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We Are Family: When Elder Abuse, Neglect, and Financial Exploitation Hit Home

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Case Study

We Are Family: When Elder Abuse, Neglect, and Financial Exploitation Hit Home

by Jeannie Jennings Beidler

Educational Objectives

1. To describe a case, from discovery to prosecution, of familial abuse, neglect, and financial exploitation.
2. To demonstrate gaps in elder care policy.
3. To share my experience in order to help protect the vulnerable older adults.

Background

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 (H.R. 973, 2009). Contributing factors include

substance abuse, on the part of the abuser and or the victim, and diminished capacity of the elder due to conditions such as dementia (Spencer et al., 2000). Focused research, preventative programs, reforming policies and practices, and increased social awareness of what constitutes elder abuse, neglect, and exploitation can help to protect the elderly, and ultimately, eradicate the problem.

My Family's Case Study

In October 2005, police were dispatched to the home of my grandparents following a dispute between my parents and my uncle. My uncle, my grandparents' unemployed adult son who was living in the home, became infuriated when my parents presented for an unscheduled visit with my grandparents. He aggressively demanded that they depart and refused them access to the home. Hearing the commotion, my grandmother appeared and insisted that my parents stay, which further exacerbated my uncle's angst. As my parents attempted to leave, the situation worsened. In an effort to keep my grandmother inside, several glass

panes of a door were broken, cutting my grandmother and my mother. It was evident during this brief visit that my grandmother and the home were in poor condition. Thus, my parents called the police.

The Call to 911

Law enforcement arrived at the home following the complaint. My uncle appeared agitated, inebriated, and unclean. My grandparents were reportedly uncooperative and defensive, expressed no feelings of endangerment, and declined to press charges. Both elders appeared unclean and disoriented. From the outside, their single family home displayed shattered windows, overgrown landscaping, a boat filled with trash, and busted fencing. Inside, the home was filthy and littered with trash. Mounds of papers and mail were found piled high on the countertops and tables. There was little food available, 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, and there was no further investigation. The only record of the incident was the 911 call. Upon

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learning that law enforcement would not intervene, my parents, though terrified of retribution by my uncle, reported their concerns to Adult Protective Services (APS).

Soon thereafter, an APS worker made a home visit. Again, my grandparents denied any concerns for their welfare and refused any offers for assistance. While there, the APS worker noted the same observations as the authorities. The couple was clearly oblivious to the dangers of their environment and required immediate medical attention. The APS worker obtained Emergency Custody Orders from the magistrate and the couple was involuntarily removed from their home and transported to local hospitals. My grandfather was treated for various non-life threatening conditions and was discharged within a few days, while my grandmother remained hospitalized for nearly three weeks. Upon learning of the situation, I became involved in her treatment and discharge plan. Though living two hours away, 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 conditions and the level of care she would require; he was beginning to evidence dementia. During the meeting, 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 suppress my concerns, I requested a competency evaluation for my grandmother and strongly recommended that she not return home but rather be assessed for placement in an assisted living facility. I vocalized concerns regarding the unlikelihood that my grandparents would receive the care they required should they return home with their son responsible for their welfare. Nonetheless, the medical staff and case management team determined that my grandmother would be discharged home.

In the following weeks, I called their home frequently to check on them. Though initially my grandmother would answer the phone and participate in conversations with some degree of awareness, this 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 welfare check. Ultimately, my family was forced to place our confidence in the APS worker who had fervently promised to monitor the situation closely.

The Situation Worsens

From 2006 to 2010, the walls of my grandparents' home deteriorated, as did their lives. Countless times, concerned neighbors reported suspicious observations to the authorities and APS. My uncle continued to live in the home despite his claim that the arrangement was temporary while he regained employment. In reality, he was unemployable, due to uncontrolled substance abuse,

untreated anxiety, and uncontrollable aggression.

On Saturday, July 24, 2010, my great-uncle and husband made an unscheduled visit to my grandparents' home. Despite repeated calls into the house, there was no response. The house appeared to be in deplorable condition, inside and out. They drove to the end of the block and called 911.

Moments later, the city police arrived and confirmed the presence of three adults inside, my grandparents and their son. The officers warned my great-uncle and husband that, should they go inside, they “won't last long” because of the stench. The police made no attempt to rescue the elderly couple or confront my uncle. As the police were leaving, my great-uncle and husband questioned the officers' lack of action. One officer responded by suggesting that they contact APS once again to report their concerns. Stunned, my great-uncle and husband left the home, but returned moments later, fearing that the next time they saw my grandparents would be upon their deaths. It was obvious to them that there was no way anyone could survive such extreme conditions. My uncle was irate to see them reappear 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 in nothing more than a torn undergarment, emaciated, weak, filthy, and lying in his own waste. Just down the hall, my grandmother was dressed in soiled men's clothing, immobile, and confined to a tattered mattress with no linens. My grandparents

were oblivious to their poor circumstances and responded pleasantly to my great-uncle.

My uncle continued to spiral out of control, his behavior becoming increasingly violent. Fearful of my uncle, my great-uncle and husband departed. They knew something had to be done, but what and how? If the police wouldn't take action, who would? That afternoon, the two shared the dire situation with me. Without hesitation, I shifted into "task mode" and began to make continuous phone calls for two days to the police, APS, and the crisis hotline. Finally, a crisis worker agreed to visit my grandparents. I was convinced that my grandparents would finally receive the help they so desperately deserved. To my disappointment, the crisis worker did nothing, stating that in her professional opinion, my grandparents were not in acute danger. Shocked and frustrated, I asked the crisis worker, to no avail, to define acute danger, if not their circumstance of no food, no running water, no heat or cooling, lack of medical attention, unstable shelter, obvious neglect, absolute filth, and financial exploitation. I concluded that the three organizations thought to be the top defenders of the defenseless were simply my top sources of disappointment.

Early Monday morning, I began a new round of calls to police, APS, the hotline, and miscellaneous elder advocacy groups. I ended each call with the statement, "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 well over 48 hours since the recent

911 call. With each passing moment, I feared that my worst nightmare would become a reality.

The Intervention

On Tuesday morning, an APS worker called me to say that an intervention was planned for that afternoon. She explained that she would be accompanied by the APS supervisor, medical professionals, and the police. The worker asked if I would accompany them to the home and, if so, how soon could I be there. Despite living 100 miles away, I arrived within two hours, to find an array of ambulances, police cruisers, and official government cars at the bottom of my grandparents' driveway.

When my great-uncle and husband described the conditions they had found days earlier, I suspected they had spared me some of the details. They had. Luxury sedans in the driveway that had once glistened were unlicensed, uninsured, and worthless. Inside the house, black mold covered the walls and ceilings. It was difficult to breathe with the intense stench of feces, urine, and rotting trash. Cupboards once chock full were bare; the refrigerator inoperative. There was no running water for drinking, bathing, or cleaning. With no operable HVAC system, the cold winter months and the sweltering summer months had to be unbearable. The exterior doors lacked doorknobs, having been busted off and never replaced. Windows were cracked and shattered. The once beautiful, brick home had become nothing more than an eyesore.

I found my grandparents just as my

great-uncle had described four days earlier. My grandfather was wearing the same undergarment and was sitting in the same urine saturated chair in the same position. He was removed from the home by paramedics, against his will, within minutes and transported to the ER. An ECO (Emergency Custody Order) was not necessary since his condition was deemed to be life threatening. In fact, his blood pressure was so high, he was unable to maintain consciousness. My grandmother was also wearing the same clothing as before. Her frail body was curled up in a fetal position in the middle of a rotting mattress with no linens. Maggots were swarming the waste that she was forced to lie upon. Oblivious to the horror of her home, my grandmother greeted me with enthusiasm.

The intervention team and I tried to persuade my grandmother to go to the hospital. Negotiations continued for hours. She was adamant against seeking medical treatment, stating there was absolutely nothing wrong with her. When the APS worker informed her she could not live in such conditions, my grandmother was grossly offended. She immediately told the worker that she had a beautiful home and scolded her for being so critical. Then, at exactly 5:00 p.m., the APS worker and supervisor left my grandmother's side and made their way to their car. Panicked, I asked how they could leave, knowing she was wasting away in her bed. They said that it was 5:00 p.m. and their day was over. They left. The only glimmer of hope that remained was with the behavioral health authority, the organization that handled after-hours emergencies. I called.

The after hours crisis worker arrived soon thereafter. She was familiar with the case because of my many calls over the past four days. She expressed frustration that APS had not attempted to get an ECO and simply passed the case to her unit. The crisis worker quickly surveyed the home and my grandmother before rushing out of the house. She looked into my weary eyes and promised me that she would end this nonsense and my grandmother would be saved. She left in order to request an ECO from the city magistrate. Less than an hour later, she returned with an ECO and instructed the paramedics to involuntarily remove my grandmother from the home. Though my grandmother was hysterical, I was relieved that both of my grandparents would soon be safe.

The Courts Become Involved

In the days that followed, I made myself known to the hospital staff. This allowed me to monitor their conditions closely and to ensure that they were not further exploited by my uncle. On the second day, a nurse informed me that my uncle had visited and it appeared that my grandmother had been signing checks for him. While my grandparents were fighting for their lives, my uncle was concerned with how their hospitalization was affecting his ability to access their funds. Realizing that another battle was brewing, I researched local elder advocacy groups hoping to find someone that could help me protect my grandparents. Meanwhile, TDOs (Temporary Detaining Order) were obtained to ensure that my grandparents remained hospitalized, while I raced against time to

make a plan for their discharge and institute a measure of protection from my uncle. I felt like a sitting duck, appearing calm and cool on the surface, but paddling like mad underneath.

Despite making phone calls for the remainder of the day, it seemed nothing had been accomplished. During my last call at 4:45 p.m., I received the tip that would prove to be a lifesaver. I was referred to an Assistant Commonwealth's Attorneys (ACA) who was known as a staunch elder advocate. Since it was so late in the day, I expected to reach her voicemail. I was elated when she actually answered the call. I introduced myself and begged for five minutes of her time. She listened intently, as I recounted the situation and detailed my concerns. At the end of the call, she instructed me to come to the courthouse the next morning, bringing any photos and any documentation, for she would arrange for me to go before a judge. At this point, I wasn't sure what I was going to ask the judge for, but she clearly had a plan. I thanked her profusely and began preparing for the unconventional court appearance.

Thankfully, while at my grandparents' home five days prior, I carried my cell phone with me and casually took photographs and video recordings. Though of poor quality, they were evidence nevertheless. I prepared a succinct presentation of the dire circumstances for the judge. The next morning, I met briefly with the ACA who explained that we would be asking for a protective order on behalf of my grandparents, against my uncle. Terrified of going before the judge, I mustered the

courage to state my case, knowing this was my one chance.

The judge seemed bewildered by my request, stating that I could not ask for a protective order against my uncle for my grandparents. He explained that a protective order could only be granted to the person in need of protection, the next of kin if the person is unable to make such a petition, or the legal guardian of the person. I met none of these requirements. I acknowledged the regulation but stated none was feasible and my grandparents were in grave danger. After a few moments of deliberation, the judge, with apparent hesitation, granted a temporary protective order for my grandparents and explained that I would have to return to court in two weeks for another hearing to determine if a permanent protective order was necessary.

Just as the judge prepared to move onto his actual docket of cases, he asked about my uncle's whereabouts and questioned why he had not been arrested. The ACA intervened to explain that the family had been making reports for years, that APS was involved, and that the police had yet to create a case. Expressing dissatisfaction, the judge directed the ACA to call police to initiate a report and to obtain a warrant for my uncle's arrest. He then advised that I take the necessary steps to become the legal guardian and conservator for my grandparents. This would cost me thousands in attorney fees and require proving their legal incapacity. Doing so would give me the authority to represent my grandparents' best interests. The judge added that, in order to represent my grand-

parents at the permanent protective order hearing in two weeks, I would have to confirm, at a minimum, that I had initiated this complex legal process.

By mid-afternoon, I had been interviewed by several officers, a warrant against my uncle was obtained, and he was arrested. The Sergeant apologized that his unit had failed both me and my grandparents. He assured me that from this moment forward he and his officers would do whatever necessary to be of assistance. Though saddened by the measures that were taken that day, I felt victorious. Exhausted, yet encouraged, I knew this undertaking would be all-consuming. On my return trip home, I contacted my employer to request an extended leave of absence, which later resulted in my resignation because of the continued demands of the situation.

In the days that followed, my mission was caring and planning for my grandparents. Although I lacked the legal authority to act on their behalf, by default my wishes were respected, for no one else was similarly involved. I communicated regularly with the discharge planners at the hospital and decided to relocate my grandparents to a nursing home near me in order to oversee their care. I hired legal representation for the guardian/conservatorship proceedings, while working closely with the ACA and investigators to prosecute my uncle for abusing and neglecting my grandparents. My uncle remained incarcerated, his requests for bond denied three times.

Trying to put together the pieces of my grandparents' lives was no easy

feat. Neither could reveal information regarding their financial matters, for both were diagnosed with Alzheimer's type dementia. My investigations exposed dozens of delinquent accounts in collections equating to tens of thousands of dollars in debts. I learned that each morning my uncle would persuade my grandmother to write him a check under the guise that the money was for household bills. He would cash the check at the same convenience store and purchase a case of beer that he would finish sitting in the driveway. In addition, he abused a sundry of prescription drugs filled by various clinics and pharmacies.

Further investigation revealed that the city's building inspector had also been involved and was keenly aware of the situation. The inspector had made multiple visits to the property over the past year and had left numerous citations for the hazardous environmental conditions. Unfortunately, no further action was taken to report these findings to the authorities, despite the fact that the inspector knew an elderly couple resided in the home under the care of their son. Within two weeks of the intervention, the property was officially deemed uninhabitable and condemned. The home, once valued at \$175,000, was reappraised and reassessed to reflect its dilapidated condition. 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 the debts in collections 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 10 years on each charge and mandated to serve three years incarcerated and 17 on probation.

My grandfather passed away four months after the intervention and my grandmother joined him 11 months later. While this case study is one of great tragedy, it certainly did have a happy ending. I find great peace in knowing that they were well cared for and happy during their final months alive. Moreover, I hope that their story proves instructive in improving the circumstances of other vulnerable older adults.

Conclusion

This case all too vividly illustrates some of the warning signs that contributed to my grandparents' torment, warning signs that should have been addressed. Looking back, there were ample opportunities for the appropriate agencies to respond. However, assigning blame neither changes the past nor improves the future. Carefully appraising the facts of this case may help to improve the protection of vulnerable populations. Better inter-agency communication, more personal responsibility by agency staff members, increased community awareness and response, collaboration between well-trained professionals, and policy reformation are key ingredients in eradicating elder abuse and neglect.

Study Questions

1. What clues should have alerted authorities and the community of the couple's need for help?
2. How and when could professionals have intervened?
3. Did the system fail this couple and, if so, how?
4. What changes in policy are necessary in order to prevent cases such as this in the future?

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Jeannie Jennings Beidler earned a degree in Social Work from George Mason University and has 15 years of related work experience. She resigned from her position with DePaul Community Resources to intervene and advocate on her grandparents behalf. She is currently the Marketing and Outreach Specialist for a local Area Agency on Aging. You can learn more about this case through her blog, "My Journal; Their Journey" at www.jennings411.weebly.com. Her e-mail address is jeannieb2@gmail.com.