

STRATEGIES FOR INTERPROFESSIONAL HEALTH CARE PROVIDERS TO ADDRESS ELDER ABUSE/MISTREATMENT

KEY Legal Information

Prepared for the
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A. INTRODUCTION

Purpose of this legal resource

The following material will:

- Provide a summary of key laws relevant to elder abuse and neglect
- Identify obligations to respond to abuse, neglect and risk
- Identify key agencies to contact if you are concerned that an older adult is being abused or neglected
- Outline the relationship between mental capacity and the law in relation to elder abuse
- Discuss the impact of professional confidentiality obligations and privacy law on the ability of professionals to disclose an older adult's confidential information in order to follow up on concerns regarding abuse and neglect
- Provide a list of resources

The Canadian Centre for Elder Law (CCEL) has produced this elder abuse legal resource to assist the Canadian Association of Occupational Therapists to produce educational materials of relevance to their members.

This tool accompanies the main document entitled, "Strategies for interprofessional health care providers to address elder abuse/mistreatment", produced by the Canadian Association of Occupational Therapist with funding the Human Resources and Social Development Canada New Horizons for Seniors Program.

WARNING

This material contains information and guidance for practice. The information is not legal advice. Abuse or neglect of older adults can have serious consequences. In many instances it will be your obligation to ensure that an older adult gets legal advice as soon as possible. Legal advice will help protect your client. It can also protect you and your employer from a lawsuit. The law is always changing. All material provided is up to date as of May 31, 2013. Any changes to the law after May 31, 2013 are not reflected in these materials.

B. ELDER ABUSE IN YOUR REGION

1. Introduction to the tables

Introduction: All health care providers should have a basic knowledge of when they are required to report abuse or neglect of older adults in their jurisdiction, for which types of harms, and where to go for assistance. The following table provides a general description and summary of law, regulations, and policies.

Abuse, neglect, or self-neglect occurring in the community: If a health care provider suspects that an older client is being (or may be) abused or neglected, it is important to understand that they may not be able to seek help on his or her own because of a physical or mental condition, and therefore is often referred to as a “vulnerable adult” or “adult in need of protection.” There may be special laws and resources in your jurisdiction to help you support this population.

If an older person living in the community is being abused or neglected and is not a vulnerable adult, then health care providers may want to seek out more information to help the person access appropriate community resources. Or with the older adult’s consent, they may want to make a referral to family violence or victim services, law enforcement, or other important resources in the community.

Abuse or neglect happening in long-term care: Many provinces and territories have specific reporting requirements if the abused or neglected person lives in a licensed long-term care facility or certain other facilities that provide care and assistance. Health care providers working in these settings are usually expected to report abuse or neglect incidents they witness. They must be aware of whom to contact (e.g., their immediate supervisor, the facility manager, or director of care) so that the incident can be properly addressed and reported to the necessary authorities or parties.

In long-term care there can be three types of perpetrators: a) staff, volunteers or others in the setting; b) family members; and c) other residents. Depending on the type of care setting, the type of harm, the level of seriousness, the type of person causing harm, and sometimes the type of abuse, the licensees or operators of facilities usually have a responsibility to report the incident to outside authorities. They may also have a responsibility to keep a record of other ‘not reportable’ serious incidents. If the suspected perpetrator is a member of a regulated health profession (e.g., medicine, nursing, physical or occupational therapy), there is a mandatory obligation to report certain types of abuse (e.g., sexual abuse) and to contact the respective provincial College for specific information.

Long-term care home operators cannot safeguard residents or fulfil their legal duty if they do not know about the incident. It is important that all staff report incidents promptly to the appropriate person(s) so that the incident can be properly addressed and reported to the necessary authorities or parties.

Operators are usually required to have written policies and protocols on abuse. This practice helps all staff and others working or volunteering at the facility to know their responsibilities, and to whom they should be making a report.

Note: It is not up to the health care provider to identify the person’s (suspected abuser’s) intention or whether the incident falls under the exact specifics of the law. The agency or department responsible for reports will make that decision.

Responding to the Abuse and Neglect of Older People in Alberta

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p><i>Protection for Persons in Care Act</i>, RSA 2009, c P-29</p> <p>Applies to older people receiving care or support services from a service provider</p>	<p>Imposes a duty on employees of service providers to take reasonable steps to protect clients from abuse, defined as an act or omission that:</p> <ol style="list-style-type: none"> a. causes serious emotional or bodily harm; b. inappropriately administers or withholds medication, resulting in serious bodily harm; c. subjects the adult to nonconsensual sexual contact or behaviour; d. misappropriates or illegally converts a significant amount of money or possessions; or e. fails to provide necessities of life without valid consent, resulting in serious bodily harm 	<p>Any person may report abuse or risk of abuse to:</p> <ol style="list-style-type: none"> a. a complaints officer; b. the police; or c. other authorized person, body or committee (includes professional regulatory bodies) <p>Employees of service providers must ensure the immediate safety and wellbeing of a client about whom a report of abuse has been made, and of any other client who may be at risk of abuse.</p> <p>Failure to do so is an offence and may result in a fine of up to \$10,000.</p>	<ol style="list-style-type: none"> 1. To report abuse of a person in care: <ol style="list-style-type: none"> a. Information and Reporting Line - Protection for Persons in Care: 1-888-357-9339 b. Mental Health Patient Advocate: 780-422-1812 c. The professional regulatory body of the abuser 2. Support and victim assistance for the older person experiencing abuse: <ol style="list-style-type: none"> a. Alberta Family Violence Toll Free 24h Information Line: 310-1818 b. Senior Abuse Helpline: 780-454-8888 (Edmonton) c. Elder Abuse Intervention Team: 780-477-2929 (Edmonton) d. Kerby Elder Abuse 24h Crisis Line: 403-705-3250 (Calgary) e. Medicine Hat Community Response: 403-529-4798 f. Red Deer Elder Abuse Reduction: 1-877-454-2580 g. Edmonton Seniors Safe Housing: 780-702-1520 3. To report abuse or neglect by a co-decision maker, guardian or trustee: <ol style="list-style-type: none"> a. Office of the Public Guardian 310-0000 or 1-877-427-4525 4. Legal assistance: <ol style="list-style-type: none"> a. Oak-Net Legal Resource Centre: 780-451-8764 b. Calgary Legal Guidance: 403 234-9266
<p><i>Protection Against Family Violence Act</i>, RSA 2000, c P-27</p> <p>Applies to older people in care and in the community</p>	<p>Family includes people who are or have been intimate partners, and those related by blood, marriage, or an interdependent adult relationship.</p> <p>Defines family violence as including:</p> <ol style="list-style-type: none"> a. any intentional or reckless act or omission that causes injury or property damage that intimidates or harms a family member; b. any act or threat that creates a reasonable fear of property damage or injury to a family member; c. forced confinement; d. sexual abuse; or e. stalking 	<p>The following people may apply for an emergency protection order:</p> <ol style="list-style-type: none"> a. the victim; b. any person, including a police officer, with the victim's consent; or c. any other person with leave of the court 	<p>(Continued from previous row)</p>
<p><i>Adult Guardianship and Trusteeship Act</i>, SA 2008 c A-4.2</p> <p>Applies to older adults in care and in the community</p>	<p>Applies to abuse (including financial abuse) or neglect of older adults by co-decision makers, guardians and trustees.</p>	<p>Any person who has a reasonable concern that a co-decision-maker, guardian, or trustee is not complying with their duties, and that this failure could result in physical, mental, or financial loss to the adult, may make a report to the Public Guardian.</p>	<p>(Continued from previous row)</p>

Responding to the Abuse and Neglect of Older People in BC

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p>Adult Guardianship Act, RSBC 1996, c 6</p> <p>Applies to older people in care and in the community</p>	<p>Permits reporting where an abused older person is unable to seek support or assistance on his or her own due to physical restraint or physical or mental disability.</p> <p>Abuse is “deliberate mistreatment that harms the older person or his or her assets”, including:</p> <ol style="list-style-type: none"> physical or sexual assault; intimidation or humiliation; over- or under-medication; censoring mail or invasion or denial of privacy; denial of access to visitors; or neglect and self-neglect 	<p>Specific agencies are designated by law to respond to the abuse of older people.</p> <p>Any person may report abuse of an older person to a designated agency if the older person is unable to do it him or herself.</p> <p>A health professional employed by a designated agency should report abuse to their supervisor.</p>	<p>1. Designated Agencies:</p> <ol style="list-style-type: none"> Vancouver Coastal Health Authority: 604-736-2033 or 1-866-884-0888 Fraser Health Authority: 604-587-4600 Vancouver Island Health Authority, 250-370-8699 Interior Health Authority: 250-862-4200 Northern Health Authority: 250-565-2649 Providence Health Care Society <ul style="list-style-type: none"> • St. Paul’s Hospital: 604-806-8739 • Mt. St. Joseph’s Hospital: 604-877-8377 • Holy Family Hospital: 604-322-2311 <p>2. Legal Advice or victim assistance for older people:</p> <ol style="list-style-type: none"> BC Centre for Elder Advocacy and Support: 604-437-1940 or 1-866-437-1940 <p>3. To report abuse or neglect of an older person by a representative or attorney:</p> <ol style="list-style-type: none"> Public Guardian and Trustee of BC: 604-660-4444 or 1-800-663-7867
<p>Community Care and Assisted Living Act, RSBC 2002, c 75</p> <p>Applies to older people living in care</p>	<p>Applies to harmful acts perpetrated on adults in care by people not in care (i.e. visitors, health services professionals, or care facility staff), including:</p> <ol style="list-style-type: none"> physical or emotional abuse; consensual or nonconsensual sexual behaviour directed towards a person in care; financial exploitation; or neglect 	<p>Community care and assisted living operators are legally required to investigate and report incidents of abuse or neglect.</p> <p>Employees of community care and assisted living agencies, may report abuse and neglect to their supervisors.</p>	
<p>Health Professions Act, RSBC 1996, c 183</p>	<p>Applies to abuse perpetrated on older adults in care by health professionals.</p>	<p>Health professionals are required to report the following to their registrar:</p> <ol style="list-style-type: none"> sexual misconduct behaviour that is dangerous to the public 	
<p>Representation Agreement Act, RSBC 1996, c 405</p>	<p>Applies to abuse, including financial abuse, perpetrated on an older person by his or her representative pursuant to a representation agreement.</p>	<p>Anyone who believes that an older person is being abused or neglected by a representative may make a complaint to the Public Guardian and Trustee.</p>	
<p>Power of Attorney Act, RSBC 1996, c 370</p>	<p>Applies to abuse or neglect, including financial abuse, of an older person by his or her attorney.</p>	<p>Any person who has reason to believe that an older person is being abused or neglected by his or her attorney may make a report to the Public Guardian and Trustee</p>	

Responding to the Abuse and Neglect of Older People in Saskatchewan

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p><i>The Victims of Domestic Violence Act</i>, SS 1994, c V-6.02</p> <p>Applies to older people in care and in the community</p>	<p>Applies to domestic violence directed at older people.</p> <p>Domestic violence is defined as:</p> <ul style="list-style-type: none"> a. any intentional or reckless act that causes bodily harm or damage to property or fear thereof; b. forced confinement; or c. sexual abuse 	<p>The following people may apply to the court for an emergency or victim assistance order:</p> <ul style="list-style-type: none"> a. the victim; b. any person with the victim's consent; c. coordinators of a victim assistance program; d. aboriginal community case workers; e. crisis workers designated under The Child and Family Services Act; or f. any other person with leave of the court 	<p>1. Reporting domestic violence:</p> <ul style="list-style-type: none"> a. Victim Services 1-888-286-6664 b. Abuse Line (Regina) 1-800-214-7083 c. West Central Crisis & Family Support Centre 1-877-310-4357 d. Regina Mobile Crisis Services 306-463-1860 (24hrs) e. Saskatoon Mobile Crisis Intervention Service 306-306-933 <p>2. Reporting financial abuse:</p> <ul style="list-style-type: none"> a. Public Guardian and Trustee 306-787-524 or 1-877-787-5424
<p><i>The Public Guardian and Trustee Act</i>, SS 1983, c P-36.3</p> <p>Applies to financial abuse of vulnerable adults</p>	<p>Defines a vulnerable adult as a person over 16 years of age who is at risk of financial abuse due to:</p> <ul style="list-style-type: none"> a. illness; b. impairment or disability; or c. an aging process <p>Financial abuse is the misappropriation of funds, resources or property by fraud, deception or coercion.</p>	<p>A person may report to the Public Guardian and Trustee concerns that a vulnerable adult is:</p> <ul style="list-style-type: none"> a. being financially abused (including by his or her property decision maker); or b. unable to make reasonable judgments in respect to matters relating to his or her estate, and that the estate is likely to suffer serious damage or loss. 	<p>3. Reporting abuse in care homes:</p> <ul style="list-style-type: none"> a. Personal Care Homes Program 306-787-1715 (Regina); 306-933-5843 (Saskatoon) b. Community Care Branch 306-787-7239 (for special care homes) <p>4. Legal assistance and victim support</p> <ul style="list-style-type: none"> a. Provincial Association of Transition Houses 306-522-3515 b. Seniors Legal Assistance Panel Program 306-569-3098 c. SSM Seniors Information Line 1-888-823-2211
<p><i>The Personal Care Homes Regulation</i>, RRS C P-6.01 Reg 2</p> <p>Applies to older people in care</p>	<p>Applies when a resident of a personal care home suffers harm as the result of:</p> <ul style="list-style-type: none"> a. unlawful conduct; b. improper treatment or care; c. harassment; or d. neglect 	<p>The operator of a personal care home that receives a report that a resident has suffered such harm must notify:</p> <ul style="list-style-type: none"> a. the resident's supporter or family; b. the resident's physician; and c. the Department of Health <p>A health professional may report abuse to the operator.</p>	

Responding to the Abuse and Neglect of Older People in Manitoba

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p><i>The Protection for Persons in Care Act</i>, CCSM c P144</p> <p>Applies to older people in care</p>	<p>Defines abuse as mistreatment that results, or may result, in serious physical or psychological harm, death, or significant loss to a person's property.</p> <p>Abuse includes:</p> <ol style="list-style-type: none"> a. physical abuse; b. sexual abuse; c. mental or emotional abuse; d. financial abuse; or e. a combination thereof 	<p>A health professional who reasonably believes that a patient is being abused, or is likely to be abused, must promptly report to the Protection of Persons in Care Office at Manitoba Health.</p> <p>Failure to do so may result in a fine of up to \$2000.</p>	<p>1. To report abuse or neglect:</p> <ol style="list-style-type: none"> a. Protection for Persons in Care Office 204-788-6366 or 1-866-440-6366 b. Office of the Vulnerable Persons' Commissioner 204-945-5039 or 1-800-757-9857 <p>2. Legal advice and victim assistance</p> <ol style="list-style-type: none"> a. Seniors Abuse Line 204-945-1884 or 1-888-896-7183 b. Winnipeg Police Vulnerable Persons Coordinator 204-986-6287 c. Seniors Information Line 1-800-665-6565 or 204-945-6565 d. Age & Opportunity 204-956-6440 e. Province-wide Domestic Violence Crises and Information Line 1-877-977-0007 f. Legal Aid Manitoba 1-800-672-1043 g. Manitoba Justice Victim Services 1-866-484-2846
<p><i>The Vulnerable Persons Living with a Mental Disability Act</i>, CCSM c V90</p> <p>Applies to older people in care and in the community</p>	<p>Applies to older adults who:</p> <ol style="list-style-type: none"> a. are living with a mental disability*; and b. are in need of assistance to meet basic needs with respect to personal care or property management <p>Defines abuse in the same way as the <i>Protection for Persons in Care Act</i>, above.</p> <p>Defines neglect as an intentional or unintentional act or omission that causes, or is reasonably likely to cause, a vulnerable person:</p> <ol style="list-style-type: none"> a. serious physical or psychological harm; b. significant loss to property; or c. death 	<p>Service providers have a duty to protect those under their care from abuse or neglect, and to report abuse and neglect, or risk of abuse and neglect, to Manitoba Family Services and Consumer Affairs.</p> <p>Service providers who are found to have abused or neglected a vulnerable person may be reported to their professional regulatory body.</p>	
<p><i>The Domestic Violence and Stalking Act</i>, CCSM c D93</p> <p>Applies to older people in care and in the community</p>	<p>Applies to domestic violence directed at older people. Domestic violence is defined as:</p> <ol style="list-style-type: none"> a. any intentional or reckless act that causes bodily harm or damage to property or fear thereof; b. psychological or emotional abuse; c. forced confinement; or d. sexual abuse <p>Applies to family, spousal, dating or parenting relationships, whether or not people live together.</p>	<p>The following people may apply to the court for a protection or prevention order:</p> <ol style="list-style-type: none"> a. the victim; b. a lawyer or peace officer, with the victim's consent; or c. any person designated in writing by the minister, with the victim's consent. 	

* A person has a mental disability if he or she has, since before the age of 18, lived with significantly impaired intellectual functioning and impaired adaptive behaviour. This **excludes** mental disorders as defined in the *Mental Health Act*.

Responding to the Abuse and Neglect of Older People in Ontario

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p>Long Term Care Homes Act, SO 2007, c 8</p> <p>Applies to abuse and neglect of people who are residents of long term care homes</p>	<p>Defines abuse as:</p> <ul style="list-style-type: none"> a. Physical force causing pain or injury, including <ul style="list-style-type: none"> • inappropriate administration or withholding of a drug • inter-patient physical force causing injury b. Emotional abuse, including <ul style="list-style-type: none"> • threats, insults, humiliation, shunning • deliberate emotional abuse by a resident to another resident c. Sexual abuse: <ul style="list-style-type: none"> • any sexual behaviour towards a resident by a staff person • nonconsensual sexual behaviour towards a resident by any person d. Financial abuse e. Neglect 	<p>Everyone is required to report the following:</p> <ul style="list-style-type: none"> a. Improper or incompetent treatment or care resulting in harm or risk of harm b. Abuse of a resident by anyone c. Neglect causing harm or risk of harm d. Unlawful conduct causing harm or risk of harm e. Misuse or misappropriation of a resident's money <p>If the following persons fail to report abuse, they are guilty of an offence and may be fined up to \$25,000:</p> <ul style="list-style-type: none"> a. Any staff person of a long term care home b. Any person who provides professional health services to a resident c. An operator of a long term care home 	<p>1. To Report Abuse, Neglect, or incapacity:</p> <ul style="list-style-type: none"> a. Long-Term Care ACTION Line: 1-866-434-0144 b. Ministry of Health and Long-Term Care: 1-866-532-3161 or (TTY) 1-800-387-5559 c. The Office of the Public Guardian and Trustee: 416-327-6348 or 1-800-366-0335 d. Retirement Homes Regulatory Authority: 1-855-275-7472 <p>2. Victim assistance:</p> <ul style="list-style-type: none"> a. Seniors Safety Line: 1-866-299-1011 b. Victim Support Line: 1-888-579-2888 c. Assaulted Women's Helpline 1-866-863-0511 <p>3. Legal Advice:</p> <ul style="list-style-type: none"> a. Advocacy Centre for the Elderly: 416-598-2656 b. Barbra Schlifer Commemorative Clinic 1-416-323-9149 c. Legal Aid Ontario 1-800-668-8258 d. Community Legal Education Ontario Legal Referral Hotline: 1-866-667-5366
<p>Substitute Decisions Act, SO 1992, c 30</p> <p>Applies to people in care and in the community</p>	<p>A person is incapable if their mental state renders them unable to manage their property, resulting or potentially resulting in serious adverse effects.</p>	<p>Any person, may report concerns that a person is incapable of personal care, or incapable of managing property, to the Office of the Public Guardian and Trustee.</p>	
<p>Retirement Homes Act, SO 2010, c 11</p> <p>Applies to people in retirement homes</p>	<p>Defines abuse as:</p> <ul style="list-style-type: none"> a. physical abuse; b. sexual abuse; c. emotional and verbal abuse; and d. financial abuse 	<p>A health professional who suspects that the following has occurred to a resident, or may occur, must report to the Retirement Homes Regulatory Authority:</p> <ul style="list-style-type: none"> a. Improper treatment or care resulting in harm or risk of harm; b. Abuse by anyone, or neglect by staff resulting in harm or risk of harm; c. Unlawful conduct resulting in harm or risk of harm; or d. Misappropriation of a resident's money. 	

Responding to the Abuse and Neglect of Older People in Québec

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p><i>Charter of Human Rights and Freedoms</i>, RSQ c C-12, art. 48</p> <p>Applies to older people in care and in the community</p>	<p>Refers to “exploitation of an aged person”, which includes types of abuse such as financial, physical, psychological, sexual, social or moral.</p> <p>Covers mistreatment of an older person who is both vulnerable and dependent on others to meet basic needs, for reasons such as:</p> <ol style="list-style-type: none"> a. physical disability; b. frailty; c. psychological dependency; or d. social factors such as isolation 	<p>An older person who is a victim of abuse may file a complaint to the Commission des droits de la personne et des droits de la jeunesse, which conducts investigations through a specialized elder abuse team.</p> <p>An OT can refer concerned family and friends to the Commission or to key contact agencies for support.</p>	<p>1. To file a complaint about the abuse of an older person:</p> <ol style="list-style-type: none"> a. La Commission des droits de la personne et des droits de la jeunesse: 514-873-5146, 1-800-361-6477, or (TTY) 514-873-2648 <p>2. Victim assistance for older people:</p> <ol style="list-style-type: none"> a. Ligne Aide Abus Aînés [Elder Abuse Helpline]: 514-489-2287 or 1-888-489-2287 http://www.maltraitanceaines.gouv.qc.ca/ b. Ministère de la Santé et des Services sociaux <ul style="list-style-type: none"> • 1-877-644-4545 • 1-800-361-9596 • 418 644-4545 (Québec) • 514 644-4545 (Montréal) • 514-873-4626 (TTY-Montréal) c. Shelter and Assistance for Victims of Elder Abuse (SAVA): 514-903-3550 d. SOS violence conjugale 1-800-363-9010
<p><i>Code of ethics of occupational therapists</i>, RRQ 1981, c C-26, r 78</p>	<p>Permits OTs to communicate information protected by professional confidentiality in order to “prevent an act of violence, including suicide... where there is an imminent danger of death or serious bodily injury.”</p>	<p>An OT may communicate the information to:</p> <ol style="list-style-type: none"> b. the person exposed to the danger; c. that person’s representative; or d. to the persons who can come to that person’s aid. 	

Responding to the Abuse and Neglect of Older People in New Brunswick

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p><i>Family Services Act</i>, SNB 1980, c F-2.2</p> <p>Applies to older people living in care and in the community</p>	<p>Defines an “an abused elderly* person” such that abuse includes:</p> <ul style="list-style-type: none"> a. physical abuse; b. sexual abuse; and c. mental cruelty <p>Defines a “neglected adult” as one who:</p> <ul style="list-style-type: none"> a. is incapable of caring properly for himself by reason of physical or mental infirmity and is not receiving proper care and attention; or b. refuses, delays or is unable to make provision for his proper care and attention 	<p>A professional person, who has reason to believe that an older person is being abused or neglected may report the concern.</p>	<p>1. To report concerns of abuse, contact Adult Protection Program, toll free (by region):</p> <ul style="list-style-type: none"> a. Acadian Peninsula (Tracadie-Sheila): 1-866-441-4149 b. Chaleur (Bathurst): 1-866-441-4341 c. Edmundston: 1-866-441-4249 d. Fredericton: 1-866-444-8838 e. Miramichi: 1-866-441-4246 f. Moncton: 1-866-426-5191 g. Restigouche (Campbellton): 1-866-441-4245 h. Saint John: 1-866-441-4340 i. After Hours Emergency (all NB): 1-800-442-9799 <p>2. Legal Advice or victim assistance for older people:</p> <ul style="list-style-type: none"> a. New Brunswick Senior Citizens’ Federation Toll Free: 1-800-453-4333, Phone: 506-857-8242 b. Beausejour Family Crisis Resource Centre, 24hr line: 506-533-9100 c. Chimo Helpline Toll Free: 1-800-667-5005; Phone: 506-450-HELP (4357) d. Fredericton Legal Advice Clinic admin@frederictonlegaladviceclinic.ca

*“Elderly” describes an adult who is at least 65 years old, or, if there is no evidence of age, one who appears to be at least 65.

Responding to the Abuse and Neglect of Older People in Nova Scotia

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p><i>Adult Protection Act</i>, RSNS 1989, c 2</p> <p>Applies to older people in care and in the community</p>	<p>Applies to older people who “lack the ability to care and fend adequately for themselves” because of a physical or mental infirmity, and who refuse, delay, or are unable to protect themselves.</p> <p>Applies to:</p> <ol style="list-style-type: none"> a. physical or sexual abuse; b. mental cruelty; or c. neglect 	<p>All persons are required to report the abuse or neglect of older adults to the Ministry of Community Services.</p> <p>Failure to report may result in a fine of up to \$1000, or of imprisonment for up to one year.</p>	<p>1. To report abuse and neglect:</p> <ol style="list-style-type: none"> a. Adult Protection Services: 902-424-6090 or 1-800-225-7225 b. Call local police <p>2. Legal advice and victim assistance:</p> <ol style="list-style-type: none"> a. Senior Abuse Line, Nova Scotia Department of Seniors: 1-877-833-3377 b. Legal Information Society of Nova Scotia (LISNS): 1-800-665-9779 c. Peace Centre (for help getting Emergency Protection Orders): 1-866-816-6555 d. Victim Services: 902-424-3309 or 1-888-470-0773
<p><i>Protection for Persons in Care Act</i>, SNS 2004, c 33</p> <p>Applies to older people who are residents of hospitals or care facilities</p>	<p>Applies to abuse:</p> <ul style="list-style-type: none"> • that has occurred; or • is likely to occur <p>Defines abuse as:</p> <ol style="list-style-type: none"> a. force causing pain or injury b. emotional harm c. improper medication d. sexual behaviour between a patient and a service provider e. nonconsensual sexual conduct between patients f. financial abuse g. failure to provide life necessities 	<p>Persons who provide services to residents or hospitals or care facilities are required to report abuse.</p> <p>Failure to report may result in a fine of up to \$2000.</p>	<p>(Continued from previous table)</p>
<p><i>Domestic Violence Intervention Act</i>, SNS 2001, c 29</p> <p>Applies to older people in care and in the community</p>	<p>Elder abuse can be a form of domestic violence, including:</p> <ol style="list-style-type: none"> a. intentional force causing fear b. an actual or threatened act or omission that causes fear of bodily harm or damage to property c. forced physical confinement d. sexual assault or exploitation e. stalking 	<p>A victim may apply to the courts for an emergency protection order.</p> <p>Any other person may apply for such an order on the victim’s behalf, with leave of a justice of the peace.</p>	<p>(Continued from previous table)</p>

Responding to the Abuse and Neglect of Older People in PEI

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p>Adult Protection Act, RSPEI 1988, c A-5</p> <p>Applies to older people in care and in the community</p>	<p>Defines abuse as: physical;</p> <ul style="list-style-type: none"> a. sexual; b. mental or emotional; and/or c. material <p>mistreatment that causes or is likely to cause severe physical or psychological harm or significant material loss to a person's estate.</p> <p>Defines neglect as the lack of or failure to provide the necessary:</p> <ul style="list-style-type: none"> a. care b. aid c. guidance; or d. attention <p>which causes or is reasonably likely to cause the adult severe physical or psychological harm or significant material loss to the adult's estate.</p>	<p>A person may report to the Minister of Health and Wellness if he or she has reasonable grounds for believing that an adult is, or is at risk of being, in need of assistance and protection.</p> <p>An adult is in need of protection if he or she:</p> <ul style="list-style-type: none"> a. is a victim of abuse or neglect or at risk; b. is incapable of fending for him or herself and is unable to make provision for necessary care; c. refuses, delays, or fails to arrange for or comply with necessary care, aid, or attention; and d. requires protective intervention to preserve security and well-being. 	<p>1. To report abuse, contact the Health PEI Adult Protection Program:</p> <ul style="list-style-type: none"> a. Charlottetown: 902-368-4790 b. Montague: 902-838-0786 c. O'Leary: 902-859-8730 d. Souris: 902-687-7096 e. Summerside: 902-888-8440 <p>2. Legal advice or victim assistance:</p> <ul style="list-style-type: none"> a. Seniors' Information Line: 902-569-0588 or 1-866-770-0588 b. Prince Edward Island Senior Safety Program: 902-566-0737 c. PEI Family Violence Prevention Services Anderson House Shelter (Emergency line): 902-892-0960 or 1-800-240-9894 d. Island Helpline Crisis Line: 1-800-218-2885 e. Community Legal Information Association of PEI: 902-892-0853 or 1-800-240-9798 f. Victim Services: 902-368-4582 (Queens and Kings Counties); 902-888-8217 or 902-888-8218 (Prince County)
<p>Victims of Family Violence Act, RSPEI 1988, c V-32</p> <p>Applies to older people in care and in the community</p>	<p>Elder abuse can be a form of family violence, including:</p> <ul style="list-style-type: none"> f. any assault or reckless act or omission that causes injury to the victim or damage to property; g. an act or threat that causes reasonable fear of injury to the victim or damage to property; h. forced confinement of the victim; i. actions or threats of sexual, physical, or emotional abuse of the victim; or j. depriving a victim of food, clothing, medical care, transportation or other life necessities 	<p>Certain people may apply to a justice of the peace for an emergency protection order:</p> <ul style="list-style-type: none"> g. the victim; h. a peace officer or victim services worker, with the victim's consent <p>If the victim is not capable of giving consent, the following people may apply for an emergency protection order on the victim's behalf:</p> <ul style="list-style-type: none"> a. the victim's guardian; or b. any other person, with leave of the justice of the peace 	

Responding to the Abuse and Neglect of Older People in Newfoundland and Labrador

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p><i>Neglected Adults Welfare Act</i>, RSNL 1990, c N-3</p> <p>Applies to older people in care and in the community</p>	<p>Does not apply to abuse of older people.</p> <p>Defines a “neglected adult” as one who:</p> <ol style="list-style-type: none"> a. is incapable of caring properly for him or herself because of physical or mental infirmity; b. is not suitable to be in a treatment facility under the Mental Health Care and Treatment Act; c. is not receiving proper care and attention; and d. refuses, delays or is unable to make provision for proper care and attention for him or herself. 	<p>A person who believes an older person is being neglected is required to report this information, along with the adult’s name and address, to the Director of Neglected Adults or to a social worker.</p> <p>Failure to do so is an offence punishable by a fine of up to \$200.</p>	<p>To report the neglect of an older person:</p> <ol style="list-style-type: none"> a. Director of Neglected Adults: 709-729-4957 b. Eastern Regional Health Authority <ul style="list-style-type: none"> • St. John’s: 709-752-4885; • Rural Avalon: 709-786-5245; • Bonavista: 709-468-7881 • Clarenville: 709-466-5707 c. Central Regional Health Authority: 709-651-6340 d. Labrador-Grenfell Regional Health Authority: 709-454-0372 e. Western Regional Health Authority: 709-634-5551 (ext.226)
<p><i>Family Violence Protection Act</i>, SNL 2005, c F-3.1</p> <p>Applies to family abuse involving an older person</p>	<p>Family violence is defined to include one or more of the following:</p> <ol style="list-style-type: none"> a. intentional force causing the victim to fear for his or her safety; b. an intentional, reckless or threatened act or omission that causes bodily harm or damage to property, or that causes the fear thereof; c. Unlawful forcible confinement d. sexual assault, exploitation, or molestation, or the threat thereof; e. stalking; and f. the deprivation of food, clothing, medical attention, shelter, transportation, or other necessities of life. <p>The law applies to conjugal relationships where the victim and the abuser are or were living together in the past.</p>	<p>A victim may apply to the court for an emergency protection order.</p> <p>A police officer or a lawyer may apply for an emergency protection order, on the victim’s behalf and with his or her consent.</p>	<p>Legal advice and victim assistance:</p> <ol style="list-style-type: none"> a. Seniors Resource Centre: 709-737-2333 or 1-800-563-5599; Phone: b. Public Legal Information Association of Newfoundland and Labrador: 709-722-2643 or 1-888-660-7788

Responding to the Abuse and Neglect of Older People in the Yukon

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p><i>Adult Protection and Decision Making Act</i>, SY 2003, c 21</p> <p>Applies to older people in care and in the community</p>	<p>Abuse is the deliberate mistreatment of an older person that causes physical, mental or emotional harm, or financial damage or loss. It includes:</p> <ol style="list-style-type: none"> a. intimidation or humiliation; b. physical or sexual assault; c. overmedication or the withholding of medication; d. censoring of mail, or the invasion or denial of privacy; e. denial of access to visitors; or f. denial of use or possession of personal property <p>Neglect, including self-neglect, is any failure to provide necessary care or assistance that causes, or is reasonably likely to cause the adult:</p> <ol style="list-style-type: none"> a. physical, mental, or emotional harm; or b. substantial financial damage or loss 	<p>Any person may make a report to the Seniors' Services/Adult Protection Unit when an adult is being abused or neglected, including by a guardian, associate decision-maker or representative, and is unable to seek support or assistance on his or her own due to:</p> <ol style="list-style-type: none"> a. physical or chemical restraint; b. a physical or intellectual disability that limits their ability to seek help; c. an illness, disease, injury, or other condition that affects their ability to seek help; or d. any similar reason. 	<ol style="list-style-type: none"> 1. To report abuse or neglect: <ol style="list-style-type: none"> a. Seniors' Services/Adult Protection Unit 1-800-661-0408 (ext. 3946) or 867-456-3946 2. For assistance getting an EIO or an VAO: <ol style="list-style-type: none"> a. Victim Services/Family Violence Prevention Unit: 1-800-661-0408 (ext. 8500) or 867-667-8500 b. VictimLINK 24hr Crisis Line: 1-800-563-0808 c. Community Adult Services Unit: 1-800-661-0408 ext. 5674 or 867-667-5674 d. Your local RCMP detachment 3. Legal assistance and victim support: <ol style="list-style-type: none"> a. Kaushee's Place/Yukon Women's Transition Home Society Crisis Line: 867-668-5733 (accepts collect calls) b. Yukon Legal Services Society: 1-800-661-0408 ext 5210 c. Community Law Clinic: 867- 667-8359 or 1-800-661-0408 ext 8359 d. Office of the Public Guardian and Trustee: 1-800-661-0408, local 5366
<p><i>Family Violence Prevention Act</i>, RSY 2002, c 84</p> <p>Applies to older people in care and in the community</p>	<p>Applies to elder abuse and neglect by a cohabitant or intimate companion. Family violence is:</p> <ol style="list-style-type: none"> a. any intentional or reckless act or omission that causes bodily harm or damage to property, or fear thereof; b. forced confinement; c. sexual abuse; d. the deprivation of food, clothing, medical attention, shelter, transportation or other necessities of life 	<p>The following people may apply to the court for an emergency intervention order (EIO) or a victim assistance order (VAO):</p> <ol style="list-style-type: none"> a. the victim; b. a peace officer or victim services worker, with the victim's consent; or c. any other person, with agreement of the court 	

Responding to the Abuse and Neglect of Older People in Northwest Territories

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p><i>Protection Against Family Violence Act</i>, SNWT 2003, c 24</p> <p>Applies to older people in care and in the community</p>	<p>Elder abuse can be a form of family violence, which is defined as:</p> <ul style="list-style-type: none"> a. any intentional or reckless act or omission that causes bodily harm or damage to property; b. any intentional or reckless act or omission that causes the victim to fear for his or her safety; c. sexual abuse; d. forcible confinement; or e. psychological, mental, or financial abuse. <p>Applies to abuse and neglect by:</p> <ul style="list-style-type: none"> a. spouse; b. intimate cohabitant companion; c. cohabitant family member; d. child or grandchild 	<p>Where family violence as occurred, the following people may apply to the court for an emergency protection order:</p> <ul style="list-style-type: none"> a. the victim; b. an RCMP officer or victim services worker, with consent from the victim; c. any other person, with leave of the court 	<p>1. To apply for an emergency protection order:</p> <ul style="list-style-type: none"> a. Seniors and Elders Deserve Respect Crisis Line: 1-866-223-7775 b. Alison McAteer House (YWCA) Crisis Line: 867-873-8257 or 1-866-223-7775 c. Your local RCMP attachment <p>2. Victim assistance</p> <ul style="list-style-type: none"> a. Sutherland House, Fort Smith Crisis Line: 867-872-4133 b. Yellowknife Victim Services Phone: 867-920-2978 or 867-669-1490 c. Hay River Victim Services: 867-874-7212 d. Fort Smith Victim Services: 867-872-3520 e. Inuvik Victim Services: 867-777-5493 or 867-777-1555 f. Fort Good Hope Victim Services: 867-598-2247 or 867-598-2352 <p>3. Regional Health and Social Service Authorities</p> <ul style="list-style-type: none"> a. Beaufort-Delta: 867-777-8000 b. Deh Cho: 867-695-3815 c. Fort Smith: 867-872-6200 d. Hay River: 867-874-7100 e. Sahtu: 867-587-3653 f. Tlicho Community Services Agency: 867-392-3000 g. Yellowknife: 867-873-7276

Responding to the Abuse and Neglect of Older People in Nunavut

Legislation	Key Features of the Law	Options for Response	Key Contact Agencies
<p><i>Family Abuse Intervention Act</i>, SNu 2006, c 18</p> <p>Applies to older adults in care and in the community</p>	<p>Applies to abuse that occurs in spousal, intimate, family, and care relationships, including:</p> <ul style="list-style-type: none"> a. threats of violence or acts of violence, including towards property; b. sexual abuse of any kind; c. forced confinement; d. emotional or mental abuse; e. financial abuse or exploitation; f. neglect which deprives the victim of food, clothing, shelter, medical attention, or transportation 	<p>An older person who is the victim of abuse may apply to the court for:</p> <ul style="list-style-type: none"> a. an emergency protection order; b. a community intervention order; c. an assistance order; d. a compensation order <p>The following people may apply to the court for a protection order with the older person's consent:</p> <ul style="list-style-type: none"> a. Family members or friends; b. Lawyers; c. Police; d. Safe house or shelter workers; e. Community Justice Outreach workers; <p>Community Justice Outreach Workers may apply to the court for an emergency protection order without the older person's consent.</p>	<p>1. For assistance getting a court order:</p> <ul style="list-style-type: none"> a. Call your Community Justice Outreach Worker b. Baffin Regional Agvvik Society: 867-979-4500 <p>2. Family Violence Shelters:</p> <ul style="list-style-type: none"> a. St. Michael's Crisis Shelter (Cambridge Bay): 867-983-5232 b. Qimavvik Shelter (Iqaluit): 867-979-4500 c. Kataujuq Society Shelter (Rankin Inlet): 867-645-2214 d. Kugluktuk Women's Crisis Centre: 867-982-3210 <p>2. Victim advice and support:</p> <ul style="list-style-type: none"> a. Iqaluit Victim Services 867-979-4566 or 867-979-2202 b. Elders Support Phone Line 1-866-684-5056 (Inuktitut) c. Department of Health and Social Services: www.gov.nu.ca/health/