

Caregiving & LGBTQ+ Concerns in Michigan

A Guide for Caregivers



Originally produced in 2017 by the ACLU of Michigan, in collaboration with AAA1-B, Detroit Area Agency on Aging, MiGen (formerly SAGE Metro Detroit), and The Senior Alliance.

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Michigan LGBTQ+ Elders Network

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The collaborative team that developed the resources and guide included:

- Bethany Burge, The Senior Alliance
- Crystal Hood, Detroit Area Agency on Aging
- Jay Kaplan, ACLU of Michigan
- Kathleen LaTosch, LaTosch Diversity & Inclusion Consulting
- Angela Lippard, AAA1-B
- Andrea Mulheisen, AAA1-B
- Lori Zimmerman, The Senior Alliance

Visit www.migenconnect.org for an electronic copy of this Guide.



A Guide for Caregivers

Caring for an LGBTQ+ Older Adult

If you are caring for an LGBTQ+ older adult, it's important to understand some of the unique circumstances individuals face and/or may be concerned about in their care. Today's LGBTQ+ person, aged 65 and up, came of age during a time when being openly gay, lesbian, bisexual and/or transgender could result in severe consequences and did for many people, including: in-patient mental health treatment, imprisonment, family and community exclusion, and physical and verbal violence.

It's important to note:

- The American Psychiatric Association declassified homosexuality as a mental disorder in 1973; up to that point, individuals were regularly referred to in-patient mental health institutions for corrective treatment, including such therapies as electro shock treatment (and even lobotomies in some cases).
- Laws that criminalized same-sex sexual behavior between consenting adults, resulting in many gay men and lesbians being prosecuted and incarcerated, were only declared unconstitutional in 2003.

- In the United States, LGBTQ+ communities have grown and thrived primarily in the country's larger cities, where those who were ostracized by their families fled to find support and community.

- To this day, violence against LGBTQ+ people ranks as one of the most frequent hate crimes tracked by the FBI; In 2021, 19% of all hate crimes targeted an individual due to their LGBTQ+ identity – ranking second only behind hate crimes based on race/ethnicity. Unfortunately, this data does not track hate crimes based on intersecting identities,, for example hate crimes based on both race and sexual orientation.

Most LGBTQ+ older adults alive today remember and have personal experiences with one or all of these. While the last decade has resulted in many legal and environmental gains for LGBTQ+ people, today's older adults remain cautious and private, even more so when layering on the feelings of vulnerability that frequently come from advanced age and limiting health conditions.

A Note About Personal Privacy—Be sensitive to an LGBTQ+ older adult's requests about whether or not to be "out" to care providers, friends and family members. Some individuals may choose a higher level of privacy to avoid discrimination or mistreatment. Others may simply feel they do not wish to disclose private information unless there is a need to know. As caregiver, it is important for you to respect the wishes of the person for whom you are caring while also balancing the goal of ensuring quality care.

LGBTQ+ Discrimination is No Longer Legal in Michigan

With the passage of the Elliott-Larsen Civil Rights Act in March of 2023 (which now includes sexual orientation, gender identity and gender expression), it is no longer legal in Michigan to discriminate against people because of their sexual orientation or gender identity in employment, housing, and public accommodations.

This means that:

- Privately-owned residential and housing communities can no longer legally discriminate against LGBTQ+ residents.
- Private businesses cannot refuse to provide goods and services to LGBTQ+ individuals.
- No one can be fired from their job in Michigan for being presumed to be LGBTQ+. Further, employers are able to offer benefits that cover unmarried partners, including health insurance. For a variety of reasons, including pensions from a previous marriage, few LGBTQ+ older adults have taken advantage of the ability to get legally married.
- In Michigan, a transgender person can get the gender marker on their driver's license changed. For those born in Michigan, changing the birth certificate no longer requires "sexual reassignment surgery," which many transgender people either choose not to undergo, or cannot undergo due to its high costs or possible medical complications.
- Also in Michigan, in order to have a name and/or gender marker change on one's social security card, it no longer requires surgery.

In addition, LGBTQ+ people are protected against discrimination in the following instances:

- Federally-funded housing institutions are not allowed to discriminate on the basis of sexual orientation or gender identity.
- If healthcare is provided under the Affordable Care Act (Obamacare), health insurance is required to cover transgender-related healthcare when medically necessary, including hormone treatment and gender affirming surgery. As of 2022, there are still ACA contracted insurance companies refusing coverage; legal challenges to the refusals are still pending in the court system.

The ACLU of Michigan is a good source of updated information (www.ACLUMich.org) as the legal information in this guide becomes outdated.



On Issues of Discrimination, What does this mean for you as a Caregiver?

1. Make sure you know the laws and inform care providers about the laws affecting your loved one. Due to the Elliott-Larsen Civil Rights Act, both federal and statewide service providers throughout Michigan are now legally prohibited from discriminating based on sexual orientation, gender identity, and gender expression.
2. Ask transgender people if they need help getting the gender marker changed on their driver's license or State ID. Individuals can get the correct gender marker on a passport or passport card without gender affirming surgery and the passport can be used in place of a birth certificate to get the gender marker changed on their driver's license.
3. Check to make sure any important decision-makers have the legal authority to oversee healthcare and end-of-life decisions. Resource: "The Legal Documents Every LGBTQ+ Older Adult Needs." The National Resource Center on LGBTQ+ Aging.

<https://bit.ly/3qxWkMn>

Other Legal Concerns



According to The National Resource Center on LGBTQ+ Aging, LGBTQ+ people, when compared to their non-LGBTQ+ counterparts, are:

- Twice as likely to age as a single person
- Twice as likely to live alone
- Three to four times less likely to have children to support them

Caregivers for LGBTQ+ individuals are often comprised of extended family members such as a niece or nephew, long-time friends, and past partners – often known as “chosen family.” None of these individuals have the legal authority to make important healthcare decisions when needed. For same-sex couples in Michigan, unmarried partners are also not granted the legal authority to oversee healthcare and end-of-life decisions.

There are a number of specific legal documents that must be put into place in order to declare who has right of authority. If no such papers exist, decision-making powers turn to next-of-kin, which in some cases results in long-estranged family members making life-and-death decisions instead of a long-term partner or designated caregiver.

What does this mean for you as a Caregiver?

1. Ask your loved one who they would like to oversee healthcare and important decisions.
2. Check to make sure any important decision-makers have the legal authority to oversee healthcare and end-of-life decisions.
3. Keep copies of documents in accessible places that are readily available when needed.

Financial Concerns

LGBTQ+ older adults are nearly 3 times as likely to live in poverty as heterosexual older adults according to The National Resource Center on LGBTQ+ Aging. There are a number of factors contributing to this: LGBTQ+ people have faced a lifetime of employment discrimination, have been frequently outlawed from their families of origin and any family inheritances, and have had little protection of their own family assets. Couples continue to face the following concerning financial situations:

- Medicaid coverage = spousal impoverishment. In Michigan, when one person in a marriage requires nursing care, Medicaid will provide coverage after personal assets have been reduced, but allow for the marital home to be left untouched. For unmarried couples, that home is liquidated which can leave the remaining partner homeless. This is the case for many Michigan LGBTQ+ couples who have not legally married (and for most of their relationship were denied the right to marry).
- Property ownership among couples. In many couples, only one person's name is on the deed to a home. When that person dies, an unmarried partner has no legal claim to the property. Even in cases where a will is present, family members of origin have laid claim to property and won over a surviving partner.
- Inheritance taxes. Unmarried partners have to pay a hefty inheritance tax on all bequeathed assets.
- Healthcare. Many health insurances do not cover healthcare treatment specific to transgender concerns resulting in individuals either forgoing treatment or choosing between healthcare and other life necessities.

What does this mean for you as a Caregiver?

1. Check to make sure any important financial decision-making documents are put in place.
2. Read “Four Conversations Caregivers Need to Have. Now” from The National Resource Center on LGBTQ+ Aging:
<https://bit.ly/3ro9prV>

Healthcare

With the passage of the Elliott-Larsen Civil Rights Act, service providers in Michigan are prohibited from discriminating against LGBTQ+ people in their care and service, though few have been attentive to the environment in which their LGBTQ+ clients, customers, and patients are being served. According to “When Health Care Isn’t Caring” by Lambda Legal, 56% of lesbian, gay and bisexual people and 70% of transgender people have experienced one or more of the following:

- refusal of care;
- refusal to touch client/patient or using excessive precautions;
- use of harsh or abusive language;
- health condition/status is blamed on their sexual orientation or gender identity.
- Racial bias increases maltreatment dramatically for transgender people of color.

Further, 8% of LGB and 27% of transgender individuals reported being outright refused care. An additional 19% of those with HIV were refused care. Regardless of the legality of discrimination and mistreatment, these things happen in the moment by untrained staff and without an advocate, LGBTQ+ people are vulnerable, which can result in severe health-related consequences.

What does this mean for you as a Caregiver?

1. Be attentive to the care your loved one is receiving. Talk with them about their experiences and be on alert for mistreatment. Make sure you and your loved one know your rights.
2. Seek out LGBTQ+-affirming care providers.
3. In Michigan, see the Resources List in the back of this guide for a list of organizations by region.
4. For questions outside of Michigan, The National Resource Center on LGBTQ+ Aging has an article entitled, “Ten Tips on Finding LGBTQ+-Affirming Services” - <https://bit.ly/48tJGyQ>



Are you an LGBTQ+ older adult and also a Caregiver?

Did you know that LGBTQ+ people are more likely to be caregivers for others – for parents, significant others, “chosen family” members, siblings, and more? According to an AARP report in 2023, 9 percent of caregivers self-identify as lesbian, gay, bisexual, and/or transgender – almost double the rate of self-identification in other, broader-community surveys such as the 2020 Gallup Poll where only 5.6% self-identified as LGBTQ+.

It’s especially important for LGBTQ+ people to be aware of the supports available to them when caring for another. Some considerations:

- Health and end-of-life care—Have you discussed your loved one’s end-of-life preferences and do you have the legal authority to make needed decisions?
- Family & Medical Leave—If employed, unmarried LGBTQ+ partners and family are not currently covered on the Family and Medical Leave Act. Check to see if your employer has broadened their policy to cover your needs. This is especially important if you are caring for a member of your chosen family.
- LGBTQ+ Affirming Care—Do you have access to LGBTQ+-affirming referrals for care—both so your loved one is welcome as well as you?
- Finances—Are you legally authorized to manage your loved one’s finances in the event that person can’t? Are you aware of financial fraud and elder abuse laws?
- Self-Care—Are you taking care of yourself? Do you know where to find LGBTQ+-welcoming support?

Notes:



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voices, advocacy, fun and connection for LGBTQ+ older adults

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Caregiver Checklist

Read:

1. “The Legal Documents Every LGBTQ+ Older Adult Needs.” The National Resource Center on LGBTQ+ Aging. <https://bit.ly/3qxWkMn>
 2. “Four Conversations Caregivers Need to Have. Now.” The National Resource Center on LGBTQ+ Aging: <https://bit.ly/3ro9prV>
 3. “What is Elder Abuse?” Administration for Community Living: <https://bit.ly/3t8h8Lm>
 4. For questions on LGBTQ+-affirming service providers outside of Michigan, read “Ten Tips on Finding LGBTQ+-Affirming Services”- <https://bit.ly/48tJGyQ>
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Ask your loved one:

5. Who would they like to make important healthcare and end-of-life decisions for them? What legal documents do they have already in place?
 6. About their experiences with service providers and be on alert for mistreatment. Regularly ask and ensure that they are being treated with dignity and respect. If possible, review this guide together and make sure you and your loved one know your rights.
 7. If transgender, do they need help getting the marker changed on their driver's license or State ID. Help secure a passport or passport card (which doesn't require gender affirming surgery). This can be used in place of a birth certificate to get the gender marker changed on their driver's license or state ID.
 8. Make a list of additional questions to ask your loved one, based on your readings.
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Ask all service providers involved in your loved one's care:

9. Is the service provider federally-funded through the Affordable Care Act or Medicaid? They are prohibited from discriminating based on sexual orientation or gender identity.
10. Does the service provider have a non-discrimination policy that includes sexual orientation and gender identity? Ask for a copy of it. If they don't have one, ask them to adopt one. (Many service providers have used the Elliott-Larsen Civil Rights Act of 1976 as a template, which now includes sexual orientation, gender identity and gender expression in the enumerations. Suggest the service provider update their non-discrimination policy, since it is now Michigan law)
11. Seek out LGBTQ+-affirming service providers. If in Southeast Michigan, visit www.migenconnect.org for a copy of the Rainbow Resource Guide for Older Adults for a list of vetted, LGBTQ+-affirming service providers.

Keep Important Legal Documents Readily Accessible

12. Keep a paper copy in a file.
 13. Save a copy online via online free storage (Dropbox, Google Docs), or email a .pdf copy to yourself and keep available on your phone or electronic device.
 14. Give hard copies to your loved one's healthcare providers.
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Extra Considerations for LGBTQ+ People Who are Also Caregivers

15. If you are still employed, check to see if your employer has a family leave policy that will cover your needs. Are you permitted time off to care for a sick family member? How is "family" defined?
16. Are you legally authorized to manage your loved one's finances in the event that person can't? Are you aware of financial fraud and elder abuse laws?
17. Are you taking care of yourself? Do you know where to find LGBTQ+-welcoming support?

Notes:

Resources & Links

Reading List

Four Conversations Caregivers Need to Have. Now. The National Resource Center on LGBTQ+ Aging: <https://bit.ly/3t8h8Lm>

Guide for Caring for an LGBTQ+ Older Adult. This guide examines the issues that arise in LGBTQ+ caregiving, as LGBTQ+ individuals may encounter special challenges whether they are acting as caregivers or are the ones in need of care. It also provides a legal document checklist that reviews the function of various important health care documents, such as a health care proxy, living will, and financial power of attorney. <https://bit.ly/3DZ1hki>

The Legal Documents Every LGBTQ+ Older Adult Needs. SAGE's National Resource Center on LGBTQ+ Aging. <https://bit.ly/3qxWkMn>

LGBTQ+ Caregiving Facts. This informational page was created by SAGE's National Resource Center on LGBTQ+ Aging and provides a good overview of important information to consider if you are an LGBTQ+ Caregiver. <https://bit.ly/3QKvB9Y>

Detroit Area Resources

The Area Agencies on Aging (AAA)

Funded by the State of Michigan to provide information and referrals for those in need of aging and disability information and services, all of the three Area Agencies on Aging in Southeast Michigan are trained to handle LGBTQ+-related calls with care and sensitivity.

- Detroit Area Agency on Aging – covering Detroit, Hamtramck, Highland Park, Harper Woods and the Grosse Pointes: call 313-446-4444 or visit <http://detroitseniorsolution.org/>
- The Senior Alliance – covering Southern and Western Wayne County, call 800-815-1112 or visit <http://www.aaa1c.org/>
- AAA1-B – covering Livingston, Macomb, Monroe, Oakland, St. Clair and Washtenaw Counties, call 800-852-7795 or visit <http://www.aaa1b.org/>

MiGen

The mission of MiGen – The Michigan LGBTQ+ Elder Network - is to build awareness and promote change so that LGBTQ+ older adults may age with dignity and authenticity. Offices are located in both Detroit and Ferndale, MI in partnership with Hannan House and Affirmations. MiGen offers programs, information, and support for LGBTQ+ older adults and those who support them. Visit migenconnect.org

Resources & Links Continued

Rainbow Resource Guide for LGBTQ+ Older Adults

A guide that lists agencies that agree to provide respectful and non-discriminatory treatment for LGBTQ+ older adults. Published by MiGen – The Michigan LGBTQ+ Elder Network. Visit www.migenconnect.org

LGBTQ+ Older Adult Social Support

- Detroit Elder Project meets monthly on Thursday evenings at Hannan House in Detroit, contact Cornelius Wilson by email: cwilson@migenconnect.org
 - Senior Koffee Klatch meets Wednesday afternoons at Affirmations in Ferndale and Friday Afternoons at the Royal Oak Senior Center: <https://goaffirmations.org/support-and-discussion-groups/>
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Michigan Resources for Caregiving Classes

- Five-Series Class on Caregiving. AARP Michigan offers a free five-class series for caregivers which covers a range of topics, including: record keeping, caregiver stress reduction, financial security, and finding livable communities. Information about AARP Michigan's caregiving seminars is available at aarp.org/mi or by calling 866-227-7448 toll-free. For information on caregiving basics, financial concerns, nursing homes, and more, check <https://www.aarp.org/caregiving/>
 - Creating Confident Caregivers (CCC)[™] is an educational training program for family members who are caring for a person with a dementia related illness, such as Alzheimer's Disease. The CCC[™] program has been proven to reduce caregiver stress by providing caregivers with useful tools and information. This program is available by calling any of our three local Area Agencies on Aging. <https://bit.ly/3E1TOAV>
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Online Caregiver Resources

- A caregiver self-assessment test to gauge stress levels: <https://bit.ly/3PxEBge>
 - A description of strategies that other caregivers have found helpful like respite care, adult day care, and home modification / injury prevention strategies: <https://bit.ly/3EPQUzL>
 - A list of a variety of services that are available: <https://bit.ly/3rpGx2x>
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Resources & Links Continued

National Caregiving Resources & Links

SAGE LGBTQ+ Elder Hotline. <https://www.sageusa.org/what-we-do/sage-national-lgbt-elder-hotline/>

Family Caregiver Alliance. This online resource offers caregiver support groups, information, and advocacy to caregivers. Visit them online at <https://www.caregiver.org/>

Online Caregiver Support Coordinating Tool. LotsaHelpingHands.com is an online tool which provides a handy caregiver-focused Help Calendar, which enables members to schedule and sign up for tasks that provide respite for the caregiver including meals for the family, rides to medical appointments, and visits. Members can also communicate with one another through message boards, post personal blogs, share photos, and send well wishes to the family. Coordinators can also safely store and retrieve vital information for the family – from medical and health records to financial and legal documents.

Informational Sites / Articles for Caregivers:

- National Alliance for Caregivers: <http://www.caregiving.org/>
- Caregiver Action Network: <http://caregiveraction.org/>
- Complete Guide to Caregiving Tips: <https://www.healthinaging.org/tools-and-tips/our-complete-guide-caregiving-tips>

Notes: