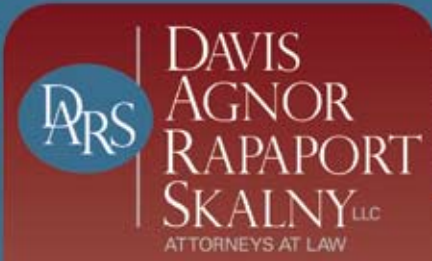


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LEGAL BRIEFS

Elder Abuse? Real Facts Are Needed

A client comes into my office and describes the following: Dad, who used to be on top of everything and in total control of his life, now is being cared for by Sister who is robbing him blind. Client is no longer allowed to visit, Dad is living in squalor, and for all Client knows, Dad's money is all gone. How can I help?

As an attorney, there is a part of me that wants to jump on my white horse, and lead the charge to solve Client's problem by being the fastest and surest trial lawyer in the West. Hi ho Silver, Away!

Yeah, right. Though that may be my first inclination, it certainly isn't what my first step should be.

Instead, I need facts, not perspectives. Client has given me his perspective about what is happening to Dad. Whenever a family is in stress, as most certainly this family is, the issues are rarely limited to the situation being described. Rather, the whole history and dynamic of the family must be examined and understood. Unresolved family injustices or insults have a habit of coming back to muddle an already complicated situation. Indeed, in my practice, I have come to the conclusion that all families are dysfunctional – it's just a matter of degree.

Like Perry Mason, I have my Paul Drake, but in my case I have a geriatric care manager ("GCM"), not a detective, who provides me the information I need to assess what actions should be taken on behalf of my client.

A GCM is a trained professional who can evaluate Dad and Dad's needs within the environment in which Dad is living. Then, based on that evaluation, the GCM can make specific recommendations that can be used to make sure Dad's needs are being met. Or, when the GCM is working for me rather than Dad, as in my example, the GCM can help me determine whether Sister is abusing her confidential relationship that she has with Dad for her own benefit, or whether she is doing the best that she can in difficult circumstances.

Preliminarily, the GCM will need to evaluate Dad's mental, physical and emotional health. Though a GCM may be a registered nurse or a licensed, certified social worker, the GCM is not a doctor. So, the first step may be to have Dad examined by medical professionals. If Dad has been under the constant care of a physician, this may not be necessary if current medical records are available for the GCM to review.

The GCM may test for dementia or other factors which may be limiting Dad's cognitive abilities. The GCM must understand Dad's competencies as they are today, not as they may have been in the past. Children, either because of denial or other issues, are usually not reliable for giving current evaluations of their parents' abilities.

With the information provided to me by the GCM, I can better evaluate how I should proceed. In many situations, conflicts may be avoided or minimized if the children can obtain a better understanding of a parent's real limitations. A GCM often is in a position to determine if there is a basis for one child's claim that the caretaker child is abusing his or her relationship with the parent for their own benefit.

In other words, a GCM can provide to me, as the attorney the objective bases I require to plan the proper course of action with my client. And when the attorney is operating with facts, not emotional perspectives, the attorney is in a better position to truly help the client, and not just make the situation far worse.