

Preventing Abuse and Neglect of Seniors



Public Legal Education
and Information Service
of New Brunswick

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Public Legal Education and Information Service of New Brunswick (PLEIS-NB) is a non-profit organization which provides information about the law to New Brunswickers. It receives funding and in-kind support from the Department of Justice Canada, the New Brunswick Law Foundation and the New Brunswick Department of Justice and Consumer Affairs.

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This booklet does not contain a complete statement of the law in this area and laws continue to change. Anyone needing specific legal advice should contact a lawyer.

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1. Introduction

The purpose of this publication is to answer some questions about abuse and neglect of seniors. It may also help family, friends and caregivers who assist seniors.

Can abuse and neglect happen to anyone?

Yes. Abuse and neglect can happen to anyone at any age, activity level, income or cultural background. It can happen to people who live alone, with family or in a nursing home.

Who might act abusively?

An abusive person is usually someone the victim knows and trusts - someone with control and influence over the senior. Abusers often isolate the victim from friends, neighbours and caring family members. However, an abuser might be anyone. This may include:

- a spouse/family member
- a friend
- any caregiver
- anyone working for an elderly person
- staff in a nursing home/special care home
- a stranger
- a landlord



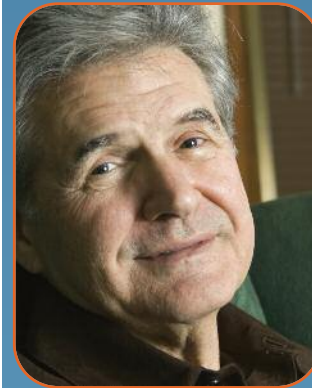
2. Some Reasons For Abuse And Neglect

In a Family

- a stressful time in the family
- poor family relations
- a cycle of violence exists in the family
- the abusive caregiver is trying to get even with a parent for past events
- the abusive caregiver has a drug or alcohol problem
- the abusive caregiver doesn't understand the aging process
- the abusive caregiver has financial problems
- the abusive caregiver may care for other dependants and he or she may be overwhelmed
- the abusive caregiver may be elderly or disabled and incapable of looking after him or her self, in addition to someone else.

In a Nursing Home, Special Care Home, etc.

- lack of training
- over-worked staff
- stressful working environment
- lack of communication.



What does “caregiver” mean? In this booklet, caregiver means anyone who is looking after an older adult. This could be a friend, family member (including a spouse), neighbour, health care professional (such as nursing home or special care home staff) or in-home support worker (such as a homemaker).

3. Defining the Problem

Type of Abuse	Definition	Indicators
Physical Abuse	Any act of violence or rough treatment that causes injury or discomfort, such as slapping, pushing or hitting. It may include the use of physical restraints.	<ul style="list-style-type: none"> ◆ fear of caregivers ◆ unexplained injuries ◆ delay in seeking treatment ◆ unusual patterns of bruises ◆ history of changing doctors ◆ scalp injuries
Psychological/Emotional Abuse	Any act which lowers a person's dignity and self-worth. This may include regularly yelling at, criticizing, threatening, humiliating or isolating the senior. This can also include spiritual abuse, such as preventing the senior from attending church or worship services, and/or mocking the senior's religious beliefs.	<ul style="list-style-type: none"> ◆ low self-esteem ◆ appears nervous around caregiver ◆ confused ◆ suicidal ◆ avoids eye contact with caregiver ◆ fear of abandonment ◆ lethargic/withdrawn
Chemical Abuse	Any misuse of medications and prescriptions, including withholding medication and over-medicating.	<ul style="list-style-type: none"> ◆ overly sedated or lethargic ◆ overly anxious or agitated ◆ disorientation, confusion ◆ sudden changes in mood ◆ failure to fill prescriptions
Sexual Abuse	Any unwanted sexual act. This may include unwanted touching, kissing or fondling.	<ul style="list-style-type: none"> ◆ unusual fear of person ◆ stained, torn or bloody clothes ◆ pain and bruising ◆ change in sexual behaviour ◆ sexually transmitted infections (STI)
Financial Abuse	Any act involving the misuse of the senior's money or property without their full knowledge and consent. This includes theft of money, pension cheques or property as well as misuse of a power of attorney.	<ul style="list-style-type: none"> ◆ unexplained missing items ◆ failure to pay bills ◆ inaccurate knowledge of finances ◆ suddenly changing a will ◆ going without affordable necessities ◆ unusual withdrawals from bank account
Neglect	Happens when a caregiver does not properly care for and attend to a senior who cannot fully look after him or herself. It may include withholding food, personal hygiene care, health services, clothing, help or companionship. Neglect may also be self-neglect. This happens when a person refuses, delays or is unable to arrange for his or her own care and attention.	<ul style="list-style-type: none"> ◆ malnourishment ◆ wandering without supervision ◆ lack of heat/electricity ◆ missing dentures, glasses, hearing aids ◆ unkempt appearance ◆ skin conditions or pressure sores ◆ untreated medical problems ◆ alcohol or medication abuse

4. Getting Help

What can I do if someone is abusing or neglecting me?

- Talk to family members or friends.
- Talk to the abuser about your feelings if you feel comfortable and safe doing so.
- Talk to your doctor, counsellor, or religious leader or a member of your faith community.
- Find out about support services.
- Call the Department of Social Development.
- Call the police.
- Leave.

Why don't seniors report abuse and neglect?

Some people don't report abuse and neglect because they are ill, frail or have communication difficulties. Others may think that:

- they will get more abuse
- no one can help
- there is no proof
- they deserve it
- it is too shameful
- it is a family problem
- they should keep on coping
- they might lose their caregiver
- their caregiver will institutionalize them

Can a concerned friend or neighbour help?

Yes. Although by law people do not have to report suspected abuse or neglect of seniors, anyone can help. No one should tolerate abusive behaviour. If you think a senior is being abused, tell someone about your concerns. The checklist below may help.

Checklist for Helping a Victim of Abuse and Neglect:

- Talk to the person privately.
- Listen to what the person is saying.
- Try to understand what is happening.
- Write down everything the person says.
- Do not panic or make assumptions. This is a difficult time for the person.
- Explain the options available to the person.
- Discuss the advantages and disadvantages of each option or contact someone who can.
- Encourage the person to choose the most appropriate option for his/her situation.
- Let the person make his/her own decision.
- If the person's safety is at risk, tell the police or Social Development.



If you are being abused, there are many sources of help available. Keep trying until you get the help you need.



Help stop abuse and neglect. Report it!

5. Exploring Some Options

i. Social Development

How can the Department of Social Development help?

The Department of Social Development has several programs that offer support and services. One program that can help when somebody abuses or neglects a senior is **adult protection**. The adult protection program works to protect vulnerable seniors while recognizing that competent adults have the right to make their own decisions and live their lives as they wish.

Under the *Family Services Act* the Department has the authority to investigate and take action when they have good reason to believe a report about the abuse or neglect of a senior.

Financial abuse is not covered by the adult protection program. It is covered by the *Criminal Code*. If someone steals your money or property, you can call the police.

Who is an adult in need of protection?

The *Family Services Act* defines adult in need of protection as a person aged 65 or older, or a disabled adult over the age of 19 who:

- is incapable of properly caring for her or himself because of a mental or physical infirmity, **and**
- who is being abused and neglected, **and**
- who refuses, delays or is unable to make arrangements for proper care and attention.

How do I ask the Department for help?

Just call your closest Regional Social Development office and explain your situation. The telephone numbers for the **adult protection program** are on the sidebar of this page. You can make an adult protection referral 24 hours a day, 7 days a week.

Can anyone report abuse or neglect?

Anyone can call the Department of Social Development to report concerns about the treatment of a senior. The Department cannot tell you who made the report without the person's consent, unless ordered to do so by a judge.

What happens when someone reports abuse?

If the Department has reason to believe somebody is abusing or neglecting a senior, a social worker will look into the situation. This is called an **investigation**.

What if I live in a nursing home?

No matter where you live, the Department will investigate.

What if the abuser tries to stop the investigation?

If anyone interferes, the court can give the social worker a warrant to continue the investigation. If the social worker believes somebody is abusing you, he or she can also ask the court for a warrant or an order to remove that person from where you live.

New Brunswick Adult Protection Program

Call toll-free

Acadian Peninsula (Tracadie-Sheila):
1-866-441-4149

Chaleur (Bathurst):
1-866-441-4341

Edmundston:
1-866-441-4249

Fredericton:
1-866-444-8838

Miramichi:
1-866-441-4246

Moncton:
1-866-426-5191

Restigouche (Campbellton):
1-866-441-4245

Saint John:
1-866-441-4340



Disability is defined as a physical, communication or intellectual impairment which greatly limits the ability to carry out normal daily activities.

When does the investigation start?

If you are in immediate danger, the Department will start the investigation immediately. Otherwise, the investigation will start within 16 working days of receiving the report.

What happens in an investigation?

A social worker will come to your home or some other place where you feel safe to explain the reasons for the investigation. He or she will interview you to find out if somebody is neglecting you, or physically, sexually or emotionally abusing you. The social worker will assess your situation to see if your safety and well-being are at risk. The social worker may also interview family members.

What happens after the investigation?

If somebody is abusing or neglecting you, the social worker will offer to help. Options may include:

- providing social services
- referring you to the proper agency or service
- placing you under protective care
- taking you to a hospital
- calling the police.

What if I do not want help?

If you are competent to decide, the social worker will only provide services to you if you consent.

What if my caregiver doesn't want me to get help?

Sometimes a caregiver, relative or friend may try to influence the abused senior not to accept help after the investigation. This is called interference. If someone interferes or tries to stop you from getting help, the adult protection social worker can take steps to help you - **so please speak up!**

What if the social worker thinks I'm neglecting myself?

People have the right to live the way they want if they are competent to choose, commit no crime and do not behave dangerously. Adults who do not want help have the right to refuse services and be left alone. People should respect their wishes. The social worker may only offer help and make suggestions. However, the social worker will want to know if this is their usual pattern of behaviour or a sudden change.

What if I become mentally incompetent?

People who are mentally incompetent may not be able to look after themselves, decide about their



care or ask for help. If this happens, a social worker can give a screening test to see if further assessment is necessary. If the social worker has good reason to believe that you are incompetent, in immediate danger and refusing social services, he or she can put you under **protective care** for up to 5 days. After that time, the protective care order would end or the Department must ask the court for an order to protect you. If you become mentally incompetent and suffer from abuse or neglect, the adult protection program can help. Under this short term program, the Department can ask a court to make any order it considers appropriate to help you and do what is in **your best interest**.

What happens to my financial affairs while I'm under the adult protection program?

The adult protection program normally gives short term services until the risk of harm is over. However, if you need long term services, somebody may have to look after your financial affairs. If you have not made arrangements and have no one who is able to look after things for you, the Department can ask the court to appoint the **The Office of the Public Trustee** as your legal guardian or trustee to handle your financial matters.

ii. Police

Is abuse or neglect against the law?

All abuse and neglect is wrong! Some forms may also be offences under the *Criminal Code*. Examples include assault, sexual assault, threats, theft, fraud and criminal negligence.

Can the police help me?

The police can deal with complaints about assault, financial scams, theft of your belongings, money or pension cheques. They will also look into such things as vandalism, home break-ins, or harassment from people in your neighbourhood. The police may be able to tell you about programs to help keep you safe.

Call your local police or RCMP. **In an emergency dial 911.** A police officer will come to investigate the crime. This may mean finding out if somebody committed a crime. The police will talk to you and anyone else who has evidence about the crime.

What happens when the police find evidence of a crime?

If a police officer finds enough evidence of a crime, he or she will consult with the Crown prosecutor and decide whether to lay charges.

Can the police help if my caregiver is abusing me?

If you call the police because of abuse or neglect by a caregiver or someone you know, the police may call the Department of Social Development. They may decide to do an investigation together. If the police and the Department do a joint investigation, then a police officer and a social



The Office of the Public Trustee of New Brunswick protects the financial and personal interests of the elderly, the mentally challenged, children, missing or deceased persons, when there is no one else able and willing to do so.



worker may interview you together. If the investigation shows the abuse or neglect is a *Criminal Code* offence, the police can charge the abuser.

Will there be a trial?

If the accused person pleads guilty, there will not be a trial. He or she will be sentenced and you do not have to be there. However, if the accused pleads not guilty, there will be a trial. You may have to go to court as a witness.

Will I get help if there is a trial?

If you are a victim of a crime, including abuse and neglect, the Department of Public Safety, Victim Services Program will help you during the trial. You can also learn about:

- your rights and responsibilities
- what is happening
- the court's decision
- answers to your questions
- referrals to support services and counselling
- financial assistance in **emergency** circumstances
- special aids to help vulnerable victims of crime testify in court

iii. Support Services in the Community

What services are available in the community to help seniors?

Some of the services in the community include:

- adult day centres

- attendant care
- meals on wheels
- nursing / special care homes
- homemaker / housekeeper services
- in-home services and supplies
- legal advice clinic (some areas)
- extra-mural program
- counselling services
- support groups
- volunteer services
- advocacy groups
- transition houses

Will these services end the abuse or neglect?

They may help. Sometimes people live with abuse because they believe it is the only way to get the care they need. If someone is abusing you, social agencies, support groups and professionals can give you advice or offer alternatives for your proper care and attention.

For example, taking away some or all of a caregiver's responsibilities may cut down on the caregiver's stress. This may end the abusive acts. Or, having a safe place to go, such as a transition house, may help you make plans for your future. However, these services may not end the abuse or neglect. Often the only way to stop this behaviour is to call the Department of Social Development or the police.



You can get information about provincial services from Service New Brunswick at **1-888-762-8600**. There is a section at the back of this booklet where you can keep track of these services and their contact information.

6. Preventing Abuse And Neglect

Tips for Family Members or Friends

Keep close ties with older relatives and friends.

- Learn to recognize the signs of abuse and neglect.
- Discuss any signs of abuse or neglect.
- Suggest counselling for the family and tell them about support services.
- If necessary, offer advice on financial matters.
- Try to reduce the stress in the family.
- Find ways to limit the person's isolation.

Tips for People at Risk

- Keep up your relationships with friends.
- Learn to recognize the signs of abuse and neglect.
- Report any abusive activity.
- Keep your money in a bank.
- Keep your valuables in a safety deposit box.
- Know your financial position.
- Deposit your own pension or disability cheques or arrange for direct deposit.
- Join a senior's group or service club.
- Understand your rights as much as possible.
- Don't be afraid to ask for help.

Tips for the Community

- Offer counselling services and self-help groups for abused adults and their caregivers.
- Make sure that available programs and services are publicized.
- Educate the public on the aging process.
- Create a network of support and advocacy for seniors and their families.

7. Safety Planning for Leaving Abuse

In an emergency

If you do have to act quickly, it's important to be prepared. Here are some things to think about:

- Where will you go in an emergency? You will need to have somewhere safe.
- How will you get there? Is there someone who can come and get you? Can you take a car, taxi, or bus?
- Is there someone you can call to tell what is happening and where you are going?
- Is there someone you can leave your pets with?
- If you need to go to a transition house, do you know how to get there?

Elder Abuse Awareness:

Learn about recent initiatives to raise awareness of the issue of elder abuse at www.seniors.gc.ca

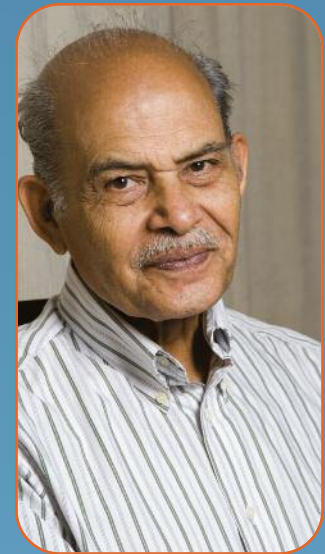


Elements of an Emergency Plan for Safety

You should make a plan for increasing your safety. Prepare it in advance for the possibility of further violence. Although you do not have control over the abuse, you do have a choice about how to respond to it and how to best get to safety. Keep this plan in a safe place.

- Establish an escape route. Know where any firearms are kept in the house.
- Know where you can go to be safe, if only to make a phone call.
- If you've been abused before, make sure the police are fully aware of the situation.
- Have emergency numbers programmed into the phone (shelter, neighbours, those who will help you).
- Speak to your neighbours and people you can trust. Let them know what's going on so they can be watching out for you and call the police if they become concerned.
- Call a transition house and talk to staff. You may want to work out a code word so they know who you are if you have to call them in a crisis.
- Hide some money away if possible (you may need emergency taxi fare) and a spare set of car keys in order to leave quickly.
- Make a list of things to take so that you will know where to find them in an emergency. Here are some items that may be important:
 - Money, bank books, credit cards
 - Clothes for a few days

- Any medicine you may need
- House keys, car keys
- Identification
- Important papers: birth certificate, social insurance number, income tax returns
- Medicare card
- First Nations status card
- Immigration/citizenship papers, passport
- Copies of your lease, deed
- Your address/phone book
- Car registration, driver's licence, car insurance
- Your favourite possessions/books (things that give you comfort)
- Consider packing an emergency bag with some of the items above in case you need to leave quickly. You can't take everything. Just take what you'll need for a few days. You can leave the bag with a friend if you have to.
- It is probably a good idea to get legal and other advice now, even before there is an emergency.
- If you are in danger, get to a phone and call 911 immediately.



8. My Important Contacts

Use this section to keep track of people and agencies that have helped you, and to record other important information. You may not need to speak to all of these people, so just use the sections that apply to you.

Crisis Response and Information

Police

Name: _____

Date: _____

File Number: _____

Notes: _____

Dept. of Social Development

Name: _____

Dates: _____

Notes: _____

Hospital

Hospital: _____

Admission Date: _____

Attending physician: _____

Family Doctor

Name: _____

Tel number: _____

Appointments: _____

Mental Health Counsellor

Name: _____

Tel number: _____

Appointments: _____

Outreach Worker

Name: _____

Tel number: _____

Appointments: _____

Religious Counsellor

Name: _____

Tel number: _____

Meetings Dates: _____

Transition House

Date: _____

Tel number: _____

Contact Persons: _____

Court Related Services

Victim Services

Name: _____

Tel number: _____

Meetings Dates: _____

Crown Prosecutor

Name: _____

Tel number: _____

Meeting dates: _____

Court dates: _____

Lawyer

Name: _____

Tel number: _____

Appointment times: _____

Probation Officer

Name: _____

Tel number: _____

Meeting dates: _____

Domestic Legal Aid

Name: _____

Tel number: _____

Meeting dates: _____

Notes: _____

Legal Advice Clinic

Name: _____

Tel number: _____

Appointment times: _____

Community Supports

Income Assistance

Name: _____

Tel number: _____

Appointments: _____

Social Housing

Name: _____

Tel number: _____

Appointments: _____

Mental Health Centers

Name: _____

Tel number: _____

Appointments: _____

Extramural

Name: _____

Tel number: _____

Appointments: _____

Food Bank

Name: _____

Tel number: _____

Address: _____

Friends/Neighbours

Name: _____

Tel number: _____

Name: _____

Tel number: _____

Support Groups

Type: _____

Contact name: _____

Tel number: _____

Seniors' Group/Club

Type: _____

Contact name: _____

Tel number: _____