

How Exactly Does an Elder Abuse Investigation Work?

By Jay Deshpande



Harper Lee.

Photo by Stephen Shugerman/Getty Images

On Thursday, the Alabama Securities Commission announced that it had **concluded its inquiry** into whether Lee's decision to publish *Go Set a Watchman* was in fact her own—or a case of elder abuse. But the Alabama Department of Human Resources is still looking into the matter after receiving a complaint last month that Lee was being exploited. So far the controversy around the publication of the novel has been a

bewildering tangle of he said-she said: Some suggest that Lee was in no way capable of making such a major decision, while others (such as her agent) claim she has “**full possession of her mental faculties.**” So a question for those of us on the sidelines is: How can we know the truth? What would it take for Harper Lee to actually prove she is of sound mind?

The concept of elder abuse is “a murky field,” according to Rosalie Kane, a professor of health policy and management at the University of Minnesota. “Sometimes there’s too much branding of older people as incompetent,” Kane says. Dr. Peter Lichtenberg, director of the Institute of Gerontology at Wayne State University, explains that the term “elder abuse” can cover mistreatment ranging from physical or emotional abuse, to financial exploitation, to various forms of neglect.

Lichtenberg applies a multi-step process to determine if an elderly person is able to make financial decisions. He begins with 2-3 hours of cognitive testing to measure things like learning and memory, executive function, problem solving, attention span, language, and spatial awareness. In terms of whether the elderly person has been unduly influenced, he said: “We look at ... What active steps did [the alleged influencer] take to procure monetary things? Did they flatter, cajole, berate, all of these? Did they isolate?”

Advertisement

After checking the person’s mental wellbeing for susceptibility to persuasion, the investigator must look for patterns by which the subject could be exploited. Lichtenberg looks for a “confidential relationship,” often involving finances. If a person close to Lee has earned her confidence and then encouraged her to isolate herself, no longer talking to anyone else about her personal affairs, then this may be a sign of exploitation.

Unfortunately, much of the case may remain shrouded in uncertainty. Suzanne England, an expert on aging at the NYU Silver School of Social Work, says that the subject’s cognitive condition often varies, leading to inconsistent results for an evaluation. “A frail person can be sociable, energetic and ‘with it’ at times and withdrawn and confused at others,” she wrote in an email. “The different parties who observe and judge Ms. Lee’s mental state are seeing her at one point in time and within the context of their relationship to her.” In other words, she said, “they each may be ‘right’ about their observations.”