



CLEO | Abuse and Family Violence

Elder abuse:

The hidden crime



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If you speak French

In many cases, you have the right to government services and legal proceedings in French, including hearings before French-speaking decision-makers.

If you have a legal problem, you can ask a lawyer or a community legal clinic about your French language rights.

Si vous parlez français

Il existe de nombreuses situations où vous avez droit à des services gouvernementaux et à des procédures juridiques en français. Ainsi, vous pouvez avoir droit à ce qu'une audience à laquelle vous êtes partie soit tenue devant un décideur qui parle français.

Si vous avez un problème juridique, vous pouvez demander à un avocat ou à un intervenant d'une clinique juridique communautaire de vous informer des droits linguistiques liés au fait de parler français.

Elder abuse: The hidden crime

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CLEO (Community Legal Education Ontario/
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III What is elder abuse?

Elder abuse is violent or abusive harm done to an older person. Elder abuse is often a crime.

The abuser could be:

- a family member
- a friend
- a paid or unpaid caregiver
- a staff person or volunteer in a retirement home, a long-term care home, a hospital, or any other supportive housing or group living situation

Someone who commits elder abuse usually has control or influence over the older person. Victims of elder abuse often know and trust their abuser.

Some victims of elder abuse depend on their abuser for food, housing, personal care, companionship, or transportation.

III What types of elder abuse are there?

Abuse can be physical, sexual, emotional, or financial. Neglect can also be abuse.

Here are some examples of elder abuse. Depending on the circumstances, these actions may be crimes.

Physical abuse

- assaulting someone, such as slapping, pushing, or beating them
- forcing someone to stay in a room, bed, or chair

Sexual abuse

- any form of sexual activity that a person does not want
- sexual assault

Financial abuse

- forcing an older person to sell personal property
- stealing an older person's money, pension cheques, or other property
- getting money or property from them by using tricks or threats
- committing identity theft, such as using someone's bank account by pretending to be them
- using a Power of Attorney in a dishonest way

Neglect

- leaving an older person on their own, or not letting them have food or access to health services
- deliberately not giving a dependant older person what they need

Mental abuse

- humiliating, insulting, frightening, threatening, or ignoring an older person
- treating an older person like a child

All abuse is wrong, but not all abuse is a crime.

For example, if a caregiver tells someone that they are worthless, that is abuse. But it is not a crime. But it might be a crime if a caregiver threatens to physically hurt them.

Family members and friends sometimes ask to borrow money. In some situations that might be abuse. But it is not a crime. But it might be a crime if someone, even a family member, takes an older person's money without asking or by bullying.

III What are the signs and symptoms of elder abuse?

Victims of elder abuse may show any of these signs:

- depression, fear, anxiety, anger, or passivity
- unexplained physical injuries
- not having enough food or water
- poor hygiene, rashes, or pressure sores
- unexplained missing money or personal items
- being away from their regular activities
- being too sedated by drugs

It is important not to assume right away that it is elder abuse. But these signs should be taken seriously. What sometimes seems like a person not taking care of themselves might turn out to be elder abuse.

III Why does elder abuse happen?

Elder abuse happens because the abuser has power and control over the older person. Abuse may also be linked to the abuser having:

- a drug or alcohol problem
- a history of anti-social behaviour
- financial or mental health problems

Abuse is more likely to happen when the family is going through a period of high stress, including the stress of looking after the older person.

The abuser may not allow people to visit or talk to the older person. The older person may be isolated from the community, social services, and even from other family members.

Sometimes elder abuse is part of a cycle of violence in the family.

But there is no excuse for abusing someone. The personal problems of a caregiver are not an excuse for abusing an older person. These problems may be factors in the abuse, but they do not justify it.

III Who are the victims of elder abuse?

Most victims of elder abuse are mentally capable and able to make decisions for themselves. Most can take care of their own health needs and do not need constant care. It is wrong to assume that someone is mentally incapable just because they are older.

Although victims of elder abuse are generally dependent on their abuser in some way, this is not necessarily because they are mentally incapable or physically frail. But, if they have a mental or physical disability, they are more vulnerable to abuse.

Sometimes the abuse of an older person by their spouse or partner is domestic violence.

Abuse can happen to any older person. But the greatest physical harm is most often done to women.

CLEO's **Do you know a woman who is being abused? A legal rights handbook** includes help and referral information for women who are experiencing domestic violence. To read it online or order copies, go to www.cleo.on.ca.

Being isolated and abused are often connected. Many victims of abuse are isolated from their friends, neighbours, and other family members.

III Why do people often not report elder abuse?

Some **victims** do not report abuse because:

- they are afraid of what the abuser will do if they report
- they are completely under the control of the abuser and depend on the abuser for food, housing, clothing, and health care
- they are afraid they will be put in an institution
- they are ashamed to tell anyone that a family member is assaulting them or stealing their money
- they think that the police and social agencies cannot help them

Sometimes **family, friends, or health and social service providers** do not report when they suspect elder abuse because:

- they do not know who to speak to
- they do not know what can be done
- they do not want to get involved
- the older person asks them not to report it

There are other reasons why **people who provide help or services to clients in their own homes** may not report elder abuse. For example:

- they may believe that they have a confidential relationship with their client and cannot tell anyone else about what happens in the client's home
- they do not know that assault, theft, or serious neglect in the family or in a long-term care home is a crime
- they might be afraid of the abuser
- they might believe that the police cannot help because the older person would not be able to testify in court
- they might think nothing can be done because the older person might deny the abuse is happening

III When does elder abuse have to be reported?

Long-term care homes and retirement homes

The law says that abuse must be reported when the victim lives in a long-term care home or a retirement home.

People **must** report if they know or suspect that a resident has been, or might be, harmed by:

- improper or incompetent treatment or care
- abuse by anyone, including staff, family, other visitors, or other residents

- neglect by staff or the owner of the home
- someone misusing their money or committing fraud against them
- someone misusing or committing fraud with public funds given to a long-term care home
- other illegal behaviour

The only people who do not have to report abuse are other residents of the home. This means that people visiting a home must report, even if the person they are visiting is not the one being abused.

Social workers and members of health-care professions that are regulated by the government must report, even if it is information they would normally keep confidential.

How to report

If the victim lives in a **long-term care home**, the abuse must be reported to the Director at the Ministry of Health and Long-Term Care at **1-866-434-0144**. Long-term care homes are sometimes called nursing homes or homes for the aged.

If the victim lives in a **retirement home**, the abuse must be reported to the Registrar of the Retirement Homes Regulatory Authority at **1-855-275-7472**.

The Director or the Registrar must look into **all reports** of abuse. They must send an inspector to the home **immediately** if the report is about harm or risk of harm due to:

- improper or incompetent treatment or care
- abuse of a resident by anyone
- neglect of a resident by staff or the owner of the home
- other illegal behaviour

The operator of a long-term care home or a retirement home must contact the police immediately if someone alleges, suspects, or witnesses abuse that may be a crime.

Other places

If the victim of elder abuse does **not** live in a long-term care home or retirement home, the law does not require anyone to report the abuse. But sometimes, a person's job responsibilities or professional code of conduct might require them to report.

Victims, or anyone else who suspects elder abuse, can report their concerns to the police or to health or social services, or get advice from a lawyer. No matter where abuse and serious neglect happens, it may be a crime.

People can report abuse to Crime Stoppers at **1-800-222-8477** or the Seniors Safety Line at **1-866-299-1011**.

The **Seniors Safety Line** gives information about local agencies across the province that can help when there is elder abuse. And they have trained counsellors who can provide safety planning and supportive counselling to older adults who are being abused or are at risk of being abused.

III What can the police do?

If you have been abused, or if you think someone else is being abused, tell the police.

Even if you think the incident is not very significant, calling the police is an important part of protecting yourself or being a good friend or neighbour.

The operator might ask for your telephone number and name so that they can get more information from you in the future, or to check some facts. But if you want to remain anonymous, they will not tell anyone that you called, including the victim or the person you suspect is abusive.

The police can investigate the report. This might include getting:

- a detailed signed statement from the victim
- statements from neighbours, other family members, or service providers who might have evidence
- photographs of any injuries
- a medical report
- statements from anyone who knows about past abuse, for example, hospital staff

If the police believe that a crime has been committed, they can lay charges. Some victims of elder abuse may not be physically or mentally able to do this on their own. And some victims are more likely to be okay with their abuser being charged if the police do it instead of them.

Victims who are concerned about what will happen to their abuser can ask the police for information about this. This might help them be more willing to co-operate with the police.

Help for victims

Victims of elder abuse who are asked to testify in court may be able to get help and support from a lawyer or from the **Victim/Witness Assistance Program**. They can ask the police to help them get in touch with the Program if it is available in their area.

The **Victim Support Line** is an information line available in several languages that provides services, such as:

- information and referrals to support services
- recorded information about the criminal justice system

Call toll-free **1-888-579-2888**. In the Toronto area, call **416-314-2447**.

III What do victims of elder abuse need?

Reporting is no guarantee that the abuse will stop, or that the problems that led to the abuse will be solved.

There are many different kinds of elder abuse and many different ways to help. Elder abuse victims need:

- the abuser to stop being violent, taking advantage of them, or neglecting them
- safety, shelter, and access to financial resources
- home support services or housing options, so they are not dependent on the abuser
- emotional support, counselling, and greater links to the community
- information about the law and the criminal justice system, especially about what is likely to happen if their abuser is a family member

- their wishes to be respected, even if they want to do risky activities or spend time with someone who is taking advantage of them

III Where can older people get help?

There are many services that can help older people who are being abused. They can help even if their main focus is not on elder abuse.

Staff and volunteers of agencies that provide professional services, community support services, homemaking, and personal support services should know how to recognize elder abuse.

They should also know what options and resources are available in their community to help seniors deal with financial, physical, and mental abuse, including information on preventing abuse.

These services can:

- help seniors become more independent, particularly from their abusers
- provide options to seniors who are socially isolated
- help reduce the stress between a caregiver and the older person
- make referrals to special services that help the abuser deal with aggression, anti-social behaviour, or drug and alcohol abuse

- support the senior who wants to keep a relationship with their abuser

Even if seniors are being abused at home, many want to stay in their own homes or to continue to live with relatives instead of moving into a retirement or long-term care home.

These seniors and their relatives need help to deal with the abuse that is happening at home.

If you are being abused, or if you think someone else is being abused, you can get advice or help from health and social service agencies and other professionals.

For some services, seniors may need to be assessed by a professional, such as a doctor, nurse, social worker, or case manager. This can be arranged through the Local Health Integration Network (LHIN). There is more about LHINs in the next section.

Whether an older person qualifies for a particular service will depend on their medical and social needs.

211 Ontario

Across Ontario, you can call **211** to find out about services available in your community. You can also look online at www.211ontario.ca.

Community legal clinics

Community legal clinics can often give you free legal advice and help about issues related to elder abuse. To find the community legal clinic nearest you, go to Legal Aid Ontario's website at www.legalaid.on.ca/en.

Or call Legal Aid Ontario:

Toll-free **1-800-668-8258**

TTY use Bell Relay Service.... **1-800-855-0511**

The **Advocacy Centre for the Elderly (ACE)** is a community legal clinic that specializes in the legal problems and needs of older adults in Ontario.

To find out more, visit their website at www.ancelaw.ca.
Or call them at **416-598-2656** or **1-855-598-2656**.

Home care and community services

In Ontario, Local Health Integration Networks (LHINs) provide free care services to eligible people. LHINs are funded by the Ontario government's Ministry of Health and Long-Term Care.

The LHIN gives information about services for seniors and decides who is eligible for free services. They help plan how services will be provided, and find places in long-term care homes if necessary.

There is a broad range of community, personal support, and health-care services that older people may need on an occasional or ongoing basis. Many of these services can help a victim of abuse live more independently.

If you need or want any long-term care services, call the LHIN in your area. The LHIN will either help you directly or refer you somewhere that can.

You can find contact information for your LHIN by calling **310-2222** or visiting www.healthcareathome.ca.

The LHIN case manager will do an assessment to decide the services you need and are eligible for. After discussing the options with you, the case manager will arrange for you to get the services.

The LHIN can arrange some of the following services or provide information about them.

Home care services

Health services are provided by professionals in an older person's house, apartment, or retirement home. This includes services by nurses, occupational therapists, physiotherapists, social workers, speech therapists, and dietitians.

Seniors may also be eligible for medical supplies, equipment, dressing supplies, and prescription drugs.

Personal support services provide physical help with the activities of daily living for people who need it because they are ill or have a permanent physical disability. This includes assistance with personal hygiene.

Homemaking services help with tasks that are related to an older adult's personal care needs. This can include cleaning, shopping, paying bills, planning menus, and preparing meals.

There is no charge for home care services arranged through the LHIN.

Community support services

Here are some types of community support services that are available to older adults. To find out what is available in your area, contact your LHIN or call **211**.

Adult day programs

Adult day programs usually take place in seniors' centres or long-term care homes. They offer a variety of activities and a chance to spend time with others.

Older people can get personal care, meals, and sometimes a ride to and from the centres. Fees are usually based on what the person can afford.

Dining clubs

These programs bring groups of older people together for meals and social activities. Most programs are held in community centres or churches. People may be able to get a ride to the club.

Help with errands and appointments

These services help those who are not able to leave their homes on their own because they have physical, psychological, or social difficulties.

A worker or volunteer goes with the older person on errands or to appointments, and makes sure they get home safely afterwards.

Friendly visiting and security checks

Friendly visiting provides social contact and support to people who are isolated or cannot leave their homes.

These programs usually try to provide an older person with someone who visits or phones on a regular basis. This person should also be able to tell the senior where to call for other services.

Security checks to make sure a senior is safe are done by volunteers or by an automated telephone call. The senior identifies a person to be contacted if they do not respond to the check. This is usually a free service.

Home maintenance

This includes seasonal cleaning, minor repairs, grass cutting, and snow removal. These services may be provided on a regular basis, from time to time, or in emergencies.

There is usually a fee for these services. But the fee is often based on what the person can afford.

Meals on Wheels

Seniors who are having difficulty preparing meals can have meals delivered to their homes on a regular basis. Frozen meals may be available for weekends. There is usually a charge for the meals.

Caregiver support

Caregiver support services provide counselling, training, and information to the family, relatives, or friends responsible for the care of an older person.

Respite care and vacation care

Volunteers may be available for a few hours each week to provide a break from caregiving to families looking after seniors on a regular basis. This is called respite care or caregiver relief.

Respite care for longer periods such as overnight, over a weekend, or for one or two weeks may be available in the senior's home or at a local long-term care home. There are fees for these services.

Emergency shelter and housing

Some communities have shelters or hostels for people who need emergency housing. There are also transition houses that provide temporary shelter for abused women.

Older people who need emergency housing may also need help with such things as dressing, eating, bathing, or toileting. They might not be able to get the help they need at a transition house or shelter.

But they may be able to get emergency housing or a crisis admission to a local long-term care home. You access this through the placement service within the local LHIN.

You can find contact information for your LHIN by calling **310-2222** or visiting www.healthcareathome.ca.

Some organizations help arrange alternative housing, for example, in Toronto there is **Seniors and Caregivers Support Service** and **Housing Connections**.

To contact Seniors and Caregivers Support Services, call Family Service Toronto at **416-595-9618** or visit their website at www.familyserVICEToronto.org.

Housing Connections manages the waiting lists for most of the social housing in Toronto. Call **416-338-8888** or visit their website at www.housingconnections.ca.

You can call **211** or ask the LHIN in your area whether there are local services to help you find housing.

Finances

Victims of elder abuse whose finances have been managed by family members may need help to regain control of this. They might also need financial support if their income is not enough to meet their expenses.

An older person may be able to get help with financial issues from a lawyer or community legal clinic.

Old Age Security and Guaranteed Income Supplement

Old Age Security (OAS) pensions are available to Canadian citizens and permanent residents 65 years of age or older who meet Canadian residency requirements.

The maximum OAS benefit changes with the cost of living, and is currently about \$600 each month. The amount does not depend on the person's assets or income. But if their net yearly income is over about \$76,000, they have to pay back some or all of it.

For information about applying for OAS, contact Service Canada at **1-800-277-9914** or **1-800-255-4786** (TTY). Or visit their website at www.servicecanada.ca.

Seniors who have little or no income other than OAS might be eligible for the **Guaranteed Income Supplement (GIS)**. Currently, the maximum GIS amount is about \$900 each month for single people, and about \$540 for people whose married or common-law spouses get a full OAS pension.

A senior who has been separated from their spouse for at least 3 months can apply to Service Canada to have their GIS based on single status.

Couples who are “involuntarily separated” do not have to wait 3 months. This includes couples who live apart because one or both of them is in a long-term care home. They can apply for GIS based on single status immediately. Service Canada has a special form for this.

For up-to-date information about CPP, OAS, and CPP rates, go to www.canada.ca and click on “Public pensions (CPP and OAS)”.

Ontario Guaranteed Annual Income System (GAINS)

Seniors who get OAS and the GIS may also be eligible to receive a small pension from the Ontario Ministry of Finance. This pension is called the Ontario Guaranteed Annual Income System (GAINS).

If a senior receives the GIS, in most cases Service Canada automatically sends an application for GAINS on their behalf to the Ministry of Finance. The amount they can get depends on their income from other sources.

Currently, the maximum amount is \$83 each month. For more information about GAINS, call the Ministry of Finance at **1-866-668-8297**. The TTY number is **1-800-263-7776**.

Support

If a senior does not get enough money for their own support and does not have support from a spouse, they can apply for parental support from an adult child.

The law says that an adult child must support their parents as much as they can based on their parents' needs, if their parents cared for or supported them.

Powers of Attorney

A Power of Attorney is a legal document that gives someone, called an attorney, the power to act on behalf of another person.

There are different Powers of Attorney that relate to property and to personal care.

If someone thinks an attorney for property is not using the Power of Attorney properly, it is important that they get legal advice from a lawyer or community legal clinic.

Office of the Public Guardian and Trustee

The Office of the Public Guardian and Trustee (OPGT) must investigate if it gets a report that someone who is not mentally capable is being harmed and not getting essential help.

If necessary, the OPGT can apply to the court to become the abused person's Temporary Guardian. The court will order this only if it decides that the person is not mentally capable.

Even if temporary guardianship is not necessary, the OPGT can still help the person get other services.

To report serious financial or personal abuse, contact the OPGT's Guardianship Investigations Unit at **416-327-6348** or **1-800-366-0335**.

The OPGT's main office is in Toronto. The phone numbers there are **416-314-2800** or **1-800-366-0335**.

For more information about OPGT's services or to contact the office in your area, look on the OPGT website at www.attorneygeneral.jus.gov.on.ca/english/family/pgt.

III What can people do to protect themselves?

There are several things that older adults can do to protect themselves from abuse. Here are some examples.

Money

- control and monitor their bank accounts
- understand all documents before signing them, never sign under pressure, and get legal advice if necessary
- be careful who they give their banking and financial information to, including credit and debit card numbers and passwords
- replace any credit or debit cards that an abuser might be able to use
- do not open joint bank accounts unless they want the other person to also have ownership of the money in the account
- set up automatic payments and deposits, for example, for bills and pension cheques

Safety

- think carefully before having someone move in or before moving in with someone
- change the locks if someone who is or was abusive has a key to their place
- have their own phone or another way to communicate, like email, and open their own mail

Planning ahead

- plan for the future while they are still mentally capable, including preparing a will and deciding about Powers of Attorney
- be careful when choosing someone to give a Power of Attorney to, make sure they trust them, and know that they will respect their wishes
- maintain relationships with family, friends, and support networks, including groups in the community
- make a plan for care they might need in the future, and do not rely only on family members to be their caregivers

III What can you do if you suspect someone is being abused?

If you are talking to an older person you think is being abused, it is important to give them support and to respect their rights.

Abused people may be embarrassed, afraid, or very private about what is happening to them. They may not be willing to share all the details right away, or at all. But you can still help and support them.

When you talk to a senior you think is being abused:

- ask questions about the situation
- help them find resources that can support them
- make sure they have a way to contact you if they would like to talk about their situation in the future
- respect their opinions and decisions about the abuse
- respect their right not to have more personal information than necessary shared with others
- get their consent before reporting the abuse whenever possible

It might not always be possible to get their consent. For example, the person may not be mentally capable or the abuser may keep the person isolated. In those cases, people can still report the elder abuse, if they do it to protect the victim's rights and interests.

For example, even without the person's consent:

- serious crimes can be reported to the police,
- if the person is likely to be seriously harmed, this can be reported to the Office of the Public Guardian and Trustee, and
- abuse must be reported if the victim lives in a long-term care home or retirement home. Read more about this in the section on page 8 called **How to report.**

When you are talking to an older adult, make sure that you do not make assumptions about what they can or cannot do because of their age. Try to work with them to find a way to deal with the abuse that they are comfortable with.

III What are the solutions to elder abuse?

Elder abuse is a complex problem that requires many responses, depending on the type of abuse.

The Home Care and Community Services Act requires LHINs to have a plan to deal with abuse.

And community agencies providing services through LHINs must have a plan to prevent, recognize, and address the abuse of people getting these services.

There are organizations and community groups working to raise awareness about elder abuse. They do this to prevent abuse and to help people contact services if they become victims of abuse.

For example, Elder Abuse Ontario is a non-profit, charitable organization that focuses on preventing elder abuse through education, training, collaboration, advocacy, and co-ordinating services.

Some people feel that there should be a special provincial law that requires the reporting of elder abuse.

But a special law may be more harmful than helpful.

Special laws can give the impression that resources and services exist to help victims. In fact, services may not exist or there may not be enough to meet a victim's needs.

Special laws by themselves do little to prevent abuse. It may be better to promote a clearer understanding of existing laws and services, and how to use them effectively.

Victims need help now. The police, health and social services, families, and friends can use current laws to help them.

III Where to go for help

For legal services

Contact the **Advocacy Centre for the Elderly (ACE)**.

Phone **416-598-2656**

Toll-free **1-855-598-2656**

Fax **416-598-7924**

Website..... **www.ancelaw.ca**

To find the **community legal clinic** nearest you, go to Legal Aid Ontario's website at **www.legalaid.on.ca/en**.

Or, you can call Legal Aid Ontario:

Toll-free **1-800-668-8258**

TTY use Bell Relay Service.... **1-800-855-0511**

For help finding services and information

Contact **Elder Abuse Ontario**.

Phone **416-916-6728**

Website..... **www.elderabuseontario.com**

For information on services and government programs

Call **211**.

Contact **ServiceOntario**.

Toll-free **1-800-267-8097**

Toll-free TTY **1-800-268-7095**

Website..... www.serviceontario.ca

To contact the Local Health Integration Network (LHIN) in your area

Call **211** or visit www.healthcareathome.ca.

To report abuse in retirement homes

Call the Retirement Homes Regulatory Authority at **1-855-275-7472**.

To report abuse in long-term care homes

Call the **Ministry of Health and Long-Term Care ACTION Line**.

Toll-free **1-866-434-0144**

Toll-free TTY **1-800-387-5559**

You can also call the ACTION Line with any problems, concerns, or complaints about home care services, long-term care homes, or a LHIN.

This booklet gives only general information. You should get legal advice about your own situation.

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We revise our publications regularly to reflect changes in the law. Our Discard List tells you which publications are out of date and should be thrown away.

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CLEO's **Steps to Justice** website has step-by-step information about common legal problems. Visit www.stepstojustice.ca.

