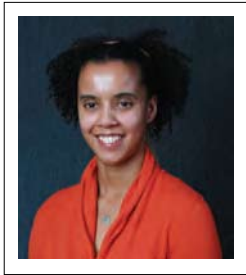


BY NATALIE CHIN, STAFF ATTORNEY



# NOTES FROM THE FRONTLINE

**W**hen I worked as a legal services attorney, I was accustomed to a hefty docket with as many as two dozen cases requiring immediate attention because people faced eviction, the loss of Medicaid or food stamp benefits and other crises. Several of the individuals I represented shared common traits: they were over the age of 60, lived alone and on a fixed income, and did not maintain close ties with family or friends.

When I left legal services to work for Lambda Legal, I wanted to continue the advocacy work around senior issues that I had started as a legal services attorney. I was excited to shift my focus from the general aging population to LGBT seniors, and from direct legal service to impact litigation.

So just a couple months into my new position, I traveled to Albany, New York for the Statewide LGBT Senior Issues Summit. Held on the eve of Equality and Justice Day when LGBT New Yorkers and allies descend upon the state capitol to lobby lawmakers on issues that are most important to the community, the Summit was a forum for seniors, their families and friends to discuss the concerns and issues facing the LGBT aging community. It was the first time that a town hall meeting specific to LGBT senior issues was organized at the state capitol.

I traveled to the Summit with members of the Griot Circle, a Brooklyn-based organization that supports LGBT elders of color. As I nestled into my seat in the large conference room, members of the Griot Circle were seated to my left and right as introductions were made by individuals from the New York State Office for the Aging and the Family Caregiving Council, the organizers of the Summit. The director and staff from the New York State Office for the Aging were present, sitting at a table in the front of the room, there to listen to the thoughts and concerns of LGBT seniors, families and friends.

Following introductions, individuals were given the opportunity to come to the front of the room to speak about LGBT aging issues. Mary and Sandy, both in their late 60s, stood up and walked to the microphone. Standing side by side before the crowd of about 75 people, they held hands and began to talk.

Mary talked about how long-term care facilities could provide a more welcoming environment for LGBT seniors. She stressed the need for LGBT sensitivity training and the need for service providers to understand that “our sexuality is a basic element of who we

are.” In a voice much larger than her small frame, Sandy closed with words that moved the crowd. She said that LGBT seniors have a right to live with dignity and respect. It is the responsibility, she said, of long-term care providers to “encourage [LGBT seniors] to dance that last waltz together.”

Bolstered by Mary and Sandy’s opening statements, more seniors streamed to the front of the room offering story after story about friends, family and loved ones who had suffered from discrimination, abuse or neglect because of their sexual orientation or gender identity. One man described visiting his 90-year-old friend, a normally gregarious, openly gay man, at a nursing home. His friend had become withdrawn and was often tearful during his visits. The man learned that his friend was placed in a room with another person who verbally abused him, calling him names like *faggot* and *queer* day after day. The concerned friend advocated on his friend’s behalf to get him transferred to another nursing home.

For days after the Summit, I replayed Sandy’s words in my head. Aging LGBT individuals have a right to maintain individuality and free expression without fear of discrimination. This simple notion, however, is far from the reality that exists for some LGBT seniors who can no longer live independently and must rely on caregivers, nursing homes, adult-care facilities or home health aides to go about their day-to-day lives.

“The challenge is that seniors who are most in need of help are living closeted lives out of fear about safety and security,” says Karen Taylor, Director of Advocacy & Training for Services & Advocacy for GLBT Seniors (SAGE), a national organization that advocates for LGBT seniors. “I recently heard a tragic story about a woman who was locked in her room by staff and isolated from other nursing home residents because she was perceived to be gay. She reached out to mainstream agencies but could not find help, so she called the only gay phone number she could find, which was a local LGBT Community Center.”

Stories such as these are not uncommon. There are stories of seniors who would like their partner or same-gendered friend to visit but choose to remain in isolation rather than be perceived by staff or other long-term care residents as LGBT. Others choose to destroy photographs and letters from loved ones out of fear that their sexual orientation may be disclosed.

The concern of LGBT seniors in long-term care, says Jean

**LGBT seniors who rely on long-term care facilities to help with daily life activities are most at risk for discrimination, abuse and neglect.**



©JANETTE BECKMANN, COURTESY OF SAGE

Quam, a professor at the University of Wisconsin and a consultant on *The MetLife Study of Lesbian and Gay Baby Boomers*, is whether they are going to be hurt, neglected or openly discriminated against by staff or other residents because of their sexual orientation or gender identity. LGBT seniors who must rely on caretakers in long-term care facilities to provide hot meals, assist in bathing and help with other daily life activities are most at risk for discrimination, abuse and neglect.

After listening to seniors, activists, social workers and advocates in the LGBT aging community, I quickly learned that a challenge unique to antidiscrimination litigation is how to effectively advocate for LGBT seniors when those who need legal protections risk further discrimination, abuse and neglect if they come forward. At my former post, I was accustomed to clients willingly coming to the office for assistance. I worked with seniors who generally felt safe enough to sit down with me and tell their stories — sometimes with exacting detail — because disclosure of their sexual orientation or gender identity rarely had a legal impact on their cases, which did not concern discrimination based upon their sexuality.

As Lambda Legal seeks out cases that will help LGBT seniors, we consider how LGBT antidiscrimination laws and other laws can be used to protect individuals like the woman who desperately called the LGBT Center seeking help, or the gay senior living in a nursing home who destroys letters and photographs for fear of being mistreated.

Michael Adams, Executive Director at SAGE and a former Lambda Legal attorney, equates the challenges presented in doing successful LGBT senior work to the difficulties that existed when Lambda Legal began its work with youth and schools. Although the youth and school work started in the 1970s, a climate of fear existed for students who were being harassed and bullied at school because of their sexual orientation. Too fearful to seek help, many students suffered in silence. It was not until 1995, about 20 years after the initiation of this program area, that a Lambda Legal case successfully brought the issue of anti-LGBT bullying in schools to national attention.

In talking with Adams about how to break through in LGBT aging work, he repeatedly said, “We need a *Nabozny*-type case.” Jamie Nabozny was subjected to relentless antigay verbal and physical abuse by fellow students at his public high school in Ashland, Wisconsin. Our victory in *Nabozny* resulted in the first judicial opinion in the nation’s history finding that a public school could be held accountable for not stopping antigay abuse.

For the years between the genesis of the youth and schools program area and the *Nabozny* case, Lambda Legal thought creatively about how to address the systemic problem of anti-LGBT bullying in schools with an approach that combined legal work with education, outreach and non-litigation advocacy. We created *Know Your Rights* brochures, toolkits and materials, letting LGBTQ students know that they have legal protections. We forged relationships, built trust, and ultimately the *Nabozny* case succeeded and changed the history of LGBTQ student rights.

LGBT senior work may take the same path. As we approach this work, Lambda Legal will continue to build relationships with partner agencies, reach out to social workers and inform members of our communities about the legal protections for LGBT seniors. All of this to arrive at that day where Sandy, Mary and others will be left to gracefully, freely dance that last waltz together. 