BETRAYAL IN FAMILIES: FACTORS ASSOCIATED WITH ELDER FINANCIAL EXPLOITATION BY RELATIVES WITH POWERS OF ATTORNEY

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USDA MULTI-STATE RESEARCH TEAM

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- Marlene Stum, PhD, Family Economics & Social Gerontology, Extension, U. of Minnesota
- Pamela Teaster, PhD, Center for Gerontology, Virginia Tech
Elder financial exploitation (EFE) is defined as the illegal or improper use of an elder's resources for another's profit or advantage. EFE is often accompanied by other forms of abuse: neglect, physical, sexual, emotional, abandonment (called hybrid abuse).
THE EXTENT OF EFE

- EFE by family-member POA agents increased since late 1980s & is predicted to escalate as vulnerable elderly population increases (Vincenti 2014).
- Adults 65+ expected to be ~22% by 2040, up from 14.5% now (US Dept. HHS, 2016)
- EFE most often perpetrated by family members.
- Family members most often POA agents for older relatives. POA is frequently used to perpetrate.
- Underreporting estimated to range from 10 to 44 cases for every reported case (Lifespan of Greater Rochester).
RATIONALE FOR STUDYING THIS

- Reduces the quality of life & hastens elders’ deaths
- Causes devastation in families
- **Annual financial loss just by victims** of EFE estimated to be at least $2.9 billion in 2011, up 12% from 2008. (MetLife Mature Market Institute, 2011)
  - Not included are costs to Medicaid, agencies, non-profits, law enforcement, the judicial system, & families.
- Little research has been done on the family system risk or protective factors for POA agent exploitation of older relatives.
PURPOSE OF THIS RESEARCH

- Understand risk & protective factors w/in families that increase/decrease the likelihood of EFE by family-member POA agents
  - Understand intra-familial culture, norms, relationships, finances, & conditions
- Understand unreported compared to reported cases since there is no known research on unreported cases.
RECRUITMENT

- Recruited via flyers, media, professional meetings, community presentations, personal contacts. Professional referrals prohibited various confidentiality regulations, but professionals can inform clients.
- English-speaking US residents
- Family: POA agent purported by other family members to have unethically &/or illegally exploited powers granted
- Convenience sample of family members (18 or older) with a elder relative (60 or older-AoA)
Phase 1: Initial exploratory interviews of family members of elder relative w/ family-member POA agent

Phase 2: Survey of both successful & exploited elder by family-member POA agents

Phase 3: Interviews to gain in-depth understanding of data reported on surveys
Phased One Methodology

- Qualitative—Phase 1
- In-depth exploratory interviews of precursor experiences, what happened, & impact
- Genogram notation used during interviews to record relationships
- Interviews audio recorded in person or by telephone
PHASE 1 DATA ANALYSIS

- Standard qualitative techniques (Charmaz, 2002) using NVivo analytic software
- Nvivo 11 software is being used on a server for team analysis
- 2-5 researchers read data & coded for themes
- Discussed discrepancies to come to consensus
- 13 preliminary themes have been identified
Phase 1: Results

Participants:
- 10 families
- 14 family members (2M, 12 F, 1-3 per family)

Victims’ Relationship to Participants:
- Widowed (4 mothers, 1 uncle, 1 father),
- 1 mother (w/ male partner, 1 grandmother, 2 sets of parents)

Perpetrators’ Relationship to Victims:
- 1 nephew & girlfriend
- 7 daughters, 1 daughter & son-in-law

6 reported & 4 unreported cases
VICTIM CONSEQUENCES

- Lost assets &/or debts may result in eligibility for Medicaid
- Feelings of shame, embarrassment, loneliness, stress, betrayal
- Fear of abandonment, future incidences &/or retaliation, other forms of abuse
- Fear of loss of help/support
- Fear of not being believed if complain
- Quality of care diminished to “save” money
- Medical care withheld
- Sometimes, hastened death
PSYCHOLOGICAL CONSEQUENCES

- Violation of family privacy
- Anger, sadness, frustration, shame, self-blame for not recognizing & addressing problem sooner
- Generalized suspicion & mistrust
- Loss of meaningful/symbolic family possessions for some heirs
- Increased savvy & incentive for other relatives to plan well
- Closer relationship of elder w/ those who rescued him/her from EFE
FAMILY FINANCIAL CONSEQUENCES

- Lost inheritance
- Exploitation of family-member caregivers
- Financial expenses incurred by family members trying to stop the exploitation & seeking redress (e.g., legal & other professional fees, travel, lost work)
- Debt incurred from trying to help
RELATIONSHIP CONSEQUENCES

- Power used to get back for earlier perceived slights/injustices
- Perpetrator alienated co-POA & her daughter to gain power & discredit co-POA asking questions
- Tangential relationship stress
- Loss of family cohesion, creation of alliances/divisions
- Severed or chilled family relationships
- Increased bonds in other relationships
PHASE 2: QUANTITATIVE SURVEY

Purpose:

+ Demographic data of study participants, elders, & POA agents;
+ Details about POA implementation period of time;
+ Insight into precursors of POA period within families;
+ Participants perceptions of the POA period experienced;
+ Compare two types of families:
  × Successful POA implementation experiences devoid of exploitation
  × Unsuccessful POA implementation experiences of EFE
PHASE 2: PARTICIPANT DESCRIPTION

- Seeking 50 families (3 participants per family)
  - English speaking U.S. residents
  - Relative age 60+ with active family-member POA agent
  - 30 w/ EFE; 20 w/o EFE—early data suggests it will be easier to recruit those without EFE
SURVEY: FAMILY DYNAMICS SCALES

- Two scales to assess intra-family patterns & structures (e.g., communication, problem solving)
- Rate level of agreement
  - "Planning family activities is difficult because we misunderstand each other."
  - Currently, family members pull together & compromise when needed."
PHASE 2: DATA ANALYSIS

- Describe demographic traits of our sample
- Merge survey data with qualitative interviews administered in Phase 3
- Statistical analysis of demographic traits & family dynamics used to predict whether EFE occurs
- Limitations; selection bias
PHASE 3: QUALITATIVE INTERVIEWS

- Interviews will expand data reported in survey & capture the experiences of participants & their families
- Will use genograms to document the family structures & relationships during the interviews & analysis.
GENERAL CONCLUSIONS

- EFE has financial consequences for families, whether or not they try to stop it.
- EFE affects individual relationships, the family system, & the psychological & emotional well-being of individual family members.
- Prosecution is difficult because of the complexity of family relationships.
- Prevention is the most viable approach.
RECOMMENDATIONS FOR FAMILIES

- Increased understanding of the immediate & lasting damage EFE can cause
- Don’t assume it won’t happen in your family
- Understand & consider carefully individual relatives’ values, attitudes & family relationships before choosing POA agent.
- All relevant family members should thoroughly understand the responsibilities & limitations of POA.
- Build in checks & balances when planning for period of dependency
RECOMMENDATIONS FOR PROFESSIONALS

- Educators, counselors/therapists, policymakers, victim advocates should assist families & other professionals to better understand this pervasive, growing problem
- Understanding of POA responsibilities & limitations & educate professionals & families
- Increase understanding of family dynamics & intervention in planning
- Identify educational & policy recommendations to prevent & more effectively address this problem, (e.g., advocate for state adoption of the Uniform Power of Attorney Law)
CALL FOR PARTICIPANTS

- Seeking multiple participants from
  - successful family-member POA agent(s) experiences
  - families with allegedly exploitive POA experiences
- 18 or older
- English speaking
- U.S. residents
- With family members over 60 w/ a family member POA
- Complete survey--$20 Visa gift card incentive
- May be asked to do follow-up interview
CONTACT INFORMATION

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SELECTED RESOURCES

- Consumer Financial Protection Bureau:

- National Center on Elder Abuse:
  + [http://ncea.aoa.gov/FAQ/Type_Abuse/](http://ncea.aoa.gov/FAQ/Type_Abuse/)
  + [http://ncea.aoa.gov/FAQ/Type_Abuse/#financial](http://ncea.aoa.gov/FAQ/Type_Abuse/#financial)

- National Institute of Justice:

- American Bar Association, Commission on Law & Aging
  + [http://www.americanbar.org/groups/law_aging.html](http://www.americanbar.org/groups/law_aging.html)
SELECTED RESOURCES, CONTINUED

- National Adult Protective Services Association:  

- National Association of Area Agencies on Aging (n4a): [http://www.n4a.org/about-n4a/](http://www.n4a.org/about-n4a/)

- Colorado Department of Human Services, Adult Resources for Care & Help:  


- 211 information--connecting people w/ services
REFERENCES

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- Lifespan of Greater Rochester, member of the American Society on Aging.
- MetLife Mature Market Institute, 2011