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The Theft of a Mother: A Story of Elder Abuse

Lelaine Lau · Wednesday, June 14th, 2017

How my brother and the “homeland” stole my mother from me.

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The day I realized that my brother had gone beyond annoying manipulations?—?from a garden variety mooch veering into possibly criminal, but definitely unethical territory?—?was the day this past October at my mother’s home in China, when I sat down with three year old bank statements from one of her bank accounts in Hong Kong, and discovered that he’d been withdrawing funds at a rate and in amounts greater than he’d previously indicated he’d been... ‘getting’. A forensic audit would eventually determine that \$140,000 US was missing and unaccounted for. That he hadn’t bothered to pick up the statements for two years told me that he knew my mother was not looking at them.

The day I realized he was playing for keeps was December 11th, 2016, when he pinned me face down in a chokehold, leaving me gasping for air for a few seconds, which felt like an eternity. I experienced what it feels like to look death in the eye that day in my mother’s guest room, and I will never shake the look in my brother’s eyes as he came for me. His previous attack in November had merely been two sucker-punches in comparison. Both attacks took place in front of our mother, whose lack of capacity rendered her unable to do anything, much less remember.

The day I realized that it was hopeless to think there were protections for women in China was when the Sanxiang Town police who responded to the call after the second attack, after doing NOTHING, said to me, “We hope you enjoyed your stay in Zhongshan.” Still in shock, frustrated at having to demand equal time to tell my side of the story, and angry at watching them do absolutely nothing about it, the militant feminist in me unleashed a torrent of fury and f-bombs at their sexist attitude and insulting, devaluing, remark.

This was the deeply ingrained sexism China is known for, which would also color my battle. China, the country where people abort female fetuses in the quest for an exalted male. Where the state media tells women that they are ‘leftover women’ if they are not married by the age of 27, creating a societal construct which forces them to marry under duress, creating a marriage based on a power imbalance, in which the female almost always emerges worse off. This is a culture where, when a bride contributes to the purchase of the spousal home, her name will not be on the deed unless she fights for it, and most don’t. Where because of it, she won’t be able to leave the marriage if it’s abusive, and 25% of China’s marriages are. AND she has to take care of the husband’s family too. What woman in the world would willfully, with fully informed consent, free

of outside influences, want in on THAT deal?

So, to recap, I was victimized three times. Once for the attack, again when the Chinese police did nothing. And again when the Chinese police made their idiotic remark.

But I digress.



Over the last 14 months, from the day I fully realized the severity of my mother's condition and sent my brother an email towards getting a full handle on her affairs, he has produced nothing but constant lies, manipulations, and triangulations. He has stonewalled, refused to communicate, refused to cooperate, refused entreaties to go to mediation, and moved goalposts. On top of the violence. I'm pretty sure there's a clinical name for his set of behaviors.

There were other days which brought more unseemly and sordid revelations. Such as when Mom was diagnosed with severe malnutrition last June because my brother neglected to adjust her level of care as she became unable to care for herself. He left her?—?unable to prepare her own meals, take her meds, bathe, or attend to even more personal matters, who had taken a couple of falls in recent years?—?in the care of a servant for four hours a day. Not a qualified caregiver. A servant. Of hostile actions clearly meant to keep me apart from her, to cut me out of her life, and out of my rightful and legal place. Of his claims that her mental capacity is fine?—?“she passed with flying colors”?—?despite his refusal to present any medical report stating such. Of the report that he hired back the above servant after I fired her for stealing, demonstrating perfectly his qualifications to hold the sole Power of Attorney he's been seeking, in direct contravention to our mother's already stated wishes at a time when all agree she was of sound mind. Of the psychological abuse he is subjecting her to in alienating my affection, in influencing and coaching her against me. Of his refusal to tell me anything about these trips he takes her on where she says she is “seeing a lot of people I've never met before”. He won't even tell her when I've been on the phone and she puts me on hold to ask him. In fact, he doesn't tell me anything at all.

Imagine the moment I realized that my only brother was an elder abuser. So depraved that he would neglect his mother, letting her waste away while taking advantage of her at her most vulnerable. He had always been a bit of an annoying mooch, but this? Unless you have experienced it, you cannot know how deeply gut-wrenching this kind of family betrayal is.

The National Council on Aging (US) says that up to 5 million older Americans are abused every year, and the annual loss by victims of financial abuse is estimated to be at least \$2.6 billion.

The United Nations predicts that the global population aged 60 years and older will more than double, from 542 million in 1995 to about 1.2 billion in 2025. And they say that between 4 to 6% of elderly people have experienced some form of maltreatment at home.

According to the United States Department of Justice, “Of all the forms of elder abuse, financial exploitation probably is the most widespread, costing seniors in the United States an estimated \$2.9 billion annually. Another recent study suggests that the cost may, in fact, be considerably higher than previously thought, up to \$36 billion annually. **Due to its scope and persistently low reporting rates, elder financial exploitation has been dubbed the crime of the 21st century.**” At least my brother is ahead of the curve.

It's pretty clear to anyone looking ahead that the rapidly growing aging population will bring an avalanche of elder abuse cases.

And the world is woefully unprepared.

In order to raise awareness, today, June 15, has been designated by the United Nations as World Elder Abuse Awareness Day.

According to the United States Center for Disease Control, "Elder abuse is an intentional act, or failure to act, by a caregiver or another person in a relationship involving an expectation of trust that causes or creates a risk of harm to an older adult. (An older adult is defined as someone age 60 or older.)"

The six forms of elder abuse are neglect, physical abuse, psychological abuse, financial abuse, sexual abuse and abandonment. Of these, my brother has, or is, committing three. In cases involving multiple forms of abuse, absent gross physical injuries to draw attention, it is extremely difficult to detect financial and psychological abuse, as in my mother's case. And impossible when the authorities won't even consider the bigger picture.

When I filed a missing persons report for my mother in Hong Kong after not being able to reach her for three weeks, they would look only at the 'missing persons' part. Even though I explained over and over again that her lack of capacity was material to her being missing, and that the two could not be separated, the Hong Kong police have thus far still refused to consider her lack of capacity, never mind the fact that this was but one element of an elder abuse case. They don't want to look at the whole picture. (Part of this is cultural too?—?the Chinese will never be known for their service, but if they don't know something, they will say "I don't know", and never lift a finger to find out. And they will rarely offer anything beyond their horse-blinders?—?they actually suggested I go file an elder abuse report at a different precinct instead of directing me to someone who could help. It's maddening, to say the least.) Were they to look at the totality of my brother's actions, it would be impossible not to reach the same conclusion that the rest of my family and I already have.

Subject to stigma the world over, elder abuse is not widely or openly discussed. And while that is starting to change, in many places, it's given only lip service.

In China, as with domestic violence, if acknowledged at all, it is considered a family matter to be resolved within the family, not under the purview of the local police or the legal system. This despite a domestic violence law on the books as of one year ago?—?which is useless in practice because the local authorities will do what they want. And there is no such legislation regarding elder abuse.

As well, there are societal or cultural mores working against successful prosecution. In many cases where elder abuse by an adult child is detected, the abused parent will not press charges or otherwise get their child in trouble with the authorities. Many more Chinese are bound by the concept of 'face', and will thus suffer in silence, not wanting to embarrass the family. Thus are elder abuse perpetrators given cover to continue abusing.

Even the United States Department of Justice (DOJ) acknowledges that "law enforcement personnel who encounter elder financial exploitation may mis-classify it as a civil matter and not respond, if they lack expertise or training in this area."

A report presented to the United States Senate in March of this year accompanying efforts to pass the Elder Abuse Prevention and Prosecution Act says: “Effectively combating elder abuse requires coordinated efforts. The complex nature of financial crimes against elders, in particular, necessitates a multidisciplinary approach—drawing upon the resources and expertise of multiple agencies and entities at the State and Federal levels.”

So what can be done? For starters:

- 1) Governments need to acknowledge the problem and pledge to work towards prevention, detection and prosecution.
- 2) Governments should require mandatory reporting by any professionals having regular contact with the elderly.
- 3) The system should be centralized to ensure coordinated efforts between law enforcement, social welfare agencies, medical professionals, legal professionals, and banking professionals.
- 4) Law enforcement should undergo sensitivity and detection training.
- 5) Governments need to enact legislation to make it easier prosecute elder abuse.

My personal story is rather extraordinary, taking place across the United States, Hong Kong and China, rendering unparalleled jurisdictional and legal challenges and unimaginable complications, all requiring the kind of resources I don't have access to, a language I don't speak, and a culture that could not be more foreign. It is a story of the difficulties in trying to hold my brother to account across three countries, and how he is essentially hiding behind non-existent policies, cavalier law enforcement, arcane cultural mores, and a totally ineffectual legal system in China.

It is a story of a daughter working tirelessly for 14 months (and counting) to protect her mother against the son and servant preying upon her. All while separated from her friends and support system, having to deal with the aftereffects of the violence, and to work through the avalanche of information and tasks, alone.

It is the story of a fiercely American born Chinese going to the motherland for the first time. The country I begged my mother not to move to—because who can trust the air? The food? The water? Not to mention all those people trying to get over. By any means necessary. Exploiting the gray area and the laws, which lag behind the remarkably resilient population. I would have been happy if I never saw China in my lifetime.

It is a story of a fiercely American born Chinese experiencing the mind-fuck of reverse culture shock.

It is a story of a girl who, in wandering Hong Kong, her mother's birthplace, gained a profound understanding of the prim, proper, very uptight mother she never understood. And that went both ways. An aunt once told me my mother was always flummoxed by me. I asked, “Why, because I didn't turn out like a Hong Kong girl?” Her reply? “No, because you didn't turn out like a Chinese girl.”

It is a story about the pain and sadness of thinking my mother was safe in my brother's hands, only to find out he's been the greatest threat to her all along.



But it is also a story of reconciliation and love. The five months I shared with my mother in China allowed us to finally break through the veneer of our superficial relationship, to find joy, laughter, a connection, and the feeling of deep love that had eluded us (well me, at least), all of these years. I crawled into her bed one night and cried like a baby in her arms because I failed her by not paying close enough attention to her affairs after my father passed away ten years ago. We had a contentious relationship while I was growing up, but I never felt closer to her?—?we were able to connect deeply and from the heart despite her lack of capacity. And she displayed a sense of humor that wasn't there before. There were days she did not know who I was but it mattered not. We laughed, we danced, and we were happy in each other's company, finally.

And finally, it is also a story of the kindnesses of good friends as well as strangers. I literally would not be here without them. From my support group around the world, to the few in China who were so generous of their assistance, especially when it came to sorting logistics on the ground, to the many, many more beautiful souls in Hong Kong who have welcomed me with open arms, and provided a much needed salve after the harshness of China. I am grateful for all of the positive energy and healing that has been offered.

As I sit here today in Hong Kong, 11 months after leaving my life, job and home in beautiful Hawai'i to go to China on what was supposed to be a 10 day visit, I have not seen my mother since that day in December, and have only spoken to her a small handful of times. I won't go to China alone, as surely I'll end up in a body bag. I am terrified of my brother, who has been sighted around Hong Kong sporting a knife on his belt.

I am living in a limbo, held hostage by both my conscience and my brother.

He continues to play games.

As I continue to work to protect her, to make sure she is free from the abuse, I am haunted by my mother's words during a moment of lucidity after I had told her what Brett had been doing: "Promise me you'll never leave me. Promise me you'll always stay by my side." And her final words as I was forced from her home in December, when my brother lied to the Chinese police, telling them the house belonged to him: "I will never forget you. There's a place in heaven waiting for you and I."

(June 15, 2017 is Elder Abuse Awareness Day)

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