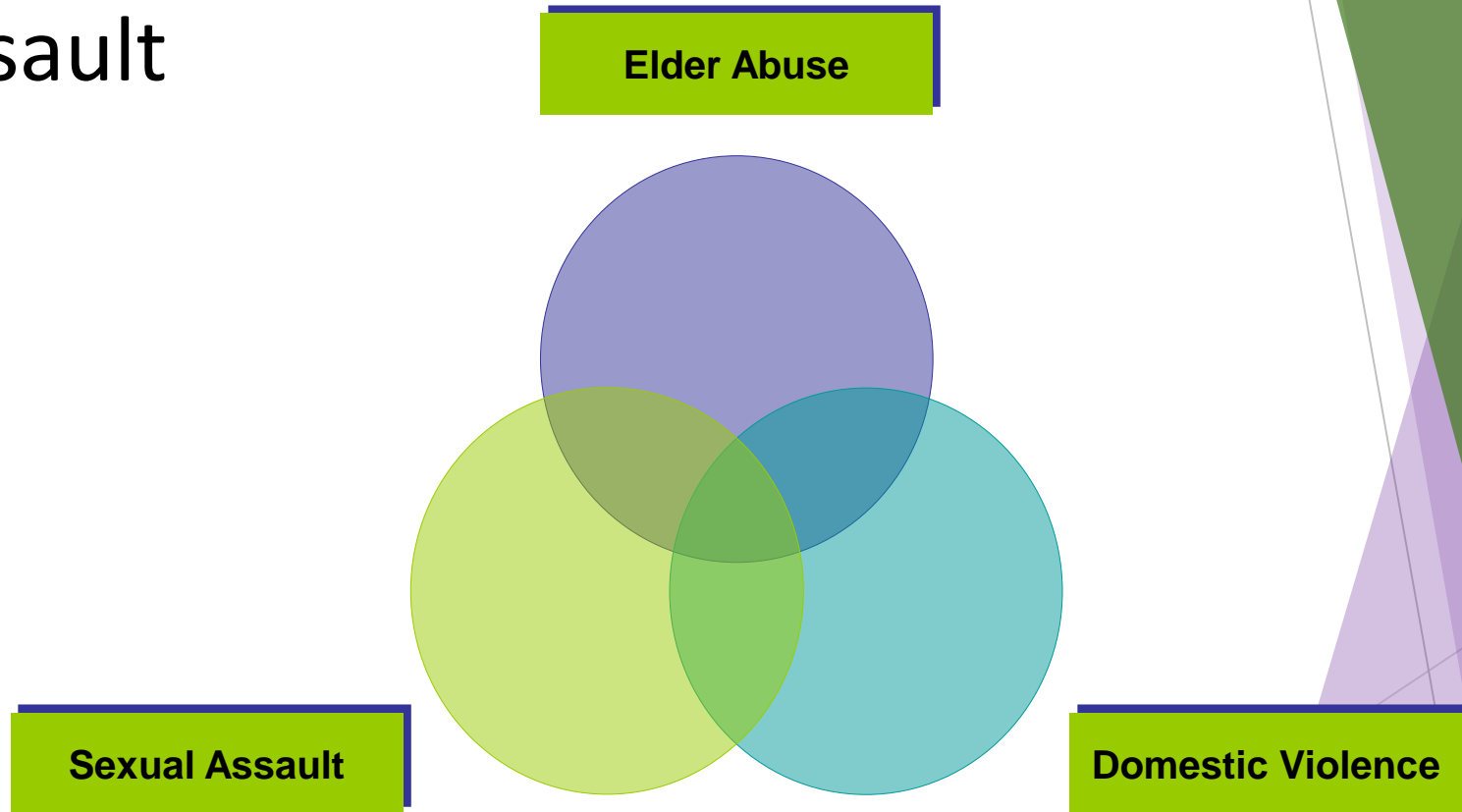
- ▶ **Identify common issues in the aging process that can lead to tension within families**
- ▶ **Identify tools to help start conversations and planning process**
- ▶ **Identify the basic warning signs of elder abuse and financial exploitation and resources about how to respond**

***Information about how to access slides and information about CEU credit will be e-mailed out after the webinar. Keep an eye out for December webinar details coming soon.**

Elder Abuse: toward a definition...

- ▶ In general, elder abuse is any knowing, intentional, or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to an older adult.
- ▶ Defined by age, relationship, type of abuse
- ▶ Victims are often on a continuum from active to having various medical, cognitive, mobility issues
- ▶ 2/3 of perpetrators of elder abuse are family members, trusted individuals and/or caregivers

Abuse in Later Life as a Subset of Elder Abuse, Domestic Violence, and Sexual Assault



Prevalence

- ▶ 1,000,000 – 2,000,000 adults in later life in U.S. are victims of abuse¹
- ▶ 1 in 10 persons over the age 60 are victims of elder abuse²
- ▶ Victims of elder financial abuse in U.S. lose close to \$3 Billion each year³

¹National Center of Elder Abuse:2005 Elder Abuse Prevalence and Incidence

² National Institute of Justice: Elder Abuse as a Criminal Problem

³ Blancato, Robert: Violence Against Older Women and The Elder Justice Act; 3/04/12

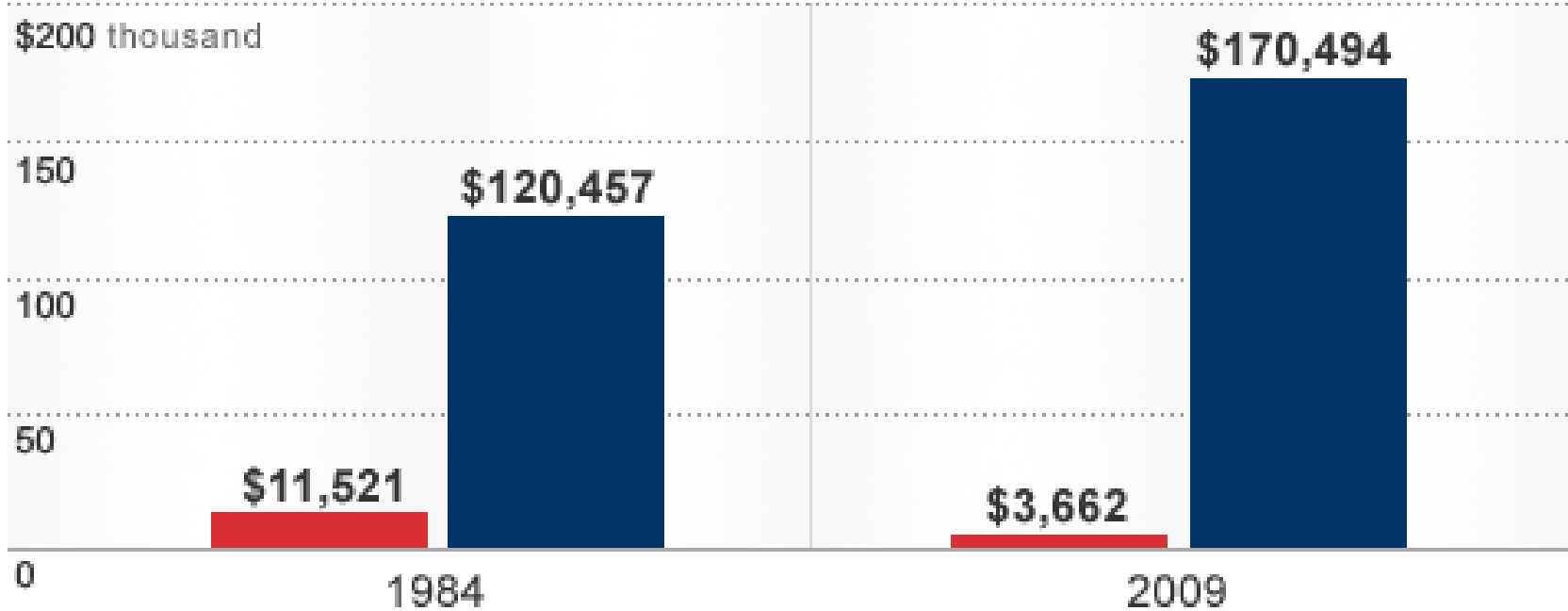
Types of Abuse

- ▶ Domestic Violence Late in Life
- ▶ Physical abuse
- ▶ Emotional abuse
- ▶ Sexual abuse
- ▶ Spiritual abuse
- ▶ Financial Exploitation
- ▶ Neglect
- ▶ Self Neglect

Concentration of Wealth

MEDIAN NET WORTH

■ 35 AND YOUNGER ■ 65 AND OLDER



*DOLLAR FIGURES ADJUSTED FOR INFLATION, INTO 2010 DOLLARS; SOURCE: PEW RESEARCH CENTER

Prevalence

- ▶ Family members are most common perpetrators of financial exploitation of older adults (57.9%).¹
 - ▶ And yet, 51% of news articles related to elder financial exploitation concern instances of fraud perpetrated by strangers.²
- ▶ Perpetrators of elder abuse most likely to be adult children or spouses.³

¹Peterson, J., Burnes, D., Caccamise, P., Mason, A., Henderson, C., Wells, M., & Lachs, M. (2014). Financial exploitation of older adults: a population-based prevalence study. *Journal of General Internal Medicine*, 29(12), 1615–23. doi: 10.1007/s11606-014-2946-2

²MetLife Mature Market Institute. (2011). [*The MetLife Study of Elder Financial Abuse: Crimes of Occasion, Desperation, and Predation Against America's Elders* \(PDF\)](#).

³Lachs, M., & Pillemer, K. (2015). Elder abuse. *New England Journal of Medicine*, 373, 1947–56. doi: 10.1056/NEJMr1404688

Issues In the Aging Process

- ▶ Changes in Lifestyle: Income Changes, Household Changes, Neighborhood and Community changes
- ▶ Relationship Changes: families are dynamic (ever-changing) and complicated
- ▶ Threats (overt or subtle) to Independence/Autonomy
- ▶ Physical and/or Cognitive Decline

Factors Increasing Vulnerability

- ▶ Physical Decline
- ▶ Cognitive decline
- ▶ Social isolation
- ▶ Changes in finances
- ▶ Fear of losing financial independence or personal autonomy (ability to make decisions)

Campbell Case:

Mom: Cognitive decline. Physician and other caregivers consider that a long term care setting would be the safest place for her.

Brother A: Agrees with care team and prepares to help mom and family with the transition.

Brother B: Listens to mom when she says “I don’t want to go to any sort of nursing home” and prepares to have mom come live with him.

Campbell Case:

Mom: Is very fearful of losing independence in a nursing home and readily accepts Brother B's invitation. Upon moving in with son/brother B, has her life savings depleted rapidly by brother B for items that she never benefited from. Suffers great emotional (and physical) distress from the ordeal.

Brother A: Learned about exploitation after money was gone, advocated for police and prosecutor intervention of Brother A.

Brother B: eventually convicted of financial exploitation of a vulnerable adult.

Autonomy v. Safety



- ▶ Many issues that arise reveal the difficult balance between autonomy v. safety.
- ▶ Tip too far in either direction...and problems can occur.
 - ▶ Example: Driving

Eggshell Issues

- ▶ Driving (independence and autonomy)
- ▶ Finances (privacy, shame, fairness, guilt)
- ▶ Medical
- ▶ Other family in crisis
- ▶ Other (unique to each family and/or individuals)

Critical Conversations: Direct Conversations

- ▶ Conversation! We know that conversation can help us identify when elder abuse is happening – think of who may have the rapport with the elder to ask:
 - ▶ Is anyone hurting you?
 - ▶ Are you afraid of anyone?
 - ▶ Is anyone taking or using your money or belongings without your permission?
 - ▶ Are you being disrespected? If so, in what ways?

Critical Conversations: General Ideas

- ▶ **Some sample starter statements and questions**
 - ▶ "Do you remember when [family member x died; family member y was unhappy when]? Our whole family was confused because no one knew what to do. Do you think we should talk about what [I, mom, dad, etc.] wants, to make sure it's easier for our family if something were to happen to one of us
 - ▶ <https://www.honoringchoices.org/tools-resources/conversation-starters>
- ▶ Watch a [video](#), read an [article](#), or visit a [website](#). Then, at dinner or while driving, mention it and something that struck you.
- ▶ Watch for doors of opportunity - if you are visiting someone in a long term care setting, or are attending someone's memorial service, or hear about issues happening to a friend or neighbor - use that to start a conversation.
- ▶ Make sure the setting for the conversation is comfortable and the timeframe is open-end, to help people feel comfortable about talking about the issues

Critical Conversations: Other Siblings and Loved Ones

- ▶ Take note of eggshell issues and when they become “activated” (Driving example – Dad gets a ticket).
- ▶ Consider what others think and why – consider letting the older adult take the lead (Person-centered conversations).
- ▶ Consider what planning can be done now

Planning is Crucial

- ▶ Before getting to a point where conflict is imminent – careful planning can help prepare individuals and families before issues arise.
- ▶ Planning includes both formal legal planning tools and also informal family conversations.

Legal tools and concepts that deal with planning issues

- ▶ Planning tools such as:
 - ▶ Power of Attorney (for financial matters)
 - ▶ Health Care Directive (for health decisions)
 - ▶ Testamentary devices
 - ▶ Will/Trust
 - ▶ Beneficiary designations
 - ▶ Other titling considerations

Power of Attorney

- ▶ Legal document that gives permission for another person (people) to conduct financial business on your behalf.
 - ▶ You: “Principal”
 - ▶ Other(s) identified as “Attorneys In Fact”
- ▶ Statutory Short Form Power of Attorney
 - ▶ Four Sections:
 - ▶ Powers
 - ▶ Durability
 - ▶ Gifting
 - ▶ Accounting

Health Care Directive

Names a person (or people) to make a health care decision on your behalf if you are not able to make a decision

- ▶ Best documents contain both elements
 - ▶ Nomination of substitute decision maker
 - ▶ Instructions regarding interventions
- ▶ Opportunity to articulate preferences with regard to intervention; but also
 - ▶ Organ donation
 - ▶ Burial or cremation
 - ▶ Other desires/preferences

Health Care Directive

▶ Considerations:

- ▶ Multiple decision makers – agreement?
- ▶ Clarity of instructions – give conversational guidance
- ▶ Change in perspectives over time – remember, this is a living document
- ▶ Coordinate other documents with Health Care Directive (DNR/DNI/DNH; POLST)

Secrets? Or News...?

- ▶ To share or not to share? That is the question...
 - ▶ ...For each person to answer for him or herself.
 - ▶ POA – depends on circumstances
 - ▶ Health Care Directive – best if distributed to providers and health care decision makers.
 - ▶ Consider using resources like Honoring Choices:
<https://www.honoringchoices.org/events-training/thanksgiving-campaign>

Common Testamentary Strategies

- ▶ Testamentary: has to do with what happens to your stuff when you die
- ▶ Wills
- ▶ Trusts
- ▶ Beneficiary Designations
- ▶ Titling
- ▶ Probate

- ▶ Can be beneficial to have discussions about these things as well; though expert advice and guidance is necessary in each person's (family's) situation
- ▶ Transparency can be a great strategy; can be not-so-great...

Eggshell Issues: When Planning is not enough...Further intervention

▶ Mediation

- ▶ Specialists in elder mediation
- ▶ Designed to avoid further conflict, keep family relationships, and meet elder's goals
- ▶ May have some limitations if family does not want to participate

Other Resources

- ▶ Mediation resources
 - ▶ Several Mediators in twin cities practice elder mediation
 - ▶ Low-cost mediation resources at conflict resolution center (www.crcminnesota.org)
- ▶ Elder law bar
 - ▶ <https://www.mnbar.org/member-directory/find-a-lawyer>
 - ▶ Low Bono Resources: [Estate and Elder Law](#)
 - ▶ [Attorney General's Guide and Resources for planning](#)
- ▶ Consider care options early
 - ▶ <http://www.mnaging.org/Advisor/HousingServices/HousingOptions/ChooseHomeCareProvider.aspx>

Abuse Warning Signs

- ▶ Physical – bruises, pressure marks, broken bones, burns, weight loss, malnutrition, poor hygiene
- ▶ Financial – abrupt transfers, changes to Power of Attorney or will, unpaid bills, valuable items removed from elder's home
- ▶ Spiritual – elder prevented from participating in ceremonial and spiritual events
- ▶ Changes in Behavior – strained relationships between caregiver and elderly person, withdrawal from normal activities, unusual depression, change in alertness

What can we do when we suspect abuse is happening?

Share our suspicions – talk to someone – make a report

- ▶ To emergency services (911)
- ▶ To law enforcement
- ▶ To Minnesota Adult Abuse Reporting Line - MAARC: 1-844-850-1574
- ▶ To an advocacy organization
 - ▶ Contact our office at 651-440-9300

When visiting
at holiday
time...



Plan ahead.
Stay connected.
Know the signs.

We can
prevent
elder abuse.

Home for the Holidays

Family visits are an excellent time to take stock on how our older relatives are doing. Being present and supportive is the best way to prevent elder abuse. Here are a few tips to ensure that everyone is treated with the dignity and respect we all value and deserve. During a family visit, take note of:

Physical Changes

- Weight loss
- Hygiene or grooming
- Mobility (shuffling versus steps)
- Unusual bruises/welts/cuts/burns
- Lack of medical aids (glasses, hearing aids, medications, walker, teeth)
- Overflowing laundry, expired medications, no food in kitchen, unsafe stairs

Emotional or Behavioral Changes

- Withdrawn, mood changes, loss of interest
- Sleeplessness, anxiety
- Unaddressed loss in hearing (Turning up the volume of the television, Trouble hearing the doorbell or telephone, Asking people to repeat themselves frequently)

No matter how old we are, justice requires that we be treated as full members of our communities. If we notice anything concerning, it is our duty to seek support.

National Center on Elder Abuse: <https://ncea.acl.gov>

Ageless Alliance: www.agelessalliance.org

Eldercare Locator: www.eldercare.gov

This toll-free service operates Monday through Friday, 9:00 a.m. to 8:00 p.m. (Eastern time) and can be reached at 1-800-677-1116.

'Tis the season to keep the conversation going!

- ▶ Questions? [Visit MEJC online](#)
- ▶ Call us at 651-440-9300
- ▶ Sean Burke, Director of Public Policy
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- ▶ Marit Peterson, Program Manager
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