

ABA and NADRC Resources for SNT Trustees with Elder Orphan Beneficiaries

Charlie Sabatino, JD
ABA Commission on Law and Aging
February 16, 2021

1

Who are Elder Orphans?

= Aged (age 65+), community-dwelling individuals who are socially and/or physically isolated, without an available known family member or designated surrogate or caregiver.

Also referred to as Solo Agers or Isolated Elders

2

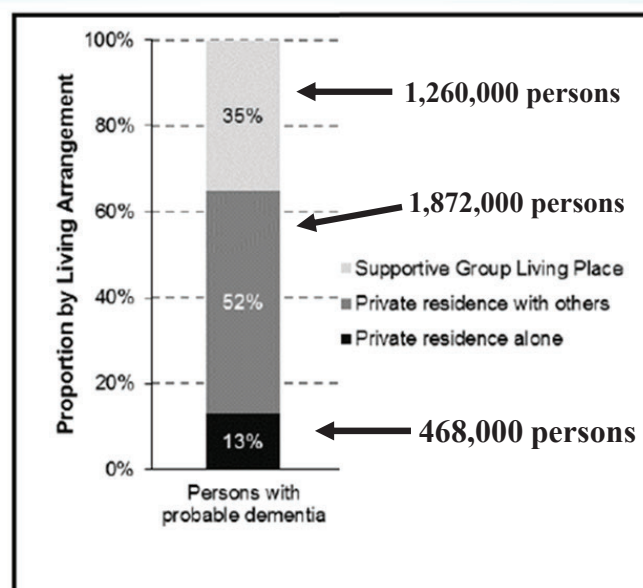
Who are “Unbefriended” Elders?

Older adults who lacks decision-making capacity, lack an advanced directive and the ability to execute the directive, and lack a family member or a friend to act as their representative

(Farrell et al., 2017; Karp & Wood, 2003; Pope & Sellers, 2012)

3

Living Arrangements of Persons with Probable Dementia, Age 65+



Source: Unpublished analyses of NHATS data conducted by RTI International, 2015.

4

Unbefriended Elders in Nursing Homes

Only Estimates of Prevalence.

- 3% to 4% - N. Karp & E. Wood, “Incapacitated and Alone: Health Care Decision-Making for the Unbefriended Elderly” (2003)
- 4.14% in Alberta LTC homes (S.A. Chamberlain et al., “Incapacitated and Alone: Prevalence of Unbefriended Residents in Alberta Long-Term Care Homes” (2019)

Equals roughly 56,000 residents
in US Nursing Homes

Prevalence in Hospitals

Annals of Internal Medicine in 2007 found that in the ICUs of seven medical centers, 5.5% of patients who died lacked a surrogate decision maker and an advance directive

D.B. White *et al.*, “Life Support for Patients without a Surrogate Decision Maker: Who Decides?”

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: ABA and NADRC Resources for SNT Trustees with Elder Orphan Beneficiaries

Also available as part of the eCourse

[2021 Special Needs Trusts eConference](#)

First appeared as part of the conference materials for the
17th Annual Changes and Trends Affecting Special Needs Trusts session
"ABA and National Alzheimer's and Dementia Resource Center Resources for SNT Trustees
with Elder Orphan Beneficiaries"