

Growing old with pride



Everyone desires security and dignity in our later years, and financial well-being depends on a number of factors as we age. But members of the lesbian, gay, bisexual, transgender, queer, and two-spirited (LGBTQ2+) community need to navigate a number of unique challenges to make that goal a reality. Social stigma, discrimination, and health care concerns combine to make it more difficult for LGBTQ2+ older adults to live the life they want.

“There are instances in which the law does not protect equal access to civil rights,” explains Jonathan Batt, Senior Director, Digital Strategy at BMO Wealth Management, and a strong ally of BMO Pride. A number of states have passed so-called religious exemption laws making it legally permissible to discriminate against LGBTQ2+ individuals or families under the guise of religious freedom. In many places, LGBTQ2+ people may lack legal protections against discrimination in public accommodations and housing, and seniors are particularly vulnerable. LGBTQ2+ elders may face such obstacles at a time in their lives when they are most at risk.

Non-traditional family structures make caregiving challenging

There are now 2.4 million LGBTQ2+ people over the age of 65, according to the National Institutes of Health. As the Baby Boomer generation ages, that number is expected to double by 2030.

Though attitudes have changed in recent years, many older members of the LGBTQ2+ community came of age when they were not able to live openly, legally marry the person they love, or enjoy full and equal recognition of their identities and families. Support networks and family structures may look different for many LGBTQ2+ seniors. They are twice as likely to live alone and two times less likely to have a partner than the general population. In addition, older members of the community are less likely to have adult children.

For generations of LGBTQ2+ adults who may not have been accepted or fully embraced by their birth families, many individuals established “families of choice” among friends and peers—relying on vibrant communities of like-minded people. That can complicate caregiving, as family members provide about 80% of the long-term care in the U.S. Often without traditional family support systems, LGBTQ2+ seniors may be aging alongside their peers, unsure whether their network of friends and neighbors can provide the care they need. In the absence of legal documents allowing for Power of Attorney or disclosure of protected health information, these peer supports and caregivers may not have the same recognition or resources they need to get adequate care for their loved ones. For example, hospitals and medical care providers are generally unable to share health information with anyone other than biological family members.

Finding a welcoming living situation

In the absence of caregivers, seniors may turn to institutional housing arrangements such as nursing homes or assisted living. While a logical step, it’s important to choose wisely. Commonplace senior living arrangements could be fraught with complications or even harm for LGBTQ2+ people.

When the late Mrs. Marsha Wetzel, a 74-year-old disabled lesbian woman, moved into a senior facility in Nilus, IL following the death of her partner for 30 years, she experienced this type of discrimination. When other residents learned of her identity and

family history, they subjected her to insults and physical abuse. The facility's management failed to protect her from the harassment; because of this, Wetzel brought a case against her landlord under the Fair Housing Act.

Represented by Lambda Legal, Wetzel won a ground-breaking decision when the Seventh Circuit Court of Appeals ruled that a landlord may be held liable under the Fair Housing Act for failing to protect a tenant from known, discriminatory harassment at the hands of other tenants because of her sex and sexual orientation.

"The majority of nursing homes do not have training policies for staff that discourage discrimination against LGBTQ2+ individuals," Batt says. "Without such training and cultural competency, LGBTQ2+ seniors could be surrounded by people who don't respect their identity."

LGBTQ2+ seniors could be facing an untenable situation: go back in the closet to get the care they need, or face verbal and sometimes physical abuse where they live.

Understanding the future needs of this community, a number of elder-care facilities are popping up around the country geared specifically toward the LGBTQ2+ community, promising inclusive and supporting living environments.

"Know what you're getting into before you're actually in the facility," Batt advises.

Health care issues need to take center stage

Health care is a major retirement concern for most people, given its high price tag. For LGBTQ2+ seniors, there may be additional complications besides those that accompany the aging process.

LGBTQ2+ seniors may also be disproportionately impacted by specific health concerns or chronic illnesses. According to the Centers for Disease Control and Prevention (CDC), in 2018 over 50% of people living with HIV in the United States were aged 50 and older — many of them older gay and bisexual men. LGBTQ2+ seniors who are HIV-positive report having significantly fewer emotional supports than those not living with the illness. Despite the growing population of older HIV-positive adults, few geriatric care providers have experience in addressing the needs of people living with HIV.

"Members of the community must come out all over again to their health care provider when they change care settings," says Batt. "Unless a person self-identifies, medical staff may not have the competency to fully inquire about health needs and concerns."

What's more, it may be difficult for people who are living with HIV to secure long-term care insurance, an important planning tool that can be used to pay for care later in life.

Research also shows that LGBTQ2+ seniors may also face a number of mental health issues. The community is at higher risk of mental health problems, has higher rates of alcohol and substance abuse, and is more likely to delay health care, according to the Williams Institute at the UCLA School of Law.



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As Senior Director–Digital Strategy for U.S. Wealth Management, **Jonathan Batt** is accountable for building the digital client experience for the mass affluent, high net worth and ultra high net worth segments. He ensures success of agile product teams by communicating the vision of the product, defining goals & KPIs. Jonathan maximizes customer value by creating, prioritizing, and refining user stories in the product backlog and ensures the customer voice is heard through research, ongoing testing, and story mapping.

Estate planning is vital

Marriage equality brought many positive developments to the LGBTQ2+ community, allowing countless families greater access to the necessary tools and resources to plan for aging. Yet not all LGBTQ2+ couples chose to marry or have children. Other LGBTQ2+ seniors are single without adult children or may have estranged children from a prior opposite sex relationship.

To ensure that you are able to age with dignity and realize the life you envision, you should take additional steps by preparing estate planning documents. This is particularly important if there are tensions or hostilities with members of your birth family or extended relatives who — without such documents — could be deemed your legal heirs or guardians.

“There may be non-accepting family members who refuse to accept a same-sex relationship and may try to seek out court intervention,” says Batt. “And it often occurs when the senior is at their most vulnerable state.”

Start with Power of Attorney documents for both financial matters and medical issues. When designating an agent for your Power of Attorney, identify people you trust to help you with these important

decisions when you are not able to do so. Remember to name successor agents in case the person you initially selected is unable to perform the duties. An advanced directive spells out your wishes for medical intervention and can serve as a guide for your agent.

“Those legal tools afford protections to LGBTQ2+ seniors and they ensure that trusted executors will follow their guidance,” says Batt.

For individuals and couples without children, think carefully about who will inherit your estates when you die. Another key piece of advice from Batt is to “check the beneficiaries for all accounts to confirm the named individual(s) still match clients’ current wishes.” Along with identifying friends and other relatives, think about charities, non-profits or foundations that align with your values and can pave the way for a younger generation of LGBTQ2+ people.

Today, our society offers more acceptance and celebration of LGBTQ2+ people and families than ever before. Yet when it comes to aging, seniors may discover that there are still critical ways in which they remain vulnerable. Ongoing stigma, discrimination, and lack of legal protections should not stand in the way of planning and preparedness.

Plan now for how you want to age, where you want to live, and the kind of care you need — so you can truly grow old with pride.



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