

Bringing Restorative Justice to Elder Abuse: A Dialogue

Case Example: Mrs. J

Mrs. J is 84 years old and lives with her son John, his wife, and their two children in a home that she owned. She was recently hospitalized for a stroke and subsequently released into a nursing home for aftercare. While recuperating, John got her to sign papers that he told her he needed to manage her finances until she returned home.

Mrs. J was active in her church and made monthly contributions to it. John did not notify the church about Mrs. J's hospitalization and stopped making the contributions even though his mother had asked him to do so. When a church member called Mrs. J's home, John answered and refused to provide information about his mother's whereabouts. He told the caller that his mother had decided to stop the contributions and leave the church. After trying again to talk to Mrs. J a few days later and being turned away, the church member grew suspicious and contacted adult protective services (APS).

An APS worker, Ann, contacted John, who reluctantly disclosed his mother's whereabouts. Ann met with Mrs. J, who was anxious to return home. She told Ann she'd signed papers at John's request but couldn't recall what they were. In investigating further, Ann discovered that Mrs. J had signed a power of attorney naming John as the agent and a deed, transferring the home into his name. He'd also taken out a loan against the home to pay off his own creditors. He told Ann that he had transfer the home so that his mother would be eligible for Medicaid, which she would need to pay for the care she now needed.

When Ann explains the situation to Mrs. J, she is furious with John and wants to regain control of her home and finances. However, she also does not want to alienate him and his family or risk losing contact with her grandchildren. She is also afraid she won't be able to manage without them and can't afford to pay for her care. She is becoming increasingly depressed and resigned to the fact that she may have to stay in the nursing home.