



# Caregiving & LGBT Concerns in Michigan

*A Guide for Caregivers*

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Produced in 2017 by the ACLU of Michigan, in collaboration with AAA1-B, Detroit Area Agency on Aging, SAGE Metro Detroit, and The Senior Alliance.

Electronic copies are available at [www.SAGEMetroDetroit.org](http://www.SAGEMetroDetroit.org)

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# Acknowledgements

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Visit [www.SAGEMetroDetroit.org](http://www.SAGEMetroDetroit.org) for an electronic copy of this Guide.



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Harper Woods, Highland Park  
and the five Grosse Pointes



# Caregiving & LGBT Concerns in Michigan

## *A Guide for Caregivers*



## Caring for an LGBT Older Adult

If you are caring for an LGBT 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 LGBT 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.

- 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 – less than 15 years ago.
- In the United States, LGBT communities have grown and thrived primarily in the country's cities, where those who were ostracized by their families fled to find support and community.
- To this day, violence against LGBT people ranks as one of the most frequent hate crimes tracked by the FBI; in 2015, 18% of all hate crimes targeted an individual due to their LGBT identity – ranking third behind hate crimes based on race/ethnicity and religion. Unfortunately, this data does not track hate crimes based on intersecting identities, for example hate crimes based on both race and sexual orientation.

Most LGBT 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 LGBT 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 LGBT 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.

# LGBT Discrimination is Still Legal in Michigan

As of January 2017, it is still 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 legally discriminate against LGBT residents.
- Private businesses can refuse to provide goods and services to LGBT individuals.
- Anyone can be fired from their job in Michigan for being presumed to be LGBT, unless the employer has a policy that prohibits it or unless they work for a government body with a federal policy or city ordinance in place that prohibits it. Further, employers do not have to offer benefits that cover unmarried partners, including health insurance. Few LGBT older adults have taken advantage of the ability to get legally married.
- In Michigan, a transgender person cannot get the gender marker on their driver's license changed unless they can produce an amended birth certificate or passport/passport card showing one's affirmed gender. For those born in Michigan, changing the birth certificate 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. The only remedy is to get a passport or passport card. For persons born in other states where birth certificates cannot be amended, changing their Michigan driver's license is impossible. This results in a host of complications when an older adult engages in the healthcare system – from gender-sensitive healthcare diagnostics and treatment to gender-specific room placement.
- Also in Michigan, in order to have a name and/or gender marker change on one's social security card, it does not require surgery, but does require an affidavit from a doctor.

However, LGBT people are protected against discrimination in the following instances:

- Federally-funded housing institutions are currently 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 confirming surgery. As of 2017, there are still ACA contracted insurance companies refusing coverage; legal challenges to the refusals are still pending in the court system. Furthermore, the non-discrimination provisions of the Affordable Care Act are under threat with the new administration and Congress promising to repeal the law.
- In employment where the employer has a nondiscrimination policy in place which includes sexual orientation and gender identity.
- Local human rights ordinances in Michigan cities and townships that include sexual orientation and gender identity. Many of these ordinances, however, lack effective enforcement mechanisms.

The legal landscape on LGBT rights in Michigan is continually changing. In Michigan, pending legislation and current lawsuits will soon make determinations on such things as:

- Transgender health insurance coverage.
- The legality of a business owner to refuse goods and/or services to an LGBT person based on religious beliefs.

The ACLU of Michigan is a good source of updated information ([www.ACLUMich.org](http://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. If the service provider is federally-funded through the Affordable Care Act or Medicaid, they are prohibited from discriminating based on sexual orientation or gender identity.
2. For private service providers, check to see if they have a non-discrimination policy that includes sexual orientation and gender identity. If they don't have one, ask them to adopt one.
3. 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 confirming surgery and the passport can be used in place of a birth certificate to get the gender marker changed on their driver's license.
4. 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 LGBT Older Adult Needs." SAGE's National Resource Center on LGBT Aging. <http://www.lgbtagingcenter.org/resources/resource.cfm?r=3>



## Other Legal Concerns

According to SAGE's National Resource Center on LGBT Aging, LGBT people, when compared to their non-LGBT counterparts, are:

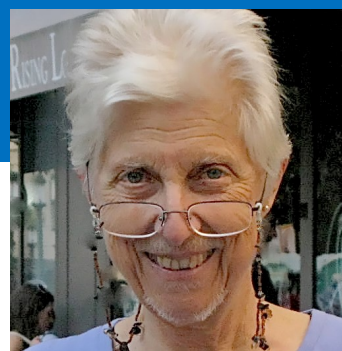
- Twice as likely to age as a single person
- Twice as likely to live alone
- Three to four times less likely to have children to support them

Caregivers for LGBT 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. Resource: “The Legal Documents Every LGBT Older Adult Needs.” SAGE's National Resource Center on LGBT Aging. <http://www.lgbtagingcenter.org/resources/resource.cfm?r=3>
3. Keep copies of documents in accessible places that are readily available when needed.



## Financial Concerns

LGBT older adults are nearly 3 times as likely to live in poverty as heterosexual older adults according to SAGE's National Resource Center on LGBT Aging. There are a number of factors contributing to this: LGBT 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 LGBT 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. Resource: "The Legal Documents Every LGBT Older Adult Needs." SAGE's National Resource Center on LGBT Aging. <http://www.lgbtagingcenter.org/resources/resource.cfm?r=3>
2. Read "Four Conversations Caregivers Need to Have. Now" from SAGE's National Resource Center on LGBT Aging: <http://www.lgbtagingcenter.org/resources/resource.cfm?r=5>



## Healthcare

While many service providers in Michigan are prohibited from discriminating against LGBT people in their care and service (those that are federally-funded or who have an explicit policy), few have been attentive to the environment in which their LGBT 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, LGBT 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 LGBT-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, SAGE’s National Resource Center on LGBT Aging has an article entitled, “Ten Tips on Finding LGBT-Affirming Services” - <http://www.lgbtagingcenter.org/resources/resource.cfm?r=4>





## Are you an LGBT older adult and also a Caregiver?

Did you know that LGBT 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 2015, 9 percent of caregivers self-identify as lesbian, gay, bisexual, and/or transgender – nearly three times the rate of self-identification in other, broader-community surveys such as the 2012 Gallup Poll where only 3.4% self-identified as LGBT.

It’s especially important for LGBT 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 LGBT 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.
- LGBT Affirming Care—Do you have access to LGBT-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 LGBT-welcoming support?

### Notes

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# Caregiver's Checklist

## Read:

1. "The Legal Documents Every LGBT Older Adult Needs." SAGE's National Resource Center on LGBT Aging. <http://www.lgbtagingcenter.org/resources/resource.cfm?r=3>
2. "Four Conversations Caregivers Need to Have. Now." SAGE's National Resource Center on LGBT Aging: <http://www.lgbtagingcenter.org/resources/resource.cfm?r=5>
3. "What is Elder Abuse?" Administration for Community Living: [https://aoa.acl.gov/AoA\\_Programs/Elder\\_Rights/EA\\_Prevention/whatIsEA.aspx](https://aoa.acl.gov/AoA_Programs/Elder_Rights/EA_Prevention/whatIsEA.aspx)
4. For questions on LGBT-affirming service providers outside of Michigan, read "Ten Tips on Finding LGBT-Affirming Services" - <http://www.lgbtagingcenter.org/resources/resource.cfm?r=4>

## 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 confirming 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.

## 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.
11. Seek out LGBT-affirming service providers. If in Southeast Michigan, visit [www.SAGEMetroDetroit.org](http://www.SAGEMetroDetroit.org) for a copy of the Rainbow Resource Guide for Older Adults for a list of vetted, LGBT-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.

## Extra Considerations for LGBT 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 LGBT-welcoming support?

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# Resources & Links

## Reading List

**Four Conversations Caregivers Need to Have. Now.** SAGE's National Resource Center on LGBT Aging: <http://www.lgbtagingcenter.org/resources/resource.cfm?r=5>

**Guide for Caring for an LGBT Older Adult.** This guide examines the issues that arise in LGBT caregiving, as LGBT 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. <http://www.lgbtagingcenter.org/resources/resource.cfm?r=431>

**The Legal Documents Every LGBT Older Adult Needs.** SAGE's National Resource Center on LGBT Aging. <http://www.lgbtagingcenter.org/resources/resource.cfm?r=3>

**LGBT Caregiving Facts.** This informational page was created by SAGE's National Resource Center on LGBT Aging and provides a good overview of important information to consider if you are an LGBT Caregiver. <http://www.lgbtagingcenter.org/resources/resource.cfm?r=832>

## 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 LGBT-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://detroit seniorsolution.com/>
- 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/>

**SAGE Metro Detroit.** The mission of SAGE Metro Detroit is to build awareness and promote change so that LGBT older adults may age with dignity and authenticity. Offices are located in both Detroit and Ferndale, MI in partnership with Hannan House and Affirmations. SAGE Metro Detroit offers programs, information and support for LGBT older adults and those who support them. Visit [www.SAGEMetroDetroit.org](http://www.SAGEMetroDetroit.org).

## Resources & Links, Continued

**Rainbow Resource Guide for LGBT Older Adults** – a guide that lists agencies that agree to provide respectful and non-discriminatory treatment for LGBT older adults. Published by SAGE Metro Detroit. Visit [www.SAGEMetroDetroit.org](http://www.SAGEMetroDetroit.org).

### LGBT Older Adult Social Support

- *Club 45+* provides a place to socialize and hang-out with other LGBT older adults. Fun, friendship, flirting, and learning for people who are “45 years young and better” and their friends and loved ones are invited to participate. Meets monthly at Affirmations in Ferndale beginning October 20th - contact Lilianna Angel Reyes at [lreyes@goaffirmations.org](mailto:lreyes@goaffirmations.org).
- *Detroit Elder Project* meets monthly on Thursday evenings at Hannan House in Detroit, contact Cornelius Wilson by email: [belcrest5440@yahoo.com](mailto:belcrest5440@yahoo.com).
- *Senior Koffee Klatch* meets Wednesday afternoons at Affirmations in Ferndale: <http://goaffirmations.org/programs-services/support-discussion-groups>

## 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](http://aarp.org/mi) or by calling 866-227-7448 toll-free.
- **Creating Confident Caregivers (CCC)<sup>™</sup>** 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<sup>™</sup> 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.

**Online Caregiver Resources.** The AAA1-B has a full folder of web resources available to caregivers, including:

- A caregiver self-assessment test to gauge stress levels: <http://www.aaa1b.org/caregiver-resources/caregiver-self-assessment/>
- A description of strategies that other caregivers have found helpful like respite care, adult day care and home modification / injury prevention strategies: <http://www.aaa1b.org/caregiver-resources/strategies-that-work-dementia/>
- A list of a variety of services that are available: <http://www.aaa1b.org/caregiver-resources/available-services/>

# Resources & Links, Continued

## National Caregiving Resources & Links

**SAGE LGBT Elder Hotline.** <http://www.sageusa.org/programs/hotline.cfm>

**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.** This online tool 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. And Coordinators can 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/>
- National Family Caregivers Association: <http://caregiveraction.org/>
- Preparing to be a Caregiver - <http://www.michiganhomecareguide.com/about-caregiving/preparing-to-be-a-caregiver/>

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## METRO DETROIT

Services & Advocacy  
for Gay, Lesbian, Bisexual  
& Transgender Elders



**SAGE Metro Detroit** was established in 2015. Its roots grew from the LGBT Older Adult Coalition, which was founded in 2010 and transformed into SAGE Metro Detroit affiliate upon creation.

*The mission of SAGE Metro Detroit is to build awareness and promote change so that LGBT older adults may age with dignity and authenticity.*

### Contact Information

info@sagemetrodetroit.org  
www.SAGEMetroDetroit.org

### Mailing Address

290 West 9 Mile Road  
Ferndale, MI 48220

### What We Do

SAGE Metro Detroit focuses its work and resources in four main areas:

- **Advocacy.** Informing and influencing the Michigan landscape on LGBT aging through community-based, local and state advocacy efforts.
- **Information.** Empowering LGBT older adults through availability of accurate information to make important life decisions and to advocate on behalf of themselves.
- **Services.** Development of professional and well-run services and programs to aging LGBT individuals in Metro Detroit.
- **Training.** Providing training and education to organizations, service providers, faith institutions, and businesses on the aging LGBT population.