

# THE ELDERLY SUFFER IN SILENCE FROM SUBSTANCE ABUSE

By Joe Considine, Esq.

At a recent conference on substance abuse among the elderly, Brenda Iliff, Director of the Hazelden Betty Ford Older Adult Program, reported a precipitous increase in substance abuse among older folks, indicating: "Nationally, there are 17% of older adults at high risk." Think about that! One in five people in their 60's, 70's, and 80's, are at high risk for substance abuse.

There is a great deal of mythology and misinformation surrounding substance abuse among the elderly. One hears comments from well-meaning observers explaining Aunt Ethel's consumption of more than a few cocktails every night as: "she has earned the right to get comfortably numb in her old age". Or the comment about granddad who is regularly under the influence: "What does it matter? He is old and on the way out anyway." These comments reflect ignorance in our society regarding the elderly's right to live vibrant and full lives even in their last years. It also reflects a lack of understanding of what to do to help our elderly family members.

Many people, cultural traditionalists, believe that 'we don't air dirty laundry in public'. Such bromides will keep the elderly sick and suffering, frequently in silence with addiction and alcoholism, which will lead to a much earlier demise.

As an attorney, our firm's experience handling Marchman Act cases in Florida (which involuntarily commits alcoholics and addicts to treatment through the court system) has brought this stunning truth into stark view as adult children struggle to assist their parents and grandparents who are struggling with substance abuse.

As the boomer generation ages and scientific gains in life-saving drugs continue to develop, seniors frequently look for 'quick fixes' for the realities of the aging process – many times using pain control for chronic diseases such as arthritis; symptoms of decreasing mental acuity; or signs of difficulty dealing with anxiety or previously controllable mental instabilities. As the saying goes: "Getting old ain't for sissies." Combined with financial, health, family and work concerns, the relief promised by regular use of substances seems to be their choice. The damage done to our loved ones by such use, require that as a society we investigate the best ways to get help for an aging population who suffer with substance abuse.

Adult children of elderly family members desperately try to figure out how to help. Seniors do not like to talk about their use of drugs and alcohol, which they frequently believe are enhancing their lives. The elder family member does not see the progression, the increased isolation, or trips and falls. When the elderly loved one is lovingly confronted by their family member, the initial reaction is denial combined with anger and an unwillingness to discuss the situation. The family member's concern regarding the loved one's physical and mental well-being and fear for their longevity and happiness is frequently met with threats of banishment from the family, loss of inheritance or worse.

Evidence of an elder's loss of control over substances frequently first appears as: more frequent falls, increased visits to the doctor for symptoms such as forgetfulness, anxiety or depression, fender benders ... oftentimes swept under the rug as mere signs of aging. The elder is looking for a pharmacological fix, and caring family members are clueless that situations such as these may be the result of an increased use of prescribed medications. Unless the family member lives with the elder member to see firsthand the incremental changes, the seriousness of the problem is unknown until a life-threatening circumstance occurs. Without intervention, these situations only get more serious, never better.

Florida's Marchman Act (Chapter 397 of Florida Statutes) allows a family or friend to ask the Court to order a loved one into substance abuse treatment for up to 90 days, with further



extensions permitted as necessary. **Neither the elderly individual with the substance abuse issue, nor the family trying to help, need be residents of Florida to invoke the Marchman Act.** This population in particular will benefit from a court order requiring treatment. Many times, the elder individual will not go to treatment voluntarily because it represents another loss of control in their lives. However, this individual will pay attention to, and abide by, a court order which requires attendance in treatment.

Here is what one former client of our firm had to say about his elderly father: "I don't know whether my father would be alive today if it were not for the Marchman Act. He was in a place where he could not stop himself from abusing alcohol. We did everything we could as a family and nothing worked. Through the Marchman Act, we were able to use the courts to require my father to undergo the treatment he needed in a controlled environment. Today, my father is 16 months sober, and enjoying life. We have time with him now that I didn't think we would have. The Marchman Act is a wonderful resource for families dealing with serious substance abuse issues."

There are several well-respected substance abuse treatment programs in Florida designed for the elderly which have experience with co-existing cognitive and memory issues. Such programs can assess, detoxify and treat the elderly individual. They can also assist the family in adjusting the ultimate living situation once the elder is treated and released. These specialized programs incorporate education, advice, and guidance, to family members so the loved one has the opportunity to continue living a healthier, productive, and happier life going forward.

Do not give into the old adage that you can't teach an old dog new tricks. Oh yes you can! Give your loved one a chance! The Marchman Act, combined with specialized and experienced treatment providers, are available tools.

*Joe Considine has practiced law in South Florida since 1983. His practice is limited to Family Law and Addiction related Law including the Marchman Act. Joe has handled more than 2,000 litigation cases in his career, appearing in courts throughout Florida. Joe works with families whose loved ones have substance abuse and mental health problems as an attorney. He lectures throughout Florida on Family Law matter and substance abuse related issues. Joe grew up in West Palm Beach, has three adult children, and loves mountain biking.*

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