

ABUSE OF ELDERS: AWARENESS AND ACTION

This past June 15 was Elder Abuse Awareness Day...emphasis on the word “awareness”. One of the most difficult issues to deal with as an elder law lawyer is abuse of older adults. However, its difficulty makes the point of awareness even more significant. According to the 1984 Toronto Mayor’s Committee on Aging, it is defined as “mistreatment of older people by those in a position of trust, power or responsibility for their care.” This same definition continues to be applicable today. There are different forms of mistreatment or abuse of elders, namely physical abuse, sexual abuse, psychological abuse, financial abuse and neglect, which also includes self-neglect.

Since the early 1980s, the development of studies on elder abuse or abuse of seniors in Canada has resulted in a multitude of research, papers and studies that point out the extent and complexity of the abuse of our seniors. Based on the studies, there is widespread agreement that the different types of elder abuse mentioned in the above paragraph stem from three major categories: 1) abuse of older adults living alone or with family in dependent situations involving family and friends (including adults receiving home care or community care); 2) abuse of older adults in institutions; and 3) self-neglect by older adults.

Generally speaking, elder abuse involves violence, mistreatment or neglect of elders at the hands of family members, friends, caregivers, service providers or other people in situations of trust or power. The key is to be aware of the different forms and variety of abuses. The abuse may occur once or it may occur repeatedly and in an escalating manner over time. There is a disturbingly large variety of abuse, making the relationship between the abused adult and the abuser complex and varied depending on the relationship and the type of abuse. The abuse varies depending on how the trust relationship is being violated or how power is being exerted.

In addition to the numerous studies done on the subject, there have been numerous developments across Canada in developing both local and community-based intervention protocols. The developments also include legislative approaches, such as the Nova Scotia *Adult Protection Act* and the *Incompetent Persons Act*. However, no one thing guarantees protection of an adult. It is fundamentally crucial to be aware of the types of abuse out there; to know what signs to look for; and the rights of seniors or adults to not have to put up with any type of abuse.

Financial abuse is one of the most common forms of elder abuse. Financial abuse can be defined as misuse of an older adult’s money, belongings or property by a relative or a person in a position of trust. It can vary from a civil wrong to criminal liability. Unfortunately, this type of abuse is usually accompanied by other forms of abuse, such as emotional abuse, physical abuse, or denial of rights. In the next issue, I will discuss financial abuse in more detail with particular emphasis on some examples, the signs to look for and preventing it.

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