



CARP ActionOnline –Elder Abuse

Make Predators Extinct



Predator: *n.*

1. *An organism that lives by preying on other organisms.*
2. *One that victimizes, plunders, or destroys, especially for one's own gain.*

In the wild, predators use jaws and talons. In the human world, predators use trust and influence.

There are various definitions of elder abuse – physical, psychological or financial – but the single most important element is trust, or rather, the breach of trust. And it is the violation of this most generous of sentiments – trusting someone close to you - that makes elder abuse so deplorable.

There is limited research into the prevalence of elder abuse but there are alarming trends. The majority of abuse is perpetrated against women and increases with age. Your answers to our survey will either confirm or refute these findings.

In our research, we found a myriad of responses to what everyone agrees is an important issue. But despite all the conferences, legislation, declaration of June 15th as Elder Abuse Awareness Day in Canada, elder abuse units in police services and help lines, coalitions everywhere - all significant and useful initiatives – the scourge remains and possibly is growing. In fact, researchers believe that much abuse goes unreported because there is so much shame and isolation, also important ingredients of elder abuse.

In this newsletter, we canvass some of the fact situations that people could confront. We asked some experts in elder law to share some observations from their growing practices in trying to defend their clients from abuse that comes to light. Their compassion and frustration are evident in their messages. And while no one is suggesting that such cases are commonplace, they do provide an object lesson. These things do happen.

And it can happen to anyone. [The recent case of a Moncton woman](#) convicted and jailed for extreme neglect of her mother who died as a consequence is heartening only because she was caught and punished. But before you think that kind of thing only happens because they were poor and the daughter had limited intelligence, consider the high profile case of the [New York socialite, Brooke Astor](#), whose son used a broad network of lawyers and other professionals to take her millions for himself. Eventually friends and a grandson intervened to give her a year of peace before her death and the son has been charged.

So what to do? Awareness is the first weapon. Self-protection is another. Having someone to intervene and set a public example like Goldhawk does is a real boon but how many like him are out there? There are laws put in place in response to community advocacy and police and other agencies ready to enforce them. The Moncton conviction is a case in point. There are still too few shelters and social services, but they exist.

How will things change – and more quickly than they have to date? Maybe we have to recast the issue. Discussion of elder abuse often uses the language of “victims”. The focus should be on their abusers, the predators - and how you can make these predators extinct. The next step is yours to take – if not for yourself then for someone you know and love.

What the Law can do About Elder Abuse



What role does the law play in preventing elder abuse given the [chilling events](#) that took place in Moncton, New Brunswick recently. Sentenced to four years in prison for essentially allowing her mother to rot to death. Ms.



Margaret Grant escaped the maximum sentence of 5 years based on "...the remorse she expressed by her guilty plea and ...the fact that she has no prior criminal record...".

The Criminal Code

Although there is no specific Canadian Criminal Code provisions to combat elder abuse, its provisions provide protection generally to all Canadians against mistreatment. For example, physical abuse could come under a number of criminal code provisions, such as assault, psychological abuse is captured under provisions such as intimidation and uttering threats, financial abuse may come under provisions that deal with theft, forgery, extortion or fraud and active neglect is addressed by the Code as criminal negligence causing bodily harm or breach of duty to provide necessities. Therefore, the criminal law is prepared to deal with the after effects of elder abuse, so that cases like that of Margaret Grant will act to deter future abuse. But the law in some jurisdictions does attempt to take a more proactive role in curbing elder abuse...

Adult Protection Legislation

Provincial adult protection legislation exists in Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and British Columbia but it varies from province to province. Each of the statutes has different scope (as in the type of situations which allow a designated agency to intervene) or different reporting requirements. For example, Newfoundland and Nova Scotia provide for the mandatory reporting of cases of neglect and abuse, whereas New Brunswick's legislation only refers to voluntary reporting by a "professional person". Upon receiving information that an adult is being neglected or abused, social services are dispatched to investigate the case, which is mandatory in all jurisdictions with adult protection legislation with the exception of PEI. Remedial measures available to social services may consist of providing the adult with necessary social services, including homemaker services, or referring the case to an appropriate agency (including the police, a community service agency, another government department or agency or a hospital or other institution), although remedial measures also vary from province to province.

Adult Guardianship Legislation

Adult guardianship legislation exists in every province and sets out rules concerning the designation of adults as mentally incapable. Ontario's Substitute Decisions Act for example gives the Public Guardian and Trustee (PGT) various powers

to investigate into abuse or neglect, where the victim is a mentally incapable adult and either refer the victim to the appropriate services or apply to the court for temporary guardianship of the victim. However, the PGT does not act as an adult protection agency nor provide direct protective services except for substitute decision-making services with regard to financial affairs and health care. Rather the agency helps the victim connect to social and health services available in the community.

Family Violence Legislation

Finally, family violence legislation exists in a number of Canadian provinces. Under the legislation, a court or Justice of the Peace can issue a protection order directing an abusive family member, often a spouse, to stay away from the person being abused or threatened, as well as the abused individual's property. Family violence statutes have evolved since their inception and can now deal with elder abuse arising from a parent-child relationship as well as a spousal relationship.

Financial Abuse and the Law

Another important form of abuse is that of financial abuse. Older Canadians are frequently an attractive target for financial exploitation, as they often have paid off their mortgages, have higher savings and lower expenses as they often no longer have child-rearing expenses. At the same time, the effects of financial abuse can also devastate older Canadians, who usually cannot expect a great deal of future income. This situation often occurs when a guardian of a mentally incapable individual

misappropriates a ward's assets. Although adult guardianship laws can authorize the responsible agency to freeze accounts, redirect income and halt the disposition of property, there is a practical difficulty with relying on them as one must first recognize the abuse, and incapable individuals are unlikely to be able to do so. Unless someone suspects or finds and reports the agency, the abuse will not be discovered.

Often, in the anticipation of possible future incapacity, individuals will sign trust agreements or power of attorney agreements. Although these financial agreements are effective for preventing abuse against third parties, they do not prevent the fiduciary in these situations from being the financial abuser. Older Canadians could also be coerced into signing a power of attorney. Although, one could theoretically be liable under s. 311 (theft by someone holding a power of attorney) of the Criminal Code, this first requires detection, and the

provision tends to be overlooked, as abuse of power of attorney is generally considered to be a civil, rather than a criminal matter. As well, the requirement that intention be proven is often a stumbling block to anyone attempting to use the provision.

A very recent high profile case <http://www.carp.ca/advocacy/adv-article-display.cfm?documentID=3875> has recently placed the spotlight on this very issue, when Tony Marshall, the son of the late Brooke Astor, the American novelist and philanthropist, was accused of abusing his power of attorney over a number of years, extracting a great deal of money from his late mother's estate. It is important to note that Marshall's attorney, Francis Morrissey has also been implicated and charged. Indeed, lawyers, accountants, financial advisers and doctors are just some of the professional groups that include enough bad apples who have taken advantage of the trust seniors have placed in them. Again, it is a group of few close friends who have brought to light the misappropriation of funds by Mr. Marshall. Unless there is someone to detect elder abuse in such a situation, the abuser may be free to continue exploiting the victim.

Where do we go from here?

This begs the question as to whether the law is the beginning or the end of social change? It would seem from the current state of the law that it is to follow social change. Then, it is up to society to decide that the elder abuse is not acceptable and that the law should respond to its demands by working to ensure that we live in a society in which elder abuse is faced with more legal barriers, and accountability is demanded of those in a position to abuse.

*** *Special thanks to Nozomi Smith who allowed us access to her thesis paper to draft this article.*

Scammers I've Bagged

by Dale Goldhawk



When Susan Eng asked me to write about elder abuse, my first reaction was not 'what will I write' but 'how will I get it all in?'

I could tell the story of the blonde bombshell who wormed her way into the life of the retired school principal in Saskatoon. He spent his life savings on her, then signed the mortgage on her new house. In an unrelated investigation, the bombshell was charged by police with plotting to kill another man. This was the woman the retired principal thought he loved.

I could tell the story of the elderly woman, a patient in a convalescent hospital in Toronto--and suffering from the early symptoms of Alzheimer's Disease--a woman who depleted her life savings by buying junk mail order products that were delivered to her hospital room and sat in a corner, apparently unnoticed or dismissed by hospital staff. The con artists, from a telephone boiler room in Montreal, at one point came to Toronto to collect more money from the woman.

They planned to take her to her bank, in her wheelchair, so she could withdraw cash to pay for the useless, overpriced trinkets. When her wheelchair wouldn't fit into their van, they decided to wheel her to her bank several blocks away. That soon became too much like work for the pair, so they deserted her on the sidewalk. A good Samaritan made sure she was returned to her room.

But the story that remains uppermost in my mind is the story of William and Cynthia. Both of them are gone now but fondly remembered by daughter Stephanie.

The couple lived in Montreal. They had \$128,000 dollars safely invested with a large, well-known investment company. They met one of the company's investment advisors to review their investments. The man was very solicitous. Friendly. He slid his way into the couple's lives. The slippery salesman, Pierre, convinced William to withdraw all of his money from the large company and invest it privately with him. Over a period of a year, Pierre got all the money--\$10,000 to \$15,000 a time. After a while, he would demand the money. Pierre put



himself between William and Cynthia. Cynthia had always been suspicious of Pierre so Pierre pushed her out of the way.

Stephanie only found out about all this after William had died, at age 77. Her mother told her all the sad details. Some of those details were outrageous. William had been an abstainer for his whole life and yet his death certificate listed cirrhosis of the liver as the cause of death.

Cynthia told the rest of the painful story. Pierre had encouraged William to drink. Excessively. It made the old man easier to handle. After William's death, Stephanie and Cynthia found 11 bottles of gin and bourbon in the house--delivered by the every-friendly Pierre.

We got William and Cynthia's money back from the shocked and horrified investment house where Pierre worked. He got fired. That was it. We chased him down the street and put his face on television for all to see. But I always worry he's out there still--stealing money and victimizing older Canadians. And he is not alone.

Listen to Goldhawk weekdays on Goldhawk Fights Back, on The New AM740 radio, 11 a.m. - 1 p.m. To go to the station's website <http://zoomerradio.ca/dale-goldhawk/>

Resources to Arm Yourself With



I recently came back from a vacation to find a message from a person claiming to be a Statistics Canada investigator who wanted to make arrangements to meet me in person and who said they had already been by my house and

left me an informational notification letter about the study in which I was to participate. By all accounts, scammers and fraudsters are proliferating in this recessionary environment and now more than every - it's time to exercise caution. The Statistics Canada telephone call caught me off guard, particularly since it came from an individual as opposed to an official telephone number and so I phoned their office to confirm that I was indeed selected to be part of a study and I also send off some questions about the way they collect data, the results of which I will share below. If you think I am overly cautious I beg differ, posing as a company or government official is a common scammer tactic.

What to do?

Statistics Canada informed us that all interviewers carry a photo identification card issued by Statistics Canada when doing face-to-face interviews. Upon request, they will present it to respondents to show that they are Statistics Canada employees. I, for one, find this to be cold comfort. I don't want to wait until I've invited someone into my home to ask them to produce identification. If you have not received notification that your house is going to be inspected/a survey is going to be conducted, you have the right to tell the person to return once you've had to chance to verify that they are on official business. It is what I did in the case of the Statistics Canada interviewer and I may have inconvenienced someone but I also placed my safety first, so should everyone.

In the case of telephone interviews, persons can confirm the identity of an interviewer and/or that **Statistics Canada** is currently conducting a specific survey by phoning one of the following toll-free numbers:

1 800 263-1136 – Toll-free general enquiries line
1 800 363-7629 – National TTY line (teletype machine)

Persons can also confirm that a survey is a legitimate Statistics Canada survey by going to the Statistics Canada website and looking up the name of the survey in the list of current surveys under Information for Survey Participants.

www.statcan.gc.ca

The officials at Statistics Canada also added that If a person has any suspicions at all, the best way to confirm the identity of an interviewer and the legitimacy of survey is by using the methods listed above. In its surveys, Statistics Canada does not ask for sensitive personal information such as Social Insurance Numbers, bank account numbers or credit card numbers. Therefore individuals should be cautious of anyone asking for this type of information.

Special Constable Jacqueline Brennan who is an Elder Services Coordinator with the **Halton Regional Police** provided us with the following pamphlets on Frauds and Scams, Privacy Protection, Seniors Crime Prevention and Identify Theft.

<http://www1.carp.ca/PDF/FraudsandScams2009.pdf>

They are full of useful tips and information. Although many of these tips might seem like common sense, I find it useful to make a checklist of such safeguards to ensure I remember to follow them.



It's also good to stay on top of the latest scams, online scams can be particularly imaginative. "**The state of the Scam**" is a good article that examines the latest tactics cons are using to try and separate you from your money including the Revenue Canada Tax Refund scam.

<http://www.50plus.com/Money/BrowseAllArticles/index.cfm?documentID=22093>

The Windsor Police keeps a running tab on **incident reports** which are helpful and can be found

And of course the **government of Canada has a very comprehensive list of advisories and alerts on frauds and scams.**

http://www.safecanada.ca/link_e.asp?category=25&topic=117

A helpful factsheet on elder abuse is available

<http://www.culture.gov.on.ca/seniors/english/programs/elderause/docs/needtoknow.pdf>. And a safety planning checklist for older adults is also available

<http://www.culture.gov.on.ca/seniors/english/programs/elderause/docs/safetyplanning.pdf>.

If you're looking for a bit more fun, you might try testing your fraud IQ by taking [this quiz](http://www.ic.gc.ca/eic/site/oca-bc.nsf/eng/ca01960.html) <http://www.ic.gc.ca/eic/site/oca-bc.nsf/eng/ca01960.html>. or watching the government sponsored educational film "fraud files".

<http://www.ic.gc.ca/eic/site/oca-bc.nsf/eng/ca02233.html>

Who to Call?

If you suspect you may know of a fraud or scam notify the Canadian **Anti-Fraud Call Centre** at 1-888-495-8801 or call the National Call Centre for **Phonebusters** 1-800-495-8501. If someone comes to your home or tries to impersonate a government or city official, you should make a police report.

The **Ontario Network for the Prevention of Elder Abuse (ONPEA)** has launched a new free, confidential, province-wide phone service to assist at-risk seniors. The new Seniors Safety Line — 1-866-299-1011 — provides 24 hours a day, seven-day-a-week assistance, in 150 languages.

If you live outside of Ontario, the government of Canada also has a **comprehensive directory of services and programs addressing the needs of older adult victims of violence throughout Canada** where you will find something local.

The directory can be found at http://www.phac-aspc.gc.ca/nctf-cnivf/familyviolence/pdfs/2004Seniors_e.pdf

If you have legal inquiries, the Attorney General also offers a Victim Support Line which is a multilingual, toll-free information line providing a range of services to victims of crime. They offer information and referral to support services in your community, pre-recorded information about the criminal justice system and access to information about provincially sentenced offenders. You can also register for automated notification when an offender's status changes.

You can call the **Victim Support Line** toll-free at 1-888-579-2888 or 416-314-2447 in the Toronto area. The service is available from 8 a.m. to 10 p.m., seven days a week.

For more information on elder abuse, you can visit the website of the **Canadian Network for Prevention of Elder Abuse**. If you are looking for locally available help services you might try contacting the board director closest to your area, they may be able to direct you to the closest available services. for the board of directors contact information.

http://www.cnpea.ca/cochairs_and_board_of_directors.htm

Kerby Rotary House in Calgary is the first shelter in North America for abused seniors. It offers safe, secure shelter to older men or women over 60 years of age in Calgary and area, who are experiencing family abuse in their lives. The shelter provides crisis intervention, support, advocacy, referral, short-term housing and the necessities of daily. Unfortunately there are not enough shelters like Kerby House and specialized services such as this are not yet widely available. You can get in touch with Kerby House by calling (403) 265-0661.

Predatory Marriages

by Kimberly A. Whaley, C.S., LL.M., TEP.

The changing social landscape has brought forth a new kind of marriage trap – the predatory marriage.

The aging population combined with the changing social patterns of marriages, re-marriages and multiple marriages in the face of dependency, frailty, vulnerability, and the diminished capacity of our older adults, is creating new legal and societal challenges.

The link between mental capacity in marriage, and the requisite capacity to contract marriage on the one hand; and estate planning considerations and spousal property rights on the other hand, are no longer in sync.

Not a new, but rather a developing phenomena, are marriages that I will describe as "predatory" in nature. This phrase



“predatory marriages’ I submit will be common place within a short period of time.

These are marriages entered into for a singular purpose of exploitation, personal gain, or profit, by unprincipled, unscrupulous individuals with one goal in mind, and that is to take advantage of the vulnerable, dependent, elderly, cognitively impaired, and those unable to appreciate the consequences of certain actions or inactions.

Marriage is a relationship which may provide comfort and security, particularly, amongst older, vulnerable adults. However, with marriage comes legislated property rights. If the older adult is not capable of understanding the property rights which flow from the contract of marriage, then how can we consider that marriage to have been convened with the requisite capacity? Currently the relevant offending legislation in Ontario, the *Succession Law Reform Act*, has the effect of revoking a Will on marriage. If an individual lacks the requisite testamentary capacity to cause a new Will to be executed, than chances are the lifetime estate plan put into effect during a period of capacity is irreparably damaged. Accordingly, while case law dating back to the 1800’s seems to suggest that the capacity to contract marriage is one of simplicity, clearly this is not the case when significant property rights now attach to the institution of marriage.

In the Supreme Court of Canada case of *Nova Scotia (Attorney General) v. Walsh*, [2002] 4 SCR 325, the Justices described marital status as only being acquired through the expression of a clear, free and personal choice...the decision to include the acceptance of various legal consequences incident to the institution of marriage. Accordingly, marriage is more than a simple relationship providing security. There are legal consequences inherent in marriage. Undue influence means there was no free and personal choice.

We are seeing marriages between persons with a significant age difference taking place unbeknownst to their friends and family through intentional alienation, under suspicious circumstances with attendant detrimental and unintended consequences.

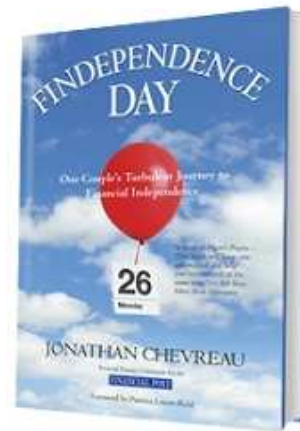
Public policy mandates that marriages should not be lightly set aside. Yet, unfortunately many older Canadians fall prey to the unscrupulous. Our society should be alert to exploitation on many fronts including within the context of marriages taking place later in life, possibly under exploitive circumstances.

Marriage may bring emotional gratification, but that does not justify our society and our law makers turning a blind eye to the egregious legal consequences attendant where there is a “predatory marriage”.

Do you know where your money is?

by Jonathan Chevereau

Because few of them earn income any more, older Canadians are more vulnerable to the vagaries of interest rates than those still in the workforce. Even though interest rates are near historical lows, credit cards still charge hefty – some would use the term exorbitant – rates of interest.



For seniors, this situation leaves them in a situation of “heads they win, tails they lose.” As investors holding bonds or cash, they receive paltry rates of interest – leaving them vulnerable to sales pitches for riskier stocks or equity products. Low rates also mean it’s a poor time to convert capital to annuities. What was the income trust debacle if not a desperate

reach for yield in a low-rate environment?

But on the debt side, seniors do not benefit from the same low interest rates. Bank credit cards still charge hefty rates in the high double digits and department store cards more than 20%. And as a recent series of articles in the National Post demonstrated, Canada’s “payday” loan shops charge more for short-term loans than their counterparts in the United States.

Fortunately, the Department of Finance has started to address the issue of credit card practices. Late in May, Minister James Flaherty released new proposals for rules that would limit business practices that are not beneficial to consumers. It proposes to mandate an effective minimum 21-day, interest-free grace period on all new credit card purchases when a customer pays the outstanding balance in full. And it would lower interest costs by mandating allocations of payments in favour of the consumer. It would also prohibit over-the-limit fees solely arising from holds placed by merchants.



Almost 25 million Canadians have credit cards, which suggests virtually all adults have at least one. Because so many seniors struggle on fixed incomes, it's imperative that they take advantage of today's low interest rates by consolidating any loans, endeavouring to eliminate any outstanding credit card debts with a line of credit charging much less in interest. It may even be advantageous to refinance mortgages, although I think it's best to enter retirement with no debts at all, including mortgage debt.

As the certified financial planner character says in my financial novel, *Findependence Day*, "the foundation of financial independence is a paid-for home." If you believe that, you wouldn't want to weaken that foundation with such desperate measures as reverse mortgages, although it may be a last resort for those with no heirs.

I always say the best mortgage is no mortgage at all. Seniors may want to hang on to one credit card for emergency purposes and perhaps convenience, but should keep in mind that no investment can beat the guaranteed high after-tax returns of paying off debt.

Jonathan Chevreau blogs at www.wealthyboomer.ca. You can get a sneak preview of *Findependence Day* at www.financialpost.com/fd

Ageism Poll Analysis



Incidence of experiencing ageism is very common among seniors in Canada, and is concentrated among females and, oddly, those younger than 65. While close to two thirds are targeted by it, few wish to act aggressively against age-

based discrimination.

Almost two thirds of respondents claimed to have experienced ageism overall (62%), most commonly by being addressed in a demeaning fashion (35%), experiencing poor service in a store or restaurant (32%), or being made the butt of a joke (29%). Fewer cited losing a job or a promotion (18%) being discouraged from seeking medical treatment (16%) or being rejected as a patient by a family doctor (9%).

Incidence of being subject to ageism is higher for females than for males (70% to 56%). Those under 65, paradoxically, are slightly more likely to report being the targets of ageism (65%) than those 65 and older (60%)

Despite such high incidence of reported ageism against themselves, fewer than half of respondents say they know someone who has experienced ageism (44%), indicating that seniors maybe better at discerning ageism directed at themselves than at others. Once again, those under 65 are more likely to say they know someone who has been subject to age-based discrimination (54%) than are those 65 and older (39%). Females (54%) are more likely than males (37%) to say they know someone who has been the victim of ageism.

More than half claim to have been exposed to ageist stereotyping in the media (57%), and this form of "soft" ageism is especially common among females (69%).

The vast majority of respondents says the best way to deal with ageism is public awareness (81%), followed by far fewer who call for public boycotts (9%), stricter laws (8%) or, especially, ridicule (2%). Thus, it may be that seniors, while recognizing they are targets of age-based discrimination, are reluctant to pursue aggressive means to end it.

Two thirds of the sample of respondents are seniors (65 or older - 65%). The average age of respondents is 68 years.

Survey results are based on a self-selected sample of more than 4000 members of CARP who received the organization's online newsletter. Results can be said to be accurate within 1.5%, either up or down, at the 95% confidence level. That is, if all recipients of CARP Action Online who responded to surveys were asked these questions, their answers would be within 2% of those shown here, 19 out of 20 times asking the identical question.



A Message from the Honourable Minister of State for Seniors Senator Majory LeBreton



I am delighted to have this opportunity to discuss the important work our Conservative Government is doing to combat abuse against older Canadians. We cannot and will not tolerate abuse in any form against seniors.

We have taken several steps to address this very serious issue.

For example, in March 2007, our Government established [the National Seniors Council](#) to provide us with advice on all matters related to the well-being and quality of life of seniors. The first priority given to the Council by our Government was to examine the serious issue of elder abuse in Canada. After a year of extensive consultations with seniors, community and social groups, as well as other concerned Canadians, the Council released its [report](#) on elder abuse. It clearly outlined the magnitude of the problem of elder abuse in its many forms, including physical, financial, psychological, sexual and neglect.

Our Government fully understands that this is a complex problem that cannot be solved by one level of government or one organization. We recognize that combating elder abuse requires all of us to do our part to stop such unspeakable mistreatment. That is why, at the federal level, we are increasing our efforts.

We have introduced the Federal Elder Abuse Initiative, under which we invested \$13 million over three years to help seniors and others recognize the signs and symptoms of elder abuse, and also to provide information on what support is available. A key element of that commitment includes a national public awareness campaign, which we will be launching very soon.

Together with my colleague, the Honourable Diane Finley, Minister of Human Resources and Skills Development, I also recently announced more than \$4 million in funding to support [16 projects](#) across Canada. Each project falls under the Elder Abuse Awareness component of the New Horizons for Seniors Program. The funding supports national and regional non-profit organizations in their efforts to raise awareness of elder abuse and reduce the incidences of abuse against older adults across the country.

I appreciate CARP's leadership on elder abuse awareness and prevention. Our Conservative Government is working with our counterparts, collaborating with provinces and territories, professional associations, and non-governmental organizations to take measures to combat elder abuse and ensure that the quality of life of seniors is not diminished by abuse of any kind. Together we will continue working to end elder abuse.

Elder Abuse: an International concern by Jane Barratt, Secretary General of the International Federation on Ageing

The indisputable fact that elder abuse is an ever pervading global problem should be not only disappointing but devastating to us all – particularly as we pause to recognise the 4th World Elder Abuse Awareness in 2009. The theme of the conference to be held in Paris on the 5th July is 'learning and understanding about elder abuse and the importance of the "1991 UN Principles for Older Persons."



National and international research has demonstrated unequivocally that: there are many forms of elder abuse and neglect is the most common form; that families as well as professionals are often the perpetrators of abuse; those who suffer abuse are unlikely to register a complaint; and the burden of proof remains with the victim.

Over the last decade the body of information and shared knowledge about elder abuse has grown substantially yet shaping effective policies has been somewhat difficult. There is no gold standard for policy development as the dynamics that give rise to elder abuse are complicated – in essence there is no 'cookie cutter' answer for why it happens, how to prevent it or how to create the necessary social change and action.

Elder abuse is a violation of the United Nations Universal Declaration of Human Rights (1948) and yet we seem to have failed to give voice to the rights of older people at all levels of the community and of government. Now is the time for us to come together with 'one voice' and condemn the unacceptable practice of elder abuse.

The International Federation on Ageing lauds the action of the United States Administration on Ageing in its recent initiative

to run a 15-second elder abuse information piece on 700 movie screens in 27 major metropolitan areas throughout the country. In making the announcement the Acting Assistant Director for Aging, Mr Edwin L Walker said that ‘this is the first time that one unified message regarding elder mistreatment will be echoed simultaneously throughout the country. In a brief video that will appear before movie trailers and previews, actor William Mapother of the television show “Lost” asks viewers to “Join Us in the Fight Against Elder Abuse.”

The community announcement which is part of the “Join Us” campaign by the National Center on Elder Abuse is part of the first-ever national effort in the United States to raise awareness of elder abuse.

Each of us is touched by elder abuse because we are members of a community: Each of us has a voice in the fight against this unacceptable practice; and each of us has a responsibility to step forward and stand up for the rights of older people.

When the world comes together to against disease such as polio or smallpox there is clear goal toward eradication – this must be our mantra in 2009 for elder abuse. There is no magic bullet or drug for this complaint, and the solution can only be created by a unified multisectoral approach where all levels of our government join with public and private sectors to say NO to elder abuse!

News You Can Use



[Daughter Dearest:](#) a tragic and shocking story of neglect in Moncton, New Brunswick.

[What's Yours is Mine:](#)

A Vanity Fair expose of the Brooke Astor case entitled “The Battle for Mrs. Astor” published in October 2008.

[A Short History of Tractors in Ukrainian:](#) The story of a predatory marriage. Read the reviews on Chapter Indigo's website.

[Findependence Day](#) by Jonathan Chevereau: One Couple's Turbulent Journey to Financial Independence. Read an excerpt form the book.

[Clip of “Lost” actor William Mapother’s anti-elder abuse public service announcement](#) The clip will play in American movie theatres.

Ensuring Safe Haven – Long Term Care legislation

Elder abuse in long term care settings has been identified as an important social problem. The *Long Term Care Homes Act, 2007* and its proposed regulations attempt to address some of the important issues that have been raised by researchers. While there are some areas that the Act or the regulation fails to cover, overall, it does an adequate job in addressing the key issues surrounding elder abuse in institutions.

Three important reasons why elder abuse may arise in LTC settings identified by researchers involve the institutional processes, the staff and the residents themselves. The institutional processes of the LTC facilities can make residents more vulnerable. This stems from a variety of factors, including poor understanding of what constitutes abuse and neglect, reluctance to report due to fear of reprisal, unclear policies and procedures for reporting or investigating abusive incidents, and their inadequate documentation.

The legislation addresses these issues under its section on Abuse and Neglect that requires a policy on zero tolerance which clearly sets out what constitutes abuse and neglect to ensure that all staff are familiar with what is considered to be abuse of residents - a key recommendation made by researchers for reducing the risk of elder abuse.

S. 20 (d) of the Act requires an explanation of the mandatory reporting duty, to counteract reluctance to report. The Act responds to researchers’ recommendation for comprehensive investigation procedures to be developed and initiated promptly for resident abuse by specifying procedures for investigating and responding to such incidents. S. 19 of the regulation requires that every incident of resident abuse or neglect be analyzed promptly and an evaluation be made at least annually to determine the effectiveness of the policy.

Together, the Act and the regulation seem to address most of the factors that contribute to increased risk of abuse for those



in long term care facilities that arise from the characteristics of the facilities.

Staff issues may contribute to increased incidence of abuse, which includes low job satisfaction, frequent thoughts of quitting, high staff burnout, and low levels of education and job experience. Research has found that providing regular in-service education for staff about the aging process, and conflict-resolution training will contribute towards lowering the incidence of abuse. To address some of these issues, the Act provides for staff qualifications (s.73), screening (s.75), and training (s.76). It fails to account for factors such as job satisfaction and thoughts of quitting, but these may be gaps that the law cannot fill. It may be up to individual facilities to implement programs to encourage staff and recognize and reward their good performance. They may also endorse a policy to ensure regular rotation of staff off heavy or difficult resident assignment groups.

Characteristics of the residents may make them more vulnerable to abuse, which include residents who display more aggressive behaviours and conflict with staff, suffer from diseases or disabilities, and those unaware of their rights or fearful of reporting abuse.

The legislation does not address these issues in setting out its policy to promote zero tolerance of abuse. It may be useful to more closely monitor staff caring for residents displaying these characteristics, and programs educating residents on their rights. However, encouraging such programs may be up to the facilities to implement.

Overall, the *Long Term Care Homes Act, 2007* and its proposed regulation seem to adequately deal with the issues surrounding elder abuse. Although the law focuses on preventing elder abuse by addressing the characteristics of the facilities more than those of the staff or the residents, it does provide fairly comprehensive and detailed provisions, which may indeed be an effective tool in preventing abuse in long term care homes. But it is up to the people managing the LTC facilities to use the tools effectively.

There may also be a need for systemic change to occur outside of the exclusive scope of the law and/or the individual LTC facilities. Research shows that many stakeholders identify professional associations as being an important mechanism to ensure that qualified professionals provide quality care. They also provide a body through which advocacy can take place as well as a place to address the behaviour of individual members of the profession. Registered nurses and licensed practical nurses benefit from such professional associations yet residential care aides and personal support workers (who provide most of the first line, direct care to residents) do not.

The new Long Term Care Homes Act consolidates the 3 Acts that used to govern nursing homes and homes for older persons into one overarching statute. It received Royal Assent in June 2007 but it cannot be proclaimed into force until the necessary regulations are approved. The regulations are currently undergoing a review and public consultation process.



Elder Abuse Poll

1. Elder abuse can be physical, psychological, financial, sexual or neglect. The important element is that such treatment occurs when there is an expectation of trust. As an older adult, have you personally ever experienced ANY of these forms of elder abuse?

Yes	257 Votes	10.2 %
No	2256 Votes	89.8 %
Total	2513 Votes	

2. As an older adult, have you experienced physical abuse, such as beatings or assault?

Yes	33 Votes	1.3 %
No	2480 Votes	98.7 %
Total	2513 Votes	

3. As an older adult, have you experienced sexual abuse, including unwanted touching or unwanted explicit sexual language?

Yes	52 Votes	2.1 %
No	2461 Votes	97.9 %
Total	2513 Votes	

4. As an older adult, have you experienced psychological or emotional abuse, including swearing, constant criticism or demeaning language?

Yes	369 Votes	14.7 %
No	2144 Votes	85.3 %
Total	2513 Votes	

5. As an older adult, have you experienced financial abuse, such as unauthorized use of your property, coercion to include someone in your will, fraud, misappropriation of funds or theft?

Yes	118 Votes	4.7 %
No	2395 Votes	95.3 %
Total	2513 Votes	

6. As an older adult, have you experienced neglect, such as being deprived of food, clothing, heat or essential medicine?

Yes	20 Votes	0.8 %
No	2493 Votes	99.2 %
Total	2513 Votes	



7. Thinking of all the examples we have mentioned, do you know anyone who has experienced any form of elder abuse?		
Yes	766 Votes	30.5 %
No	1747 Votes	69.5 %
Total	2513 Votes	

8. IF you were to witness or suspect an older person was being abused, what WOULD you do?		
investigate it myself	416 Votes	16.6 %
report it to someone else	2010 Votes	80.0 %
would not interfere, not my business	25 Votes	1.0 %
would not interfere, victim may suffer more	62 Votes	2.5 %
Total	2513 Votes	

9. Which ONE of the following solutions would be the best way to end elder abuse?		
Greater public awareness	915 Votes	36.4 %
Famous people taking a public stand	32 Votes	1.3 %
Stiffer laws/penalties	535 Votes	21.3 %
More caregiver training	197 Votes	7.8 %
More caregiver supervision	411 Votes	16.4 %
More funding for anti-abuse programs	103 Votes	4.1 %
National task force on elder abuse	134 Votes	5.3 %
Anti-ageism initiatives	112 Votes	4.5 %
None of the above	74 Votes	2.9 %
Total	2513 Votes	

10. Do you have a full-time or part-time caregiver?		
Yes	68 Votes	2.7 %
No	2445 Votes	97.3 %
Total	2513 Votes	

11. What region do you live in?		
Atlantic	197 Votes	7.8 %
Quebec	100 Votes	4.0 %
Ontario	1386 Votes	55.2 %
Prairies	332 Votes	13.2 %
BC/Territories	498 Votes	19.8 %
Total	2513 Votes	

12. What is your gender?		
Male	1379 Votes	54.9 %
Female	1134 Votes	45.1 %
Total	2513 Votes	

13. Are you		
Under 45	2 Votes	0.1 %
45 to 54	35 Votes	1.4 %
55 to 64	643 Votes	25.6 %
65 to 74	1285 Votes	51.1 %
75 or older	548 Votes	21.8 %
Total	2513 Votes	

CARP Poll Uncovers High Rate of Elder Abuse: Those with Caregivers Most At Risk

A CARP poll of members has revealed that almost 1-in-10 older Canadians (as many as 783,000) have suffered from elder abuse. Based on our sample which is primarily 55 years and older, a group which makes up 8.7 million people in Canada, 9% would represent 783,000 older Canadians. Abuse manifests itself as neglect, physical, financial or sexual abuse, and



CARP members report all of these. Elder abuse is twice as common among those with caregivers. More worrying is that almost one third of older Canadians know of someone who has been abused.

CARP polled readers of its newsletter CARP Action Online on the subject of elder abuse, and found results which mirror the best estimates of national authorities on the incidence of elder abuse in Canada.

Statistics Canada has estimated that between 4% and 10% of seniors are subject to elder abuse, which is defined as neglect, emotional, physical, sexual or financial abuse. Our survey found that 9% of CARP ActionOnline readers claimed to have suffered elder abuse. 98.5 percent of our sample is 55 years of age and older. Our poll data for only those 65 and older (StatsCan's sample) shows an identical percentage, 9%, report

experiencing abuse. As such, CARP's figures are in close agreement with the high end of previous accepted estimates.

More disturbing than the prevalence of elder abuse among CARP members, perhaps, is that close to one third (30%) say they know someone else who is or has been abused. Incidence of knowing someone who has been abused is higher for females (34%) than males (26%). This exceeds a recent finding publicized by the federal government that one in five Canadians (20%) know someone they think is being abused.

The fact that three times as many are aware of abuse among others as report it amongst themselves may be due to several factors:

1. It may be that some readers are ashamed to report abuse to themselves and "project" it on others instead (unlikely)
2. Our readers are generally well-educated, capable and alert. While many are seniors, they themselves are not targets for abuse but may well know of others not so fortunate who are (more likely)

Nonetheless, it is sobering to think that 1-in-10 CARP ActionOnline readers, an especially engaged and computer-literate group, may have been subject to the kind of victimization which usually occurs amongst the weakest and most vulnerable in society.

When asked to categorize the types of abuse they have suffered, respondents reported a pattern that is mirrored in the existing literature:



Psychological abuse (swearing, cursing) 13%
Financial abuse (fraud, theft) 4%
Sexual abuse (touching, language) 2%
Physical abuse (beatings, assault) 1%
Neglect 1%

It is especially important that respondents are unafraid to report small but significant levels of physical (potentially 113,000 Canadians) and sexual abuse (potentially 174,000 Canadians).

The literature on elder abuse in North America suggests that financial abuse is about twice as common as physical or sexual abuse, which is reflected in our findings.

It is interesting to note that respondents are more likely to say they have experienced psychological abuse (13%) than they are to say they have experienced abuse overall (9%), but this probably reflects the fact that people do not automatically identify demeaning language as a form of abuse, as such, until it is mentioned to them.

When respondents are asked what they would do if they suspected someone they knew was being abused, the vast majority say they would report it to someone else (80%) as opposed to investigating themselves (16%). This demonstrates the strong willingness of people to act but also the critical need for a robust third-party reporting and enforcement system to deal with elder abuse.

There is less agreement when respondents are asked the best way to deal with abuse. The largest group opt for greater public awareness (37%), followed by those who favour stiffer laws (21%) or more caregiver supervision (17%). This would suggest that respondents are unclear where the responsibility for dealing with elder abuse lies - with the public or with the authorities.

A very small sub-group of our sample have caregivers (3%), but incidence of elder abuse is especially high among this group (20%), clearly a vulnerable one.

Our sample of respondents is predominantly male (57%), and average age is 69.5 years.

In conclusion, it is clear a significant portion of older Canadians are being abused, especially the most vulnerable, and there is a demonstrated need for an organized reporting system for those who are aware of abuse taking place.

Survey results are based on a self-selected sample of more than 2000 members of CARP who received the organization's online newsletter. Results can be said to be accurate within 2.2%, either up or down, at the 95% confidence level. That is, if all recipients of CARP Action Online who responded to surveys were asked these questions, their answers would be within 2% of those shown here, 19 out of 20 times asking the identical question.



Federal government Elder Abuse Public Service Announcements

The federal government launched a series of Elder Abuse Public Service Announcements <http://www.seniors.gc.ca/c.4nt.2nt3col@.jsp?lang=eng&cid=161> and we asked our readers to let us and the government what they thought of it. Here's what they said.

Elder Abuse PSA Questionnaire July 17, 2009		
Had you seen this ad on TV before this?		
Yes	1599 Votes	74.1 %
No	559 Votes	25.9 %
Total	2158 Votes	
Do you think the ad will help prevent elder abuse?		
Yes	457 Votes	21.2 %
No	900 Votes	41.7 %
Don't Know	801 Votes	37.1 %
Total	2158 Votes	
Do you think more government money should be spent on:		
More ads (PSAs) like this	211 Votes	9.8 %
Help Lines	480 Votes	22.2 %
Elder Protection Agencies	945 Votes	43.8 %
Elder Shelters	331 Votes	15.3 %
None of the Above	191 Votes	8.9 %
Total	2158 Votes	



Senator Majory LeBreton's Response to Elder Abuse Survey



"I was pleased to see how engaged CARP members are on the important issue of elder abuse. It was very encouraging to see that almost three quarters of those who responded to your questionnaire had seen our Government's advertisement on TV. One of our main goals was to raise awareness of the serious issue of elder abuse, and research that we conducted with Canadians as well as

[recommendations by the National Seniors Council](#) clearly indicated a need for us to raise awareness.

It is my great hope that this campaign will educate the public about the many ugly forms of elder abuse, and let seniors know that help is available and where they can find it. The ad will air again in the fall, reinforcing our commitment to take action and connect those suffering from abuse to resources that can help. For more information on our elder abuse initiative, resources and research I encourage you to visit seniors.gc.ca.

Our government's efforts don't end with this awareness campaign. Indeed, as your questionnaire underscores, we must work together not only to raise awareness about elder abuse but to combat it. CARP's leadership on awareness and prevention has been extremely valuable; our Conservative Government knows that we must continue working with our counterparts, collaborating with provinces and territories, professional associations, and non-governmental organizations to take measures to combat elder abuse and ensure that the quality of life of seniors is not diminished by abuse of any kind. That is why upon launching the awareness campaign we also immediately invited Canadian professional associations to apply for support to adapt and disseminate elder abuse materials. These materials will be used by professionals who frequently come in contact with seniors who may be victims of elder abuse.

We are also providing ongoing support to non-profit organizations to combat elder abuse. Through our New Horizons for Seniors Program, we have funded over a hundred elder abuse related projects at the local, regional and national levels. Earlier this year, together with my colleague,

the Honourable Diane Finley, Minister of Human Resources and Skills Development, I announced more than \$4 million in funding [see here for more information](#) to support 16 projects across Canada. Each project falls under the Elder Abuse Awareness component of the New Horizons for Seniors Program. The funding supports national and regional non-profit organizations in their efforts both to raise awareness of elder abuse as well as to reduce incidences of abuse against older adults across the country.

Together we will continue working and taking action to end elder abuse."

Elder Abuse PSA Survey Analysis

The government of Canada has recently launched an anti-elder abuse ad campaign, the anti-elder abuse ad can be [here](#). In the last newsletter we asked readers if they had seen the ad and surveyed them on their impressions. Our findings would be that the vast majority of our readers had seen the ads and while 21% thought they would help prevent elder abuse, most either didn't know or thought they would not help.

While there were 10% who called for more initiatives to improve awareness via Public Service Announcements such as the ad, the overwhelming majority wanted specific action to start dealing with elder abuse, not more research or awareness. They wanted to see places where they could get help for themselves or for others.

This is in keeping with the responses to an earlier survey in which people are willing to intervene but wanted some agency in place to whom they could report the abuse and that agency would take action.

All in all this survey as well as other feedback we have received seems to indicate that CARP members want to see less talk and more action. They want to see evidence that any of the research has produced tangible results. They are NOT looking for the perfect protocol for setting up a shelter for abused seniors, they just want shelters with adequate standards, and help lines and protection agencies.

As a side note, our survey showed a prevalence rate that is very similar to that among the available published research. So there's no appetite and no need for further research to see how much elder abuse is going on perhaps reflecting the sentiment that one case is one too many.

