

APPENDIX 17 - ABUSE OF OLDER ADULTS

What is Abuse of Older Adults?

Abuse of older adults is an act or behaviour by anyone, including a caregiver, which results in harm to an older person's well-being or safety. Caregivers are often family members, but include anyone who provides care to the older person in their own home or care facility.

Issues of power and control underlie all abuse situations and the most vulnerable people are at the most risk. Abuse of older adults may take the form of financial abuse, emotional abuse, physical or sexual abuse, or neglect.

- Financial abuse may involve forcing a person to sell their personal belongings or property. It may also involve pressuring them to pay for products and services that are not needed. Stealing a person's money, pension cheques or possessions, or withholding money that is required for daily expenses are other examples. Theft, fraud, forgery, extortion and the wrongful use of a power of attorney are also forms of financial abuse. Older victims of financial abuse often have a close relationship with their abuser.
- Emotional abuse involves humiliating, insulting, threatening or controlling behaviour. Abusers may socially isolate an older person or threaten to have them placed in a facility. Abusers may also unnecessarily restrict or remove an older person's decision-making powers.
- Physical abuse includes things like slapping, pushing, kicking, shaking, misuse of medication and forced confinement, for example, not allowing an older person out of a room, bed or chair for extended periods of time. It also includes sexual abuse such as inappropriate touching during personal care routines, sexual comments or sexual activity without the adult's consent.
- Neglect may involve abandonment or withholding things such as food, personal care or medical attention.

Is Abuse of Older Adults Really a Crime?

Currently there is no law that specifically identifies abuse of older adults as a separate crime. However, abuse of older adults may involve crimes such as assault, sexual assault, forced confinement, uttering threats, theft, fraud, forgery and extortion. These behaviours are crimes regardless of the age of the victim and are dealt with under the *Criminal Code*.

Neglect may also sometimes amount to criminal negligence if the behaviour involves a reckless disregard for another person's life or safety. Failing to act when there is a duty to do so can also amount to criminal negligence.

Anyone who suspects criminal abuse and neglect should report the behaviours to the police. Older adults are among the most vulnerable victims of abuse and many are dependent on others to meet even their everyday needs. Tell someone.

Are There Other Laws That Protect Against Abuse of Older Adults?

In Saskatchewan, *The Victims of Domestic Violence Act* can help protect older adults from violence and abuse by a family member, such as a spouse or adult child. This law also applies to people living with a caregiver. Under this law a Justice of the Peace or Judge of the Court of Queen's Bench may make certain orders aimed at protecting victims from their abusers.

- An Emergency Intervention Order may provide immediate, exclusive occupation of a home; direct police to remove an abuser from the home; direct the police to supervise the removal of personal belongings from the home; or prohibit an abuser from contacting the victim. Police, Victims Services, First Nations' Community Case Workers and Mobile Crisis Services can help victims apply for an emergency intervention order.
- A Victim's Assistance Order is designed to be used in non-emergency situations. In addition to the remedies listed above, an order may require the abuser to pay compensation to the victim or attend counseling. An order may also prohibit an abuser from dealing with a victim's property. These orders are issued by the court. A lawyer can assist with getting one of these orders. If the victim is of limited means they may be able to get a lawyer through Legal Aid.
- Lastly, a Warrant of Entry may be issued where there is concern about a person who may be a victim and unable to act on their own. The warrant permits police to enter and search a place after access to a possible victim has been denied. A warrant allows police to examine or help a possible victim and remove them from the home if necessary. If there is a situation where a warrant of entry may be needed the police should be contacted.

Additionally, other Saskatchewan laws include some safeguards to protect people including older adults from different types of abuse. For example, people who are paid to provide personal care or health care services for someone, or individuals who are an undischarged bankrupt, cannot be granted authority to deal with the person's affairs under a power of attorney. There are also provisions and safeguards in place to protect adults from granting a power of attorney to someone who has a criminal record for offences involving violence, threats, theft, fraud or breach of trust. Similar restrictions are in place to prevent certain individuals from acting as guardians or co-decision-makers.

Special consumer protection legislation is in place to regulate marketing practices for things like the sale of hearing aids and door-to-door sales, as well as a variety of other transactions. While consumer protection legislation protects all consumers, many provisions will be of particular interest to older adults, other vulnerable individuals, and caregivers.

Laws and regulations are also in place that set standards related to caring for older adults in personal care homes and long-term care facilities. Most facilities will also have written policies in place regarding residents' rights, their care and treatment, expectations for staff and complaint procedures.

Who Are the Victims?

Older victims of abuse often know the people who hurt them. Many victims are dependent on their abusers for food, shelter, transportation, personal care or companionship.

Many victims live in their own homes or with relatives. Others live in assisted-living complexes, private care homes and long-term care facilities or nursing homes.

Many older victims of abuse in the community are mentally competent and do not need constant care. Those victims who have mental or physical disabilities are especially vulnerable but abuse can happen to any older person. The greatest physical harm is often done to those in frail health. Some older people are the victims of abuse by their spouse.

Isolation and abuse go hand in hand. Most abused older people are isolated from their friends, neighbours and other family members. Often the abuser controls the situation by refusing visitors or phone calls or making the victim unavailable.

Who Are the Abusers?

In the community, family members cause most of the abuse of older adults. The abuser may rely on the older adult for money or a place to live. Abuse sometimes happens because a caregiver can no longer handle the stress of looking after the older person. Stress can become unmanageable when the caregiver is not equipped to provide care or has limited resources and little or no personal support. The caregiver may not understand the effects of illness or medication on the older person. The abuser may have psychological difficulties or alcohol or substance abuse issues. Personal problems in their own life can also contribute to the stress and lead to abuse of a vulnerable victim.

In institutional settings such as assisted-living complexes, private care homes or long-term care facilities, abusers are likely to be frustrated staff members who are not able to do their job properly. Staff may become frustrated because they have poor training or are overworked. Abuse such as theft and assault can occur, but in these settings abuse tends to take the form of neglect, poor personal care and abrupt or disrespectful treatment.

What Are the Signs and Symptoms?

Signs of financial abuse include...

- money or valuable personal items missing without explanation
- going without food, clothing or other necessities that the older person should be able to afford
- unexplained lack of cash on hand
- failure to pay rent or bills on time
- sale or transfer of the older person's property without the older person's knowledge or understanding
- unexplained withdrawals from financial institutions
- unusual changes to documents such as a Power of Attorney or Will

- prepared or executed documents and agreements involving the older person that they don't understand or are not aware of
- lack of independent advice concerning questionable financial decisions

Victims of physical abuse, neglect or emotional abuse may show signs of...

- depression, fear, withdrawal, anxiety or passivity
- unexplained or new fear of family members, friends or caregivers
- unexplained physical injuries
- malnutrition or dehydration
- changes in personal hygiene and grooming
- untreated pressure sores or abrasions
- over-sedation

Any signs and symptoms should be taken seriously and investigated. What sometimes seems to be self-neglect or apathy may turn out to be abuse. If the abuse or neglect is unintentional, education and support can be offered; if the abuse or neglect is intentional legal remedies are available. No one deserves to be abused or neglected. Help is available.

Why Isn't Abuse of Older Adults Always Reported?

Some older victims of abuse may not discuss the matter with a trusted individual or report the abuse because they...

- are afraid of more abuse
- are afraid they will lose their caregiver or lose contact with that family member
- fear they will be placed in an institution
- are ashamed that a family member mistreats them
- feel that they are to blame
- think they cannot prove it
- believe that no one can really help them
- are unable to due to cognitive impairment or disability

Sometimes family, friends and other caregivers remain bystanders who suspect that an older person may be the victim of abuse or neglect but don't report their suspicions because they...

- don't fully understand what constitutes abuse and neglect
- don't know who they can talk to
- are afraid to interfere in family relationships or jeopardize their employment
- don't know if anything can be done
- don't want to get involved

We have laws in place that require suspected cases of child abuse to be reported. Generally speaking there is no such obligation when it comes to abuse of older adults. Mandatory reporting may be required in some hospitals and places such as government-funded facilities. Some other jurisdictions do have special laws in place or are considering introducing legislation similar to child protection laws, in addition to increased regulation of groups that work with older adults.

With or without designated laws, awareness, education and support services will affect reporting and addressing the abuse and neglect of older adults.

Where Can Abuse Be Reported?

If you suspect abuse or neglect by someone in the community - family member, neighbour or friend - contact the police, a social service agency or community crisis centre. Local listings are often included on or near the inside cover of telephone directories.

If you suspect abuse in a personal care home it can be reported to...

Personal Care Homes Program
(306) 787-1715 (Regina) / (306) 933-5843 (Saskatoon)
www.health.gov.sk.ca/ps_personal_care_homes.html

If you suspect abuse in a special care home talk to management as soon as possible. If the matter is not resolved it should be reported to...

Community Care Branch
(306) 787-7239
www.health.gov.sk.ca/community-care

If you suspect abuse by a doctor it can be reported to...

College of Physicians and Surgeons of Saskatchewan
(306) 244-7355 (Saskatoon) / 1-800-667-1668 (toll free)
www.quadrant.net/cpss

If you suspect abuse of a Power of Attorney it can be reported to...

Public Guardian and Trustee of Saskatchewan|
(306) 787-5424 (Regina) / 1-877-787-5424 (toll free)
www.justice.gov.sk.ca/pgt

If you suspect consumer fraud or unfair business practices contact...

Consumer Protection Branch
(306) 787-5550 (Regina) / 1-888-374-4636 (toll free)
www.justice.gov.sk.ca/cpb

What Do Older Victims of Abuse Need?

Sometimes people assume that older adults are not mentally competent because they have certain physical or mental limitations, so it is important to consider first whether the older person is capable of making their own choices. The goal of helping a victim of abuse is to leave them with more power, not less.

Victims need the abuse and neglect to stop. They need safety, shelter and access to their financial resources. They need support services so they do not need to be dependent on an abuser. These services may include housing options, emotional support, counselling and other links to the community.

Victims may need information about the justice system. In particular, they may need to know where to go for help, what is likely to happen to the abuser and what impact it may have on them.

No one deserves to be abused or neglected. Support, education and legal remedies are available.

What Can the Police Do?

Abuse of older adults may involve crimes such as assault, sexual assault, forced confinement, uttering threats and extortion. Neglect may also amount to criminal negligence if the behaviour involves a reckless disregard for another person's life or safety.

The police can investigate reports of abuse and neglect. If there is evidence of a crime, the police may charge an abuser. The Crown Prosecutor, a government lawyer, will decide whether to proceed with the charge based on the evidence available. Victims are not responsible for the arrest or prosecution of the abuser.

Many victims are concerned about what will happen to the abuser when the police are called. Victims can ask the police or Crown Prosecutor for information about the criminal justice system and what might happen to the abuser.

If the accused person pleads guilty or is found guilty at a trial, the court will determine the sentence. The type of sentence depends on the seriousness of the offence, including the specific circumstances of the case. Sentences for criminal offences include...

- absolute or conditional discharge (the person is found guilty but there is no sentence, and no criminal record results)
- suspended sentence (the person must follow certain conditions for a specified period of time)
- fines or imprisonment

Some victims of abuse are asked to testify. If so, they can get help and support from a lawyer or from a victim-witness assistance program.

Victims may be eligible to apply for compensation from the provincial Victims Services program. This program reimburses the victim for some financial losses associated with personal injuries resulting from the crime and counselling expenses. The police or victim services can help victims apply for compensation.

The police can also help a victim apply for some orders under *The Victims of Domestic Violence Act*, discussed earlier in the section *Are There Other Laws That Protect Against Abuse of Older Adults?*

How Can I Help an Older Victim of Abuse?

Victims, caregivers and potential abusers need information and support. Those already in abusive situations need the abuse to stop. Different options are appropriate for different forms and stages of abuse. Before taking any action it is important to ask yourself if what you are doing will help empower the older adult and help keep them safe or if it will disempower them and/or put them in more danger. There are things that you can do. For example, you can...

- Provide information to older adults, families and caregivers about...
 - abuse of older adults
 - frauds and scams
 - power of attorney and guardianship
 - health care directives
 - estate planning
 - support systems
 - the right to be treated with dignity and respect
 - the justice system
- Reduce the potential for abuse by...
 - reducing isolation of older adults
 - referring possible victims and abusers to crisis lines, community support groups and government programs
- Contact other people who know the victim, for example, a doctor, clergy, social worker, elder, members of the victim's ethnic community, other family members or friends. Talk to the manager of the victim's bank or credit union if you suspect financial abuse. Bank personnel have a vested interest in preventing fraud.
- Report criminal behaviour to the police or Crown Prosecutor.

Where Can a Victim Get Help?

If you are being abused or neglected, or if you think someone else is being abused, tell someone. Advice, referrals and support is available through local police services, social service agencies and professionals. Several groups offer public education on this issue and a variety of community service organizations can provide support.

Community Resources

Canadian Network for the Prevention of Elder Abuse works to raise awareness of key issues around abuse and neglect in later life and to ensure older adults are treated as full citizens of Canadian society. www.cnpea.ca

- Saskatoon Council on Aging operates a resource walk-in centre and works with local agencies to enhance community services for older adults.
www.scoa.ca
- Seniors Canada provides information and services on a number of topics such as health and wellness, finances and legal matters.
www.seniors.gc.ca

Public Health Providers

Public health providers are familiar with the health and social services available in your community. They can arrange for support for caregivers, victims and abusers.

- Regional Health Authorities offer health education and resources in the areas of nutrition, medication, accident prevention and overall wellness, including educational, cultural, spiritual and recreational aspects.
www.health.gov.sk.ca/health-region-list
- The provincial Ministry of Health can provide information about housing options, seniors' drug prescription plan, community care and services for seniors.
www.health.gov.sk.ca
- The HealthLine (1-877-800-0002) provides information designed to increase understanding and improve management of health-related issues.
www.health.gov.sk.ca/healthline-online
- The Public Health Agency of Canada (1-800-267-1291) provides information and material on family violence including abuse and neglect of older adults and a directory of services.
www.phac-aspc.gc.ca/ncfv-cnivf

Medical and Home Support Services

- Family doctors and hospital geriatric teams treat the medical needs of abuse victims. Talk to your doctor or contact your local public health office.
- Home Care services help older adults to maintain independence in the home. Home Care services are intended to supplement care provided by family, friends and community members.
- Adult day care and day hospital programs help to reduce pressure and offer support by providing daytime programs for older people who have physical or mental disabilities.
- Many communities have respite care services. These services are designed to relieve caregivers of the responsibilities of caring for an older adult for a certain amount of time each week or a few weeks each year.

Counselling Services and Other Programs

- Programs offered at seniors' centres can provide social interaction and stimulation for older adults.
- The Public Guardian and Trustee can help victims who are mentally incompetent. They have the authority to investigate allegations of financial abuse. They also can provide information about guardianship and co-decision-making for adults with diminished capacity. www.justice.gov.sk.ca/pgt
- Ministry of Social Services provides a number of programs for low-income seniors including low-income housing and supports for independent living. www.socialservices.gov.sk.ca/seniors

Legal Services

- Legal Aid (1-800-667-3764) provides a range of legal services to low income individuals in the areas of family and criminal law. www.legalaid.sk.ca
- Victims Services (1-888-286-6664) receives applications from and may award compensation to victims of crime. Also provides victims with information about the justice system, counselling services and support groups. Victims Services Offices are in most RCMP and city police stations. www.justice.gov.sk.ca/victimsservices

An excellent resource to view is Elder Abuse Manual at:

[http://www.skseniorsmechanism.ca/Complete Layperson s Protocol Elder Abuse.doc](http://www.skseniorsmechanism.ca/Complete_Layperson_s_Protocol_Elder_Abuse.doc)

We also recommend for those needing assistance to refer to the Provincial contact numbers found at: [http://www.skseniorsmechanism.ca/Elder Abuse Part Two.doc](http://www.skseniorsmechanism.ca/Elder_Abuse_Part_Two.doc)

Taken from the above document is the following:

ASK YOURSELF SOME QUESTIONS

Before doing anything, ask yourself the following questions.

- Can it wait? Is there time to research further? If the situation demands some immediate action, refer the matter to one of the professional crisis response agencies. Timely referral to a professional can be critical in both protecting the victim and in giving that professional a chance to be effective. On the other hand, if time permits, it's usually better to double-check your facts and your options. Authorities don't appreciate false alarms that waste their time. The following questions should either give you confidence to proceed, or make it clear that you should re-check your options before acting.
- Are you qualified to collect info? Don't destroy or taint evidence. Muddied waters, disturbed or tainted evidence can compromise all the subsequent steps. If you don't know with some certainty what information might be relevant, or what information to collect and what to ignore, then don't collect anything. There are special competencies related to interview techniques, to gain useful information without inadvertently suggesting issues that would not otherwise have been raised and if applicable, to avoid compromising the admissibility of evidence gained or oneself breaching privacy and confidentiality provisions.
- Are you legally liable for the results of your actions? Witnesses, victims and self-appointed intervenors need to understand what will be imposed on them and expected of them in the legal system. There are both legal and financial consequences to errors. Professionals carry liability insurance for honest mistakes or errors, and if you are not prepared to be financially and legally accountable for your actions, then don't get personally involved. In a context that is already abusive, it may be impossible for you to demonstrate that your intervention was legally benign, particularly if the results of your intervention weren't.

- Are you qualified to help? Good intentions alone don't count. For example, giving a hungry lost child a snack that triggers a fatal allergic reaction is manslaughter, regardless of one's motivation. There are also some absolutely critical cultural (or cross-cultural) differences with respect to reporting incidents, co-operating with responders, victim support and other aspects. In other words, one's personal experience, no matter how extensive in one context, may be completely inappropriate in some other case. One may indeed have many legitimate reasons *to feel* involved. One may be a "man of action", a genuinely concerned and caring person, a Good Samaritan, or a cherished confidant. Perhaps less flattering, but equally likely, one may be a persistent busybody. The key in all such cases is that those descriptions have nothing to do with one's qualifications and little to do with the victim. Unless the motivation to intervene is based on an objective certainty that you have the current expertise to intervene with positive effect, you should either butt-out altogether, or refer the matter to a professional crisis response agency.
- Will you make it better? Even when one is confident that their intervention should be positive for everyone, it must be recognised that one might possibly do some harm. One must also reflect in advance on the probability that an intervention could make things worse. Remember that help isn't always helpful, in which case it can be interference rather than intervention. Remember that in most situations, successful intervention will need a multi-disciplinary or multi-dimensional approach, beyond the capability of a single intervenor. This again suggests a need for inter-agency co-operation orchestrated by an experienced authoritative facilitator. Therefore, for the individual Layperson, the governing principles remain: Intervene "only" if you must, not if you can. Refer if it helps, not if it hurts.
- Can you tolerate the stress and consequences? One must also be aware that caring for the abused takes a toll on the caregiver. All intervenors need to be aware that they themselves may be subject to great stress and many anxieties. Some Laypersons may be inadequate to the challenge by virtue of their own temperament or by an absence of support resources. In reality, it is rather unlikely that any Layperson can tolerate the potential stress, since even those professionals who deal with the abused too often succumb to the related pressures. Most professionals are taught to recognize the symptoms of excessive stress in themselves, and most professional agencies have some appropriate support mechanism for their members. Since the Layperson seldom has either the self-awareness or the support network, significant caution is needed before "wading" in to strange and potentially treacherous waters.
- Can you be sufficiently objective? (or can you play a biased supportive role)? Everyone (layperson and professional alike) will bring some degree of sub-conscious bias towards every situation and every victim. Laypersons in particular inevitably bring some attitude, conscious or sub-conscious towards the victim. In the case of a personal friend, there may be attachments that interfere with the degree of objectivity that successful interventions require. In other cases there may be hidden prejudices or stereotypical perceptions that complicate or even sabotage successful interventions. Professionals are educated and trained specifically to recognize and to compensate for such biases.

Providing care to an older person can be a demanding but rewarding experience. Education and support services are critical in preventing and addressing abuse and neglect and promoting overall wellness. To this end, in 2003 the Government of Saskatchewan set out the following principles to guide protocol and programming for older adults. The spirit and intent of many of these principles are already reflected in our laws and serve as a helpful starting point for any interactions with older adults in our communities.

Guiding Principles for providing care to seniors

Dignity - being treated with respect regardless of the situation and having a sense of self-esteem.

Independence/Self-Determination - being in control of one's life, being able to do as much for oneself as possible and making one's own choices.

Participation - remaining integrated in society, getting involved, staying active, taking part in the community and being consulted and having one's views considered.

Fairness - having one's real needs, in all their diversity, considered equally to those of other people regardless of age, gender, racial or ethnic background, disability, economic or other status.

Safety and Security - having adequate income as one ages and having access to a safe and supportive living environment, including freedom from fear and exploitation.

Self-Fulfilment - being able to pursue opportunities for the full development of one's potential with access to the educational, cultural, spiritual and recreational resources of society.

Recognition - achieving intergenerational recognition and respect for contributions of older persons.

**Saskatchewan's Provincial Protocol Framework and
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