



Life and Estate Planning Update

Self-Neglect By Seniors: Whose Life Is It, Anyway?

The Constitutional freedom of choice is championed in state and federal law.

Washington's laws seek to balance the right to personal freedom with concerns for behavior that might create a risk.

Protection for “At Risk” Individuals

Our guardianship law states that individual eccentricities are not enough to warrant a guardianship, but that people who are “at risk” are entitled to protection.

Even if a guardian is appointed, however, he may have only limited authority over personal issues. A person subject to a guardianship may retain the right to have input into his personal choices.

In cases where a person displays a lack of concern or attention to lifestyle and personal habits, the behavior must place the individual at risk (or create a risk to a third person), before court intervention can be mandated.

Definition of Senior Self Neglect

Senior self-neglect runs the gamut from simple inattention to hygiene and environmental concerns to cases of extreme isolation, paranoia, domestic and personal squalor and hoarding.

In these cases, the competing forces of a compassionate society may meet the immovable object that is a self-neglecting senior who is unwilling to consider in-home services or out-of-home placement. Self neglect was first described in scientific literature in 1966 as “senile breakdown syndrome”¹ and “social breakdown syndrome.”²

The declining personal appearance and environment attributed to a self-neglecting person’s disregard for convention was noted:

“Patient’s home are conspicuously filthy and neglected ... a strong stale and often suffocating smell



Rob Morrison Joins the Firm

We are pleased to announce that Seattle Attorney Rob Morrison has joined SCB's Family Law, Life & Estate Planning Department.

For the last 15 years, Rob has maintained a solo law practice in Seattle and focused on estate planning, probate and trust administration, adoptions and domestic partnerships.

We believe that Rob's presence at SCB adds an important new dimension to our practice profile and we welcome him.

... half-empty bottles, dirty glasses and dishes with rotting food are scattered around and mixed with dirty clothes, books, faded pictures, and old newspapers ... The patient ... when confined to bed lies under a pile of ragged grimy blankets, newspapers, or cardboard. Patients appear as if they never undress, wash, or comb their sometimes infested or matted hair.”³

Choice or Syndrome?

The self-neglect syndrome has also been called Diogenes Syndrome, after a 4th Century B.C. Greek philosopher who championed self-sufficiency, personal freedom and rejection of material values. Diogenes reportedly admired outspokenness and was contemptuous of society and its conventions; he paid little attention to his appearance or the condition of his surroundings.

Although Diogenes advocated a life without ties to material val-

ues, there is no evidence that he lived a life marked by the kind of social isolation and physical degradation that seems common among people suffering from self-neglect.



Self-neglect has been a social anomaly for centuries and has been documented in art, history and literature over the centuries through depictions of the antics and eccentricities of unkempt and outcast individuals such as witches, transients, and recluses.

Some of these individuals were the objects of fear, scorn and derision; some were believed to manifest special or unearthly powers. All were considered strange and lived on the social, if not the physical, periphery of their communities.⁴

Our modern sense of individual freedom leads us to the inevitable conclusion that people should be free to live as they choose as long as they have the capacity to make such decisions. Those who need advocates should have the benefit

of surrogate decision-makers who apply substitute decision-making to the extent possible and then only absent direction, apply a best interests standard.

Should You Report Self Neglect?

When friends, family or neighbors detect that a senior who is living at home is neglecting his own care or is allowing a third party to neglect him, the decision about how to act is complicated by our belief in individual rights.

To report self-neglect in Washington State, call the DSHS toll-free EndHarm hotline anytime day or night at 1-866-363-4276.

When you call, you will speak with a real person, who will connect you to the direct, local number to make your report. If it is an emergency and the person is in immediate danger, call the local police who can make a "welfare check" on the individual.



REFERENCE:

¹ MacMillan D, Shaw P. Senile breakdown in standards of personal and environmental cleanliness. *British Medical Journal* 1966; 2: 1032-1037.

² Gruenberg, EM, Brandon, S, Kasius

RV. Identifying cases of the social breakdown syndrome. *Milbank Memorial Fund Quarterly* 44. 1966; January Part II: 150-155.

³ MacMillan, *op. cit.*

⁴ Self-Neglect in the Elderly: Ethical

Considerations, available at: http://blogs.luc.edu/bioethics/2009/03/06/bioethics-discussion-group-friday-march-20-230pm-crown-434/self-neglect-ethical-consideration-outline-draft_rush.pdf (last visited July 16, 2009).

At SCB, attorneys in our Family Law, Life and Estate Planning Group provide client services in estate planning and elder law – including guardianship, probate, trust and estate litigation, and dispute resolution – and family law – including dissolutions, child support, and custody actions.

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