

The Growing Problem of Elder Abuse

The Case of Brooke Astor



Brooke Astor

New York City is abuzz over the financial abuse of 104 year old philanthropist Brooke Astor at the hands of her 82 year old son Anthony Marshall. The abuse was brought to light when Ms. Astor's grandson Philip Marshall – son of Anthony – filed a petition with the New York Supreme Court to have his father removed as his grandmother's guardian claiming that his father had "turned a blind eye to her, intentionally and repeatedly ignoring her health, safety, personal and household needs, while enriching himself with millions of dollars."

Ms. Astor, who has given approximately \$200 million dollars to the city of New York and its charities, was reported to be living in squalor, sleeping on a urine

soaked sofa, and deprived of adequate medical attention, while her son used her money to finance his lifestyle and the Broadway plays he produced. There are also allegations that the 2004 amendment to her Will – which enlarges her son's interest in her estate - is a forgery.

Diagnosed with Alzheimer's several years

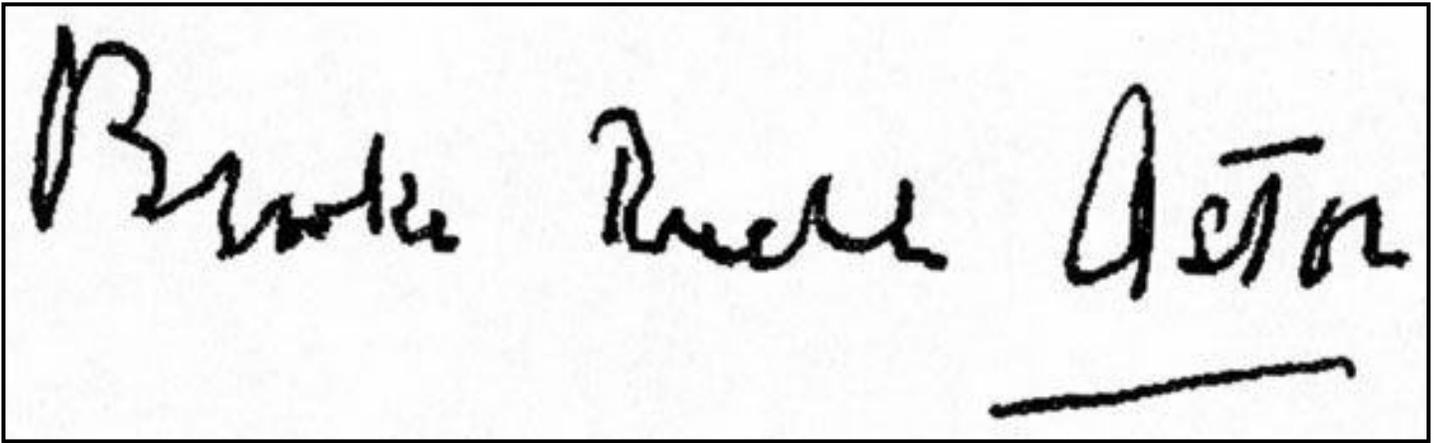
ago, the news came as quite a shock to Ms. Astor's friends who remember her as the dignified grand dame of New York social circles, who was loved and respected by the many people whose lives she touched. Ms. Astor's case, however, is no shock to those who work with elders. Elder financial abuse and exploitation is widespread and on the rise as the senior population grows. It is also not surprising that the perpetrator of Ms. Astor's abuse was her own son.

According to the National Center on Elder Abuse (NCEA), adult children are the most frequent abusers of the elderly, with other family members and spouses being the next most likely abusers. The true extent of the problem is hard to gauge, however, since the vast majority of financial abuse – thirteen out of fourteen cases according to the NCEA – are never reported. We often think that outsiders are the most serious threat to vulnerable seniors; in reality the greatest threat is from within.

It's easy to attribute elder financial abuse to mere greed. People often sum up inheritance battles saying that "money makes people do funny things." That's probably the case in Ms. Astor's case, since her son is an only child and at 82 was probably tired of waiting for his mother to die. In most cases, however, the motivation of family abuse perpetrators is more complex, involving hurt feelings, sibling rivalry, and the influence of in-laws. Children who feel that their siblings got more during their parents' life, or who without the help of their "lazy, indifferent, and greedy" siblings acted as their parents' sole caretaker, often take matters into their own hands. They wait until their parents begin to lose capacity before they – as they see it – make things right.



Mark Accettura
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A black and white photograph of a handwritten signature in cursive script. The signature reads "Brooke Renee Astor" and is underlined with a single horizontal stroke.

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Financial abuse comes in many forms. Two of the most common forms – outright theft and forgery of documents– are (allegedly) present in Ms. Astor's case. Other common forms include influencing a parent to add the perpetrator's name to all financial assets as a joint owner (so the perpetrator can "take care of mom's affairs"), obtaining loans that are later re-characterized as gifts, and convincing the parent to amend their estate planning documents to exclude other siblings.

Two important conditions must be present for financial abuse to be effective: the diminished capacity of the victim and secrecy.

It is extremely difficult to snooker someone who is physically, emotionally, and mentally competent. That is why elder financial abuse tends to occur when the victim begins to lose capacity and therefore must rely on others for their well being and survival.

Secrecy is another key element to financial abuse. Perpetrators will first exclude professional advisors and other family members from the decision making process - or from the parent entirely - before implementing their deceit. As a sibling, be alarmed if you aren't allowed to see your parent alone, or are rebuffed by a family member every time you attempt to arrange a visit. Once isolated, the failing elder is easy prey, vulnerable to the undue influence or the outright fraud of the perpetrator.

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There are several things you can do if you believe that a friend or family member is being abused. First, you can petition the probate court of the county in which the elder resides for the appointment of a guardian and conservator. Unless you know the court system in your county, this first alternative necessarily involves the use of an attorney.

You can also report the abuse to the Adult Protective Services (APS) Hotline at 1-800-996-6228. APS policy requires that an investigation begin within twenty-four hours after the complaint is received.

Ms. Astor is now resting comfortably at her estate in Westchester County, New York. Her son, Anthony, has been replaced as guardian by Ms. Astor's longtime friend Annette de la Renta; wife of designer Oscar de la Renta. Anthony's alleged deceit was uncovered in time and rectified.

Regrettably, elder financial abuse is often discovered only after the death of the elder. Family members are told by the perpetrator that mom had no assets or that mom left all of her assets to the perpetrator. Although sad and hurtful, there is legal recourse for family members who have been so victimized.

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