

Protecting Aging Loved Ones from Predatory Partners

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As individuals age, they often face unique emotional and financial vulnerabilities that can make them susceptible to exploitation. In recent years, I have noticed a troubling uptick in cases related to one of the more concerning forms of elder abuse, which is at the hands of a predatory spouse or romantic partner. This type of elder abuse often results in a gain of undue influence over an aging individual, leading to manipulation, financial exploitation, coerced changes to estate planning documents, and, in one case, the administration of medication to compromise my elderly client. This type of exploitation is often subtle, masked by the appearance of affection or companionship, and it can have devastating legal and financial consequences for the older adult and their family.

Elder exploitation by a spouse or intimate partner typically begins with efforts to isolate the older adult from family members, long-time friends, or trusted advisors. Warning signs may include sudden changes in behavior and secrecy surrounding financial matters, and can result in unexplained transfers of money or property, or the execution of new estate planning documents, beneficiary designations, or a deed transferred to favor the new partner. In many cases, the older adult may not recognize the manipulation taking place or may be reluctant to acknowledge it out of fear, embarrassment, or emotional dependency.

Legal Protections and Preventive Measures

Proactive legal planning remains the most effective method to protect aging loved ones from predatory relationships. Establishing a comprehensive estate plan is essential. A plan should include a durable power of attorney that appoints a trusted and financially responsible individual — other than the romantic partner — to manage financial affairs upon incapacity. A health care proxy and related HIPAA release ensure that medical decisions reflect the aging loved one's wishes, rather than the influence of a manipulative partner.

In my practice, I encourage the use of revocable living trusts, which further safeguard the individual by centralizing the management and creating a layer of oversight for those assets. Trusts can be drafted so that a trusted individual or an adult child can serve as a co-trustee with the aging loved one, ensuring that they maintain their autonomy while not being subjected to undue influence or decisions that do not benefit them. In some instances, irrevocable trusts can offer additional protection by restricting direct access to funds and preventing third parties from exerting control over assets intended for the elder's or their family's benefit.

When marriage is contemplated, a prenuptial agreement is vital to protect an individual's assets and family inheritances. Such agreements can define the financial boundaries of the relationship and prevent disputes or exploitation later. If marriage has already occurred, in some cases, a postnuptial agreement may still provide meaningful protection and clarify financial rights and obligations.

Families should also remain vigilant regarding changes to financial advisors, brokerage houses, deeds, joint accounts, and beneficiary designations. If sudden or unexplained modifications occur, or if there is evidence of undue influence or incapacity, immediate legal action may be necessary. In severe cases, guardianship proceedings can be initiated to protect the older adult from further exploitation and to restore financial control to a court-appointed fiduciary.

While the risks of exploitation can be significant, it is still critical to approach these matters with kindness and sensitivity to the elder's autonomy and dignity. The goal of legal intervention should not be to limit the independence of your aging loved one, but to preserve it by preventing exploitation. Thoughtful legal planning involving the aging loved one will provide a structure that allows aging individuals to maintain control over their affairs while minimizing the risk of coercion or manipulation.

Timing is Everything

Once exploitation has occurred, legal remedies are often complex, time-sensitive, and emotionally fraught: early intervention is key. Families who notice signs of isolation, undue influence or financial abuse should consult with an experienced elder law or estate planning attorney promptly. A knowledgeable attorney can review existing documents, recommend protective legal mechanisms, and, where appropriate, initiate proceedings to safeguard the elder's assets and welfare.

Protecting aging loved ones from predatory spouses or partners requires vigilance, communication, and sound legal planning. By taking proactive steps — establishing comprehensive estate documents, creating appropriate trusts, and, when necessary, pursuing legal recourse — families can ensure that their loved ones' financial security and personal dignity are preserved. In the end, these legal safeguards not only protect assets but also uphold the fundamental right of every individual to age with safety, with respect, and in peace of mind.