



**Federal/Provincial/Territorial (F/P/T) Forum
on the
Financial Abuse of Seniors
Held on June 19-20, 2008 in Ottawa, Ontario**

Summary of Proceedings



The following summary of proceedings for the June 2008 Federal/Provincial/Territorial (F/P/T) Forum on the Financial Abuse of Seniors was prepared by the F/P/T Safety and Security for Seniors Working Group (the Working Group).

The views expressed in this summary report do not necessarily reflect the position of the Working Group, a particular jurisdiction, organization or participant of the forum. This report should in no way be construed as official or unofficial policy.

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Executive Summary

The purpose of this report is to provide a summary of the discussions that took place at the Federal/Provincial/Territorial (F/P/T) Forum on the Financial Abuse of Seniors and to present the key themes that emerged from those proceedings.

The F/P/T Forum on the Financial Abuse of Seniors (the Forum) was an invitational event held on June 19-20, 2008 in Ottawa, Ontario at the Lord Elgin Hotel. The Forum was organized by the F/P/T Safety and Security for Seniors Working Group (the Working Group), led by Ontario and Human Resources and Skills Development Canada, on behalf of F/P/T Ministers Responsible for Seniors.

The Forum brought together a diverse range of people from across Canada who work to prevent and respond to the financial abuse of seniors. Invited delegates included representatives from national and regional seniors' organizations, law enforcement, the legal community, financial institutions, Public Guardians and Trustees, social and healthcare services, and governments. Approximately 100 participants nominated by F/P/T Officials or their peers were invited to attend the Forum.

Forum objectives were:

- to increase awareness and education about the financial abuse of seniors;
- to build relationships and promote collaborative opportunities among key stakeholders, from across sectors and jurisdictions in Canada, who have knowledge of and experience working with the financial abuse issues that seniors encounter; and
- to engage key stakeholders in open discussion regarding how to assist seniors in protecting themselves from financial abuse.

Delegates were pre-registered to work in one of four concurrent sessions dealing with specific points of service that encounter and/or address financial abuse issues:

- **Legal Community**
- **Financial Services Community**
- **Health and Social Services Community**
- **Policing Community**

Since the issue of financial abuse of older adults is multidisciplinary, each session was designed to have broad delegate representation, to encourage collaboration among sectors and the development of partnerships. For example, not all lawyers were pre-registered in the legal community sector, but were distributed across the four sessions.

Participants received a discussion guide and case scenario in advance of the Forum to guide them in determining key issues and recommendations for next steps.



Delegates in each session were asked to respond to the following four questions, **both** from the perspective of the **person providing the service** and the **person receiving the service**:

1. **What are the key issues raised in the scenario with respect to financial abuse?**
2. **What are the challenges at the point of service as they relate to financial abuse?**
3. **What are the risks and benefits of intervening or responding?**
4. **What is needed to move forward? What is working well that should be shared? Develop at least three recommendations for next steps or solutions.**

Feedback from Forum participants indicates that this unique opportunity to network and dialogue with colleagues from across sectors and jurisdictions on responses to financial abuse of older adults was viewed as extremely valuable, and will likely result in future collaborative initiatives. Many participants stated that they will share the Forum discussions and findings with their local communities and incorporate them into their work on financial abuse of older adults.

The Working Group, on behalf of Ministers, will use this summary of proceedings to guide its future work on the prevention of, and response to, the financial abuse of seniors. It is hoped that this document will also serve as a resource to Forum delegates to enhance prevention of and response to the financial abuse of older persons.



Background

“...every person in our society, regardless of age, is entitled to three things: [to] live with dignity; to live with security; and to live as an autonomous human being”
(Right Honourable Chief Justice of Canada Beverley McLachlin, P.C, Keynote Address, 3rd Annual Canadian Conference on Elder Law, November 10, 2007)

Elder abuse is a complex issue, and there is no simple explanation for why it occurs. The World Health Organization defines elder abuse as, “a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.” Elder abuse can take many forms: physical, emotional, verbal, financial, sexual, spiritual, or neglect. Financial abuse, the misuse of an older adult’s money or belongings by a relative or person in a position of trust, is the most commonly reported type of elder abuse.

Sometimes elder abuse takes the form of a criminal act; however, there are many instances when it does not, which often makes intervention challenging. Some abuse may reflect ageism (or ageist attitudes) or be part of an intergenerational cycle of family violence. The issues influencing elder abuse and appropriate interventions can also vary across different cultural contexts.

Canadian research suggests that between four and ten per cent of seniors will experience some form of abuse during their lifetime. However, these rates may represent the “tip of the iceberg” in terms of actual occurrences. Older adults are often reluctant to report abuse. Research suggests that only one in five incidents of elder abuse ever comes to the attention of those that can help.

Financial abuse can be difficult to identify or recognize. It is often a pattern rather than a single event, happening over a long period of time.

Elder abuse has been a key priority of F/P/T Ministers Responsible for Seniors for several years. The Working Group is part of the F/P/T Committee of Officials Responsible for Seniors that reports to Ministers. The Working Group has responsibility for implementing initiatives in the priority area of elder abuse, as directed by Ministers. In 2006, Ministers directed that the Working Group host a national forum on elder abuse in conjunction with the 2007 Canadian Conference on Elder Law (CCEL).

When Ministers met in November 2007, following the F/P/T Elder Abuse Working Forum, they directed the Working Group to build on the recommendations and priorities identified at the forum, by hosting another working forum in 2008 with a focus on the financial abuse of older adults. The result was the F/P/T Forum on the Financial Abuse of Seniors.



**Federal/Provincial/Territorial (F/P/T)
Forum on the Financial Abuse of Seniors**
Lord Elgin Hotel, Downtown Ottawa
June 19-20, 2008
100 Elgin Street, Ottawa, ON K1P 5K8
Tel: 613-235-3333 / 1-800-267-4298

Agenda

Thursday, June 19, 2008

- | | |
|--|--|
| 12:30 p.m. to 1:30 p.m.
Pearson Room Foyer | Registration and Lunch |
| 1:30 p.m. to 1:45 p.m.
Pearson Room | Welcome and Opening Remarks
Geoff Quirt, Assistant Deputy Minister
Ontario Seniors' Secretariat
Government of Ontario |
| 1:45 p.m. to 2:30 p.m.
Pearson Room | Plenary: Setting the Context
Laura Watts, National Director, Canadian Centre for Elder Law Studies
Judith Wahl, Executive Director, Advocacy Centre for the Elderly |
| 2:30 p.m. to 3:30 p.m.
Boardroom 200 | Concurrent Sessions
1. The Legal Community
Session Leaders:
Graham Webb, Staff Litigation Lawyer, Advocacy Centre for the Elderly
Ned Chase, Lawyer, Canadian Bar Association- Elder Law |
| Laurier Room | 2. The Financial Services Community
Session Leaders:
Margaret Easton, Assistant Vice President, Administration,
Westminster Savings Credit Union
Jay Chalke, Public Guardian and Trustee of British Columbia |
| St. Laurent Room | 3. The Health and Social Services Community
Session Leaders:
Lisa Manuel, Manager, Seniors and Caregivers Support Services and
Violence Against Women, Family Service Association of Toronto
Amanda Brown, Director, Vancouver Coastal Health Centre |
| Boardroom 300 | 4. The Policing Community
Session Leaders:
Christina Wolf, Detective, Ottawa Police Service
Patrick Tracy, Detective, Edmonton Police Service |
| 3:30 p.m. to 3:50 p.m. | Networking and Refreshment Break |
| 3:50 p.m. to 5:30 p.m.
Boardroom 200
Laurier Room
St. Laurent Room | Concurrent Sessions, Continued
1. The Legal Community
2. The Financial Services Community
3. The Health and Social Services Community |



Boardroom 300 4. The Policing Community

5:30 p.m. to 7:00 p.m. Informal Networking Reception
McDonald Room

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Friday, June 20, 2008

8:00 a.m. to 8:30 a.m. Breakfast
Pearson Room Foyer

8:30 a.m. to 9:40 a.m. **Plenary: Concurrent Session Findings**
Pearson Room
Facilitated by Judith Wahl
1. The Legal Community
2. The Financial Services Community

9:40 a.m. to 10:00 a.m. **Networking and Refreshment Break**
Pearson Room Foyer

10:00 a.m. to 11:10 a.m. **Plenary: Concurrent Session Findings**
Pearson Room
Facilitated by Laura Watts
3. The Health and Social Services Community
4. The Policing Community

11:10 a.m. to 12:00 p.m. **Discussion and Wrap-up**
Pearson Room
Facilitated by Judith Wahl and Laura Watts

12:00 p.m. to 12:15 p.m. **Closing Remarks**
Pearson Room
Susan Scotti, Senior Assistant Deputy Minister
Income Security and Social Development Branch
Human Resources and Skills Development Canada

12:15 p.m. to 1:00 p.m. **Networking and Lunch**
Pearson Room Foyer



Summary of Proceedings

The Forum began with a welcome message and opening remarks from Geoff Quirt, Assistant Deputy Minister, Ontario Seniors' Secretariat, Government of Ontario.

Forum Facilitators Judith Wahl and Laura Watts provided an overview of the two-day Forum. They set the stage for the day's discussions by referring to the case scenario, clarifying the discussion guide and questions proposed for the concurrent sessions, and going over the goals and objectives of the Forum.

Concurrent Sessions: Discussions and Recommendations

The section below highlights critical points that came up during the discussions that were held in each of the four concurrent sessions. The recommendations for next steps and solutions generated by each group during their discussions appear in tables at the end of the discussion summary of each session.

The Legal Community

Session Leaders:

Graham Webb, Staff Litigation Lawyer, Advocacy Centre for the Elderly
Ned Chase, Lawyer, Canadian Bar Association- Elder Law

As participants began examining issues that are pertinent to the legal community when dealing with the financial abuse of seniors, they identified five key issues:

- the delivery of education - the empowerment of the adult, the empowerment of advocates;
- accountability;
- access to resources;
- legislation - enforcement of the existing law, both criminal and civil; and
- confidentiality issues - including mandatory reporting and the limits on mandatory reporting.

Discussion - Critical Points



- **Greater education of the judiciary and legal practitioners (including crown attorneys) is required**

One participant pointed out that Ontario has extremely strong laws dealing with substitute decision making and yet many lawyers aren't familiar with them. At the same time, courts seem disinclined to force appointed attorneys to account. "In Ontario, we have great laws that address guardianships, but when you get to court, the judges just don't get it. They don't understand that guardians and attorneys of property actually have these legal duties," one participant stated. The group agreed that there is a need for education at all levels.

- Judges need to be educated regarding the duties of guardians, the use and abuse of power of attorney (POA) documents, and the management of trustees. Education of the judiciary on the obligations to account under the substitute decisions act is also required.

Judges need to support legal practitioners and police who bring abusers to justice. Police bring charges but are not getting support from judges. Participants complained that courts "just aren't getting it." When it comes to breach of trust, there are few laws to guide them.

50 years ago, violence between married spouses was often seen as a private matter between family members. Much work has been done to change this thinking. There needs to be a similar shift in the way the financial abuse of seniors by family members is perceived.

- Participants wanted to see elder law courses added to the generic training of lawyers, so that anybody who gets a law degree knows something about elder law. They also supported the development of a continuing education program focusing on elder law.

The group called for the designation of the specialization of elder law within the legal practice. Bar societies should devise standards for training elder lawyers; measures of competency. There should be a standard of knowledge, experience, and capability before you can call yourself an elder lawyer. There should also be an increase in opportunities for elder law specialization and continuing education. Seniors should be able to find elder law specialists by using an online search engine similar to the "Doctor Search" application that the College of Physicians and Surgeons provides on their website.

- **Abused older adults need access to lawyers who are responsive to the unique needs of their senior clients**

Dealing with seniors is a unique and specific area of practice. Lawyers need to ask themselves: Who is my client? From whom am I receiving instructions? Is there undue influence?

Seniors don't want to alienate children and are often hesitant to report them, but they do want someone to challenge them. Lawyers are the third party who can challenge children/caregivers on issues regarding their senior parent's care and property. Lawyers need to do adequate screening on real estate transactions for conflicts of interest. They need to be comfortable posing difficult questions, e.g. challenging transfer of title or second mortgage.



Participants suggested that some lawyers mistakenly assume that a senior's supports/family will act as a voice for that senior and protect their interests. Lawyers need to speak to seniors one-on-one, away from their children or caregivers. Ageism can get in the way of this. All service providers need to be educated not to get caught up in their own ageism. There is a need for specialists in elder law with the sensitivity to talk with the older person rather than about the older person. Seniors should be empowered and have a voice.

Further complications arise when a lawyer has had a family as clients for years. It is the lawyer's job to cut through outside interference and deal directly with their client.

Participants complained that some lawyers seem oblivious to the special needs of older adults in obtaining legal advice and representation. Some lawyers are uncomfortable dealing with someone with an impediment or impairment that doesn't amount to the defeat of instructional capacity (prevent the older adult from instructing their lawyer).

The group highlighted the need to accommodate older adults with sensory impairments when they are dealing with their lawyers and the justice system.

One participant pointed out that, as a lawyer, the relationship between lawyer and client is one of agency. The agent can never do anything that's more powerful than the principal (client). So if the client can't instruct the lawyer, it ends the relationship. The issue is: When does that happen? Can you see it happening? What do you do about it? The group discussed the unevenness of resources from province to province, within provinces and between different types of communities. Participants noted that in remote communities, getting a lawyer who is a specialist is nearly impossible. Having an elder law specialist in each small community across the country may not be realistic. In this case, the issue of access supersedes the desire for specialization.

- **Greater accountability of counsel is needed and can be achieved through greater vigilance by law societies when it comes to monitoring of lawyers and enforcement**

The group's discussion of the issue of accountability of counsel raised the following questions: How do you measure the professional competency of a lawyer? How do you ensure that they are acting in the interest of the client? How do you make certain that they are doing what is best for the senior, not the senior's family? How do you guarantee that they are acting on the senior's behalf and no one else's?

Participants called for greater vigilance when it comes to monitoring and enforcement by law societies. They felt that there should be screening for abuse by lawyers, especially in the course of doing real estate transactions.

- **Older adults need access to legal advice**

Group members suggested that many seniors don't make informed long term plans for themselves. Often, they don't get legal advice on making wills and giving power of attorney. Seniors need personal directives, POA agreements, wills, etc., but can't necessarily afford them. Participants pointed out that due to limited funds, many seniors end up opting for the various home kits that are available, sometimes filling them out with the help of the potential abuser. In taking the cheapest route because they can't afford to do otherwise, they are leaving themselves vulnerable to abuse. If more of this



kind of legal advice were available, these issues could be addressed and the potential for abuse of these instruments mitigated.

- **Access to civil justice should be provided, free of charge, to victims of elder abuse**

One obstacle that prevents abused seniors from accessing justice is the financial cost of legal representation. Victims of abuse may have a legal right to redress, but often they either have no money left to retain legal counsel or have lost control of their money. They can't retain a lawyer privately, especially if litigation is involved. They need access to justice. The group stressed that this is a national need.

Legal aid clinics are able to deliver services with a great degree of expertise due to experience. Unfortunately, throughout Canada, access to legally aided justice is very sparse. In Ontario there is only one clinic of five lawyers who provide legal aid to seniors. However, Ontario doesn't grant legal aid certificates for civil matters of this type. British Columbia's first legal aid clinic for seniors is just now starting up.

Participants suggested that in order to overcome financial barriers, access to civil justice should be provided, free of charge, to older adults who no longer have their money. There needs to be legal aid in some form across Canada so that older adults who are the victims of financial abuse have the ability to retain lawyers. More elder law clinics across the country would help ensure that all Canadian seniors have equal access to justice.

In order for legal aid to be accessible across the country, issues of diversity have to be addressed. Seniors who may face barriers to accessing legal aid include those who are isolated due to mobility, non-English speakers, and seniors living in remote areas.

There has to be a measure of equal access to legal advice across the country.

Older adults need equal access to justice in both official languages. Beyond that, they also need access to justice in whatever language they speak. Clinics need to be able to accommodate a diversity of communities and languages. All seniors should have access to elder law specialists. One participant emphasized that, while there is no substitute for speaking with a lawyer in your own language, it is better to speak with a lawyer who understands the issues you're dealing with and can speak to you through an interpreter than to get a lawyer who may speak your language but is not going to speak to you, but rather to your child.

It was suggested that equal access to justice across Canada could be achieved through teleconferencing, like the health system.

Participants also identified a need for greater criminal justice resources, citing an unevenness of resources from province/territory to province/territory and, within provinces/territories, from community to community.

- **There needs to be more proactive intervention by Public Guardian and Trustees in cases of incapacity**

Several participants emphasized that their comments were not intended as a criticism of Public Guardian and Trustees (PGTs). PGTs are doing their jobs well, one participant stressed; what they're supposed to do by the legislation that governs them or by the



government policy that directs their activities. The problem is that government policy directs that they should only act in a very limited number of cases.

In most provinces the PGT has legal jurisdiction to intervene only when the person's mental capacity is an issue. They have no jurisdiction to intervene where someone is capable and is being financially abused. A participant from Alberta explained that dependent adult and substitute decision making legislation in Alberta is changing. Current legislation gives no specific authority to the Public Trustee to intervene in the decisions of appointed trustees. Under Alberta law, the Public Trustee has no authority over an attorney. If an attorney has been validly appointed under a Power of Attorney, the Public Trustee has no oversight over this person. Only the Court has jurisdiction over an attorney.

The group suggested that the government policies that direct PGTs should make it easier for them to become involved, as they often want to do, in more cases where vulnerable adults lack mental capacity and need decision makers in a way that isn't being provided.

Police officers, family members, and long-term care administrators make reports to the PGT, who in turn are doing what they are supposed to be doing. However, they are not intervening where they could be and people in the community wish that they were more proactive. More proactive involvement from PGTs would be valuable because the recommendations they make go a long way in helping with court applications. Lack of resources is an undeniable factor.

- **A power of attorney document that is standard across the country is needed**

Every provincial and territorial government has its own statute with regards to POA. Participants felt that there is a need for a standard POA document across the country. Currently, there is an initiative in the Canadian Bar Association with input from the Canadian Bankers Association and a number of other industries to devise a POA document that will be consistent throughout jurisdictions.

- **There should be greater accountability of appointed attorneys**

There needs to be greater accountability of appointed attorneys under the POA document. Mishandling of responsibility needs to have repercussions. What is required is enforcement of legislation from both a civil and criminal perspective. Participants were concerned about the common perception that individuals who financially abuse seniors will not face repercussions, e.g. jail time or restitution.

One participant pointed out that if an attorney on an enduring POA isn't following through on their responsibilities and is misusing the senior's funds, there are significant barriers that deter seniors or third parties from reporting/pursuing redress: the length of time it takes for the case to go to court, the cost incurred by the person bringing this forth, and the inability to prosecute if the appointed attorney leaves the district. Who is going to come forth given the barriers?

There is a great divergence across the country in terms of the reporting and accounting duties of attorneys and guardians of property.

One participant commented that Ontario has good legislation, but enforcement is problematic. Under *The Substitute Decisions Act, 1992*, powers of attorney have to be



used for certain things and the appointed attorney has to account, but getting a court to force an attorney to properly account is problematic. In that province, there was some suggestion at one time that there be mandatory accounting by appointed attorneys and guardians of property.

In Alberta, the Public Trustee, who deals with financial and property matters, has no jurisdiction over validly appointed attorneys. In that province, if someone has a concern about an appointed attorney, they have to take the attorney to court.

One participant raised the point that court appointed trustees are accountable to courts for expenditures. However, when someone is an attorney on an enduring POA, they're not accountable to anyone.

- In some jurisdictions, like British Columbia, there is the concept of monitors. Monitors can be written into POA documents and the appointed attorney can be required to provide accounts periodically to the named monitor. Participants maintained that monitoring ought to be equally accessible and effective, nationwide, in urban, rural and remote areas.
- Another solution is to hire a corporate trustee to work with the appointed family member rather than appointing a monitor. Appointing a corporate co-attorney or guardian works in many cases, but some senior clients won't want to spend money on it.
- One participant asserted that having two appointed attorneys should be a standard part of POA agreements. However, some seniors don't have two people to call on or if they do, the two appointees wouldn't get along.
- One participant suggested appointing alternate attorneys rather than joint attorneys.

The group felt that care providers should be educated about the repercussions of fraudulent or abusive mishandling of their powers as appointed attorneys.

PARKING LOT

The parking lot is a place to record topics that were worthy of discussion but were either not directly relevant to the overall theme of the session or were the subject of significant unresolved debate.

- **Mandatory reporting**

The group discussed the notion of mandatory reporting, but could not come to a consensus on the issue.

Participants agreed that many employees of financial institutions don't have the education and tools necessary to take steps to try to redress situations of abuse. One participant noted that banks are obligated to report money laundering, and suggested that there should be similar legislation for those who witness financial abuse.

Employees of financial institutions would have an obligation to report financial abuse to a central agency that could then share the information with police and accelerate the prosecution process.

- **Civil Enforcement of Legislation**



Some participants expressed the opinion that there is a lack of legislation by the federal government for the prosecution of financial abuse of seniors. Police can't get information unless it is willingly given. Because it is a financial issue, the victim or a family member needs to come forward otherwise police can't prosecute. Banks won't provide police with such information because they are concerned with protecting themselves. In cases of domestic violence, the police can intervene even if no one comes forward, as long as they have a production order or a warrant. Participants called for legislation that is government driven that allows the legal community to prosecute, and establishes laws for protection of both victim and service provider. Such legislation would have to work with the banking industry.

Legal Community Session Recommendations

- **Education of judiciary and lawyers (including crown attorneys)**
 - education of judiciary with regards to duties of guardians, attorneys for property
 - lawyers working in area of elder law should be instructed on communicating directly with the client; taking instructions directly from the client, not the people around the client
 - generic training of lawyers (curriculum) should include something on elder law
 - legal community should receive continuing legal education on elder law
 - the opportunity to specialize in elder law should be available
- **Better access to justice for victims of elder abuse**
 - greater criminal justice resources
 - more even resources between urban, rural and remote settings
 - more elder law clinics
 - accommodation to ensure accessibility, e.g. remove barriers to access posed by isolation, mobility issues, sensory impairments, language barriers, etc.
- **Proactive involvement of public trustees in cases of incapacity**
 - greater intervention by public trustees as a matter of course, not as a last resort
- **Closer vigilance and monitoring of lawyers by law societies**
 - measures of competency for lawyers
 - screening for abuse by lawyers, especially in the course of real estate transactions
- **Better monitoring of appointed attorneys, guardians of property and trustees to ensure accountability**
 - although powers are standard across Canada, how they are carried out and enforced varies widely across jurisdictions
 - better monitoring is needed, though the modality of that monitoring is up in the air



The Financial Services Community

Session Leaders:

Jay Chalke, Public Guardian and Trustee of British Columbia

Margaret Easton, Assistant Vice President, Administration, Westminster Savings Credit Union

To stimulate discussion, session leaders chose to begin with an introduction that explored the issue of financial abuse of seniors from the perspective of the financial services community.

Ms. Easton highlighted several significant factors that impact how the financial services community perceives and reacts to cases of financial abuse of seniors:

- On average, bankers in branches are between the ages of 30 and 40 years old. Most of them have three to five years experience and probably two to three days training on estates, yet they deal with very powerful documents that have very broad discretion.
- The sheer volume of legislation that a banker needs to be aware of can be overwhelming. Understanding the subtleties of privacy legislation and POA can be especially challenging, as can keeping abreast of recent court decisions, e.g. those that came out last year about joint accounts (*Pecore v. Pecore* and *Madsen Estate v. Saylor*).
- Educating staff of financial institutions as well as the public about pertinent issues is an ongoing challenge.
- Having cooperative and conciliatory interaction with the legal, policing, and health and social services communities is not always easy, as each group comes to the senior at a different point in the transaction. This often leads to differing advice.
- Issues of capacity are especially difficult for employees of financial institutions to address. They possess neither the medical nor legal expertise necessary to make sound determinations.
- What is considered to be financial abuse differs between cultures.
- Jargon employed by the financial services community may pose a barrier to communication between employees of financial institutions and their clients.
- There can be confusion about the role bank employees play with respect to their customers. Whereas corporate trust companies or the trust department of a bank play a fiduciary role with respect to their customers, branch employees of a bank are guided by a different law, that of debtor versus creditor.

After presenting some statistics about the financial abuse of seniors, Ms. Easton discussed some of the factors that put older persons at risk of being abused financially and the issues that prevent them from seeking help when they become victims of financial abuse.

She then put forth some potential solutions to the issues that financial institutions encounter with respect to the financial abuse of seniors:



Federal/Provincial/Territorial Ministers Responsible for Seniors

- Some banks have their own in-branch POA documents, others require legally prepared POA. If banks were to accept only legally prepared POAs, they would be assured that the senior received at least a minimum of legal advice.
- The recent Supreme Court of Canada decisions in the Pecore v. Pecore and Madsen Estate v. Saylor cases abolished the presumption of advancement that used to apply when parents made gratuitous transfers to their adult children (though minor children still benefit from presumption). Now a person receiving such a transfer must demonstrate that the transfer was intended as a gift, not simply to be held in trust for the benefit of the parent or the parent's estate. This has impacted how banks deal with joint accounts. Many banks now insist on instructions of intent when jointing up accounts.
- Providing educational seminars and brochures free of jargon to bank customers would go a long way in creating an informed clientele, as would financial management programs.
- Staff could be trained to ask all customers questions about whether they are being financially abused. The creation of universal screening techniques that would be applied to all bank customers regardless of age would take the stigma and fear associated with the financial abuse of seniors away and let seniors know that there are resources they can access if they become victims of financial abuse.
- Bank reporting projects.
- Criminalizing the abuse of powers of attorney.
- Strengthening civil remedies.
- Giving financial institutions some immunity when reporting.
- Creating new products, e.g. the Totten trust. Prevalent in the United States (also referred to as a "Payable on Death" account) the Totten trust is a form of trust created where one party (the settlor) places money in a bank account or security with instructions that upon the settlor's death, whatever is in that account will pass to a named beneficiary. The funds in question are not subject to probate, are insured, and are not accessible to the beneficiary until the settlor's death. The settlor can revoke the trust at any time.
- Prevent those with POA from acting unilaterally on "fundamental transactions," e.g. the sale of a house.
- Providing new services, e.g. account reviews once an account becomes joint or is accessible to one with POA. Banks have the technology to access account information and monitor transactions as requested.

Discussion - Critical Points

- **Governments and the financial industry need to work together to address the use and misuse of POAs and joint accounts**

Participants outlined three instruments that Canadians can use to protect themselves against financial abuse or to increase their financial autonomy: POA, joint accounts, and wills.



Branches, seniors and family members/appointees, all need to be educated regarding the power and limitations of these financial instruments.

- Session participants suggested a review of joint accounts following recent Supreme Court decisions (*Pecore v. Pecore* and *Madsen Estate v. Saylor*). Financial institutions should develop guidelines for staff when opening a joint account. For example, they could insist on instructions of intent when opening joint accounts. Required disclosure would compel financial institutions to train employees to have conversations with clients about what is entailed and what the legal implications are, before they open a joint account.
- The group discussed the in-branch POA documents that some banks have versus legally prepared POA agreements. The latter indicates that the senior received at least a minimum of advice. One participant noted that most banks no longer prepare their own POA documents. There are also “off the shelf” kits that aren’t done by a lawyer or a bank. While participants were wary of making legally prepared POA documents mandatory, due to the expense to seniors, they did agree that there should be some way of ensuring that POA agreements were legitimate and that the senior was of sound mind and well-informed when it was signed. The idea of a POA registry was raised.

The group felt that we need to do a much better job in Canada of making sure people understand how these financial tools work. Participants wanted to see government work with the financial industries that are federally and provincially regulated to ensure that customers are informed before assigning POAs and creating joint accounts. Financial institutions should establish guidelines for staff in the branches when dealing with POAs and joint accounts. The group discussed how this could be achieved, whether through voluntarily adopted best practice guidelines or mandatory disclosure. Mandatory disclosure would require banks to provide customers with a mandatory level of information before they enter into a joint account or have a document or an account managed by an attorney.

- **Education for substitute decision makers and people acting under POA documents is needed**

POA and joint accounts are powerful instruments and participants felt that both the person issuing it and the person trying to act on behalf of it often have very little guidance. Family members are often unaware of their duties as an appointed attorney. “Most attorneys haven’t a clue, really what their legal obligations are. Some of the statutes aren’t particularly well articulated and even for the ones that are, it’s complicated stuff,” one participant noted. The group agreed on the need for education for people acting as appointed attorneys and decision makers.

- **Seniors can be safeguarded from financial abuse through the promotion of careful financial planning and a financial literacy campaign; knowledge is power**

Seniors represent a largely uninformed customer base dealing with rather complicated matters. Moreover, issues such as advanced planning in the event of death or incapacity are things people don’t want to think about. As one participant pointed out,



most adults die without a legally valid will and yet death is an absolute certainty. Planning in case of incapacity is still a relatively new practice and the associated tools may be unfamiliar to many seniors.

The group suggested a partnership between public and private sectors, including financial institutions, to prevent financial abuse through an awareness campaign that promotes prudent financial planning and financial literacy. The federal and provincial governments would work with their respective financial institutions to develop a partnership approach to design and deliver a POA and joint accounts public awareness campaign. Education for seniors on planning for long-term financial autonomy would help them identify risks, and encourage them to get financial advice so that they can make informed decisions.

Participants stressed the importance of using positive messages that do not promote ageism. Not all seniors are vulnerable. Financial institutions would need to avoid sending paternalistic messages, e.g., “Let us take care of you.” One participant suggested that those who are most familiar with senior culture should have input into the wording that is employed in such a campaign. Any campaign should emphasize the use of financial instruments to maintain financial autonomy for longer and protect one’s financial future.

Participants suggested investigating how this proposed campaign might synergize with recent federal government elder abuse awareness activities and hopefully funding.

- **Governments need to address the increased need for appropriate community response resources that will result from successful awareness raising campaigns**

The group was concerned about the impact awareness raising campaigns might have on existing resources. A successful awareness campaign would result in a rise in reporting and would thus necessitate the allocation of greater resources for response. “I know currently we are way understaffed to be able to respond to the need in our community and I’m sure that is the same across the country. So, when we talk about a public awareness campaign, we should also be talking about a response to those who are needing us now,” one participant urged.

Participants emphasized that the government will need to address the increased demand for response resources that will result from the upcoming federal awareness campaign and any campaign that might evolve through a partnership between the government and the financial industry. It is imperative that these resources be supported accordingly.

- **There is a need to clarify and harmonize federal and provincial/territorial legislation as it relates to the financial abuse of seniors, especially privacy laws that present barriers to the reporting of financial abuse**

The group stressed the need for interjurisdictional consistency of legislation in general and especially in matters that relate to the ability of financial institutions to report suspected cases of financial abuse.

Primarily what the discussion focussed on was moving towards standardization of provincial/territorial laws, relating to the reporting of abuse in financial institutions.



Participants agreed that what you can report, when to report and all of the issues around the privacy legislation aren't well understood by employees of financial institutions. Dealing with privacy issues is difficult because legislation is not consistent across provinces/territories. Privacy law was highlighted as one area where interjurisdictional consistency would be imperative to removing barriers to the reporting of financial abuse.

One participant emphasized how difficult it would be for banks to implement a policy on privacy when laws differ across provinces/territories and across jurisdictions within provinces/territories. Each branch would need its own policy tailored to the privacy legislation of their jurisdiction.

Participants proposed a study to address the lack of consistency of provincial/territorial acts related to reporting abuse of financial instruments and a move towards standardizing federal and provincial/territorial interjurisdictional laws.

The group also discussed the need to address the liabilities that are perceived by financial institutions arising from decisions surrounding whether or not to report suspected abuse.

- **Changes to *The Personal Information Protection and Electronic Documents Act*, as proposed by the House of Commons committee and the Canadian Bankers Association, should be supported**

There was a House of Commons committee that recommended that a particular section of *The Personal Information Protection and Electronic Documents Act* (PIPEDA) be amended to permit reporting by financial institutions to adult protection authorities where appropriate. Most recently and subsequent to that there was a consultation paper by the Canadian Bankers Association (CBA). Participants urged support for the recent CBA recommendation that PIPEDA be expanded to permit disclosure without consent when that disclosure would be in the individual's or the public's interest.

- **Banks need to focus more attention on senior clients**

The group highlighted the importance of the relationship between banks or financial institutions and their senior customers.

A number of participants from the financial services industry acknowledged that often financial services are two-tiered. Depending on the income and assets one has in a financial institution, one will be moved to a different level of advisor. One participant admitted that, unfortunately, many seniors of modest means become unassigned clients because there is not enough worth for banks to provide financial planners for them. It can be difficult for bank employees to separate senior clients from their abusers. Isolation can present a seemingly insurmountable barrier to communication between bank employees and senior clients. The creation of social isolation by a sole caregiver who also happens to be the senior's appointed attorney can be problematic. Equally troubling are cases where a senior has no supports whatsoever. The group agreed that it is imperative that staff of financial institutions interact with their senior clients directly and in private.

Seniors who have physical capacity issues in terms of being able to get to a bank are hindered by the trend towards consolidation and automation. Especially in rural and



remote areas, branches are few and far between. Hearing impairments, language barriers, disability, or cognitive impairments can also render senior clients completely reliant on the individual who is their attorney or joint account holder.

The group discussed the misconception that only wealthy seniors fall victim to financial abuse. In fact, because of a lack of services, less wealthy seniors are particularly vulnerable to abuse. One participant pointed out that it would be in the best interests of both seniors and financial institutions if the financial industry were to create innovative products that would help the average senior protect and manage their money.

Financial Services Community Session Recommendations

Federal and provincial/territorial governments work with their respective financial institutions regarding POAs and joint accounts to:

- Develop “an informed client” when creating or operating a POA or a joint account; and
- Establish guidelines for staff when dealing with POA and joint account policy and practice.

Options to achieve this could include mandatory/voluntary disclosure or best practices; may also include a study of a POA registry service.

Federal and provincial/territorial governments work with their respective financial institutions to develop a partnership approach to design and deliver a POA and joint accounts public awareness campaign.

- Use positive messages that do not promote ageism – not all seniors are vulnerable;
- Investigate means to synergize with recent federal government elder abuse awareness activities; and
- Governments recognize and address the impact of such a campaign on existing resources.

Federal and provincial/territorial governments work with their respective financial institutions to address jurisdictional inconsistencies regarding legal responses to financial abuse and barriers to reporting.

- Move towards standardization of provincial/territorial laws related to reporting of abuse in financial institutions;
- Need to address the liabilities that are perceived by financial institutions arising from the decision whether or not to report suspected abuse; and
- Need to amend federal and provincial/territorial privacy laws that prevent financial institutions from reporting suspected incidents of abuse.

The Health and Social Services Community

Session Leaders: Lisa Manuel, Manager, Seniors and Caregivers Support Services and Violence Against Women, Family Service Association of Toronto

Amanda Brown, Director, Vancouver Coastal Health Centre



Discussion - Critical Points

- **All recommendations should be embedded in a national research agenda**

The group emphasized that all of the recommendations that were being brought forward should be embedded in a national research agenda that would inform the implementation of the recommendations and create evaluation frameworks.

Participants stressed that a research agenda should use a variety of different lenses to look at abuse including age, gender and cultural analysis at a minimum.

One participant spoke to the need for legal research and law reform. She called specifically for law reform to deal with workplace safety issues, arguing that they would force health and social service providers to start implementing things like education, staffing, resource supervision, safety, two-person visits to difficult homes, etc.

- **Financial abuse can be prevented through the regulation of financial instruments such as POA documents**

One participant pointed out that there are provisions in the *Criminal Code* that deal with abuse of POAs, but that we don't often turn our minds to that, looking instead for civil remedies. The group called for legislation at the federal level, uniform throughout Canada, around POA documents and wills, to make it more difficult for people to take advantage of these instruments.

Participants suggested that there should be some system in place to oversee appointed attorneys and stop them from abusing their powers. One idea that was raised was to have uniform POAs with mandatory accounting. If there were some means of reporting back to other members of the family, and in the absence of family, to some regulatory body, it might keep appointed attorneys in line.

One participant suggested that having two attorneys, rather than just one, should be a mandatory part of a POA document.

Another suggestion was for a POA registry. If appointed attorneys knew they had to be registered, it might lessen the potential for abuse.

- **Police should be tasked to investigate POA theft**

The group felt that there needs to be a willingness and a corresponding resourcing of police units to pursue POA theft by family members. Participants felt that the civil remedy doesn't seem to be much of a deterrent. Moreover, pursuing thieves and spending senior's remaining funds on legal fees to recover money can be futile. If police took an active role in vigorously investigating POA theft, would-be thieves might be deterred. As well, those acting under a POA document might be more aware of the potential consequences of misusing their powers because of publicity surrounding police investigations and arrests.

- **It is imperative to resource the response**

The group emphasized the importance of resourcing supports on the ground. "If we raise public awareness, who and where are people going to go to once they see themselves as a person who may be being abused or they have concerns about their



neighbour?” one participant asked. While things like referral lines are certainly helpful, it is imperative that the resources are available to facilitate help at the other end. Having a process for referrals without sufficient resources to act on those referrals is like getting a diagnosis where there is no treatment. What’s the point of offering a service/solution, when you can’t act on it?

There is a need to provide housing, counselling, translation, safe places, policing, health services, and legal advice/resources for seniors and professionals.

Lack of resources is especially challenging in small populations.

One participant highlighted the danger brittle social networks pose to at-risk seniors. In many cases, once the house has been sold, and all the money is gone, financial abuse becomes a health issue by default because the senior can’t live on their own any longer. Access to social services needs to be seen as a determinant of health.

The group talked extensively about the level of stress that occurs for staff and volunteers who are out in the field. Organizations have to have the will and resources to support staff to do this work. They need places for traumatic debriefing, supervision, clinical supervision, either in-house or otherwise.

- **Community networks can provide a coordinated, systemic, multidisciplinary response to financial abuse of seniors, if they are adequately resourced**

Participants discussed the importance of community networks being resourced to support seniors in the community. The group stressed the need for a community response that has a systemic approach. Currently there are bits and pieces of professionals all through the community who are trying their best. Participants wanted to see a move towards instituted processes like those that exist in the field of child protection.

One participant noted that knowing where to refer senior victims of financial abuse can be challenging. It is important for health and social service workers to have a contact person in law enforcement, some kind of liaison who deals specifically with issues related to elder abuse. Networks are needed to empower communities to build these relationships.

Resources are required for networking to support interagency coordination. Information sharing helps networks facilitate referrals, do community-based problem solving, and identify where the needs and gaps are in terms of providing assistance to older adults in cases of financial abuse. Providing support to someone who has the time and meeting room to pool people together on a regular basis is crucial.

Participants pointed out that an investigation rather than an intervention creates an added level of vulnerability for an abused senior who is already vulnerable. So it is important to have a safety net built in around the senior when they do decide to advocate for and protect themselves. They called for a national system of best practices that can be modeled at a community level with some resources attached to it to develop an ideal community response model to put that safety net in place.



- **It is important to overcome barriers to disclosure**

Many abused seniors fear the consequences of reporting. Often, they don't want to employ the *Criminal Code*. They may prefer to pursue civil remedies because they don't want to have a family member, who may also be a care provider, thrown in jail. They might fear losing everything; care provider, home, pet, grandchildren. To them, the consequences of reporting could be worse than the crime.

Many seniors are averse to going to the police station or dealing with uniformed police. They want help, but they also want privacy.

It is essential for frontline workers, police officers in particular, to build rapport and trust. One participant pointed to the example of a cultural liaison officer who hosts a coffee date at a senior centre once a week. Being there to answer questions builds trust and ends up eliciting reports of financial abuse.

The group discussed other barriers to disclosure, including language and culture.

- **There should be multiple mechanisms for seniors to attain help**

- Participants suggested that a helpline for seniors, where information and referrals are available on a voluntary basis, could be created and funded by the federal government. Seniors need a place where they can make reports and there is a mandated response; somebody who is charged with looking into the situation and providing whatever support the caller wants. This could be the place where professionals liaise, where they connect all the potential resources and information.

One participant noted that if someone is listened to, they gain self-respect. The process of discussing your issues on a 1-800 line which may not necessarily send out the swat team to resolve the problem, but would allow people to talk about their issues, is therapeutic and important.

There would need to be a media campaign and ways of communicating directly with the users of the service to let them know that it is out there. Getting the word out about a helpline could be achieved by sending out a pamphlet or a fridge magnet with the phone number and information about the kinds of issues you could call about.

Such a phone line would need to be staffed and help would need to be available in the languages of the senior callers. Several participants pointed out that a phone line would only be helpful if it had the resources behind it to support it.

One participant brought up the fact that Nova Scotia's department of seniors has a 1-800 number for reporting elder abuse and a seniors' helpline where they can get information. Very often legal questions go to the lawyer referral line, but there are only two lawyers who field these questions and it is too much work for them.

- Participants discussed the notion of establishing an Ombudsman's Office at the national level to address systemic and individual issues related to abuse of seniors. The office would have to address the autonomy of the elderly person, with a contact number and the power to write a report and do an investigation if a complaint were lodged. It would need to be resourced properly and "have teeth."



- **Frontline workers need to be mindful of the co-occurrence of financial abuse with other forms of abuse**

The group raised the point that, unfortunately, financial abuse often comes along with other types of abuse. Even though the topic of the day was financial abuse, recommendations were crafted keeping in mind the fact that one form of abuse often co-occurs with another form of abuse or precipitates the person experiencing other forms of abuse. Providers in all different areas need to be mindful that where one form of abuse is present, there often exist other forms. The challenge is to work towards addressing financial abuse in that larger context without minimizing the need to address financial abuse as a distinct issue.

Participants also noted that family dynamics often play a role in cases of abuse, so it is also important to look beyond the individual and see what's happening in other relationships in the family. Family violence, including elder abuse, is a multi-faceted, very complex problem that requires a multidisciplinary approach.

- **There is a need for awareness raising in the general public about ageism and what constitutes abuse**

The group called for a public awareness campaign that combats ageism and stereotypes. Ageism is the larger societal issue that gives rise to the perceptions and attitudes that contribute to the incidence of financial abuse of seniors.

Working with youth to shift attitudes about ageism and respect for property is important. Participants shared promising approaches around raising awareness among youth.

They also discussed the fact that potential abusers need to be educated on what elder abuse is. In the same way that people needed to be educated about “what is child abuse?” and “what constitutes violence against women?”, we’re in the same position in terms of educating society, especially potential abusers, about “what is elder abuse?” The general public must come to see that everyone has a responsibility to play a role and act if they see something they are uncomfortable with or are aware of some sort of potential abuse.

- **There is a need for educational support for health care and social service workers**

Professionals are being taken out of their comfort zone and having to deal with issues with which they have no experience and expertise. This causes moral distress and anxiety. These professionals need to know how to identify and then where to refer. There are confusing laws, there are competing options and mandates. Professionals need access to supervision and support.

The group was especially concerned about the safety and security of professionals in the health and social service community that work with abused seniors. Workers are burning out and being put in unsafe conditions because they aren't receiving proper education and support when they are intervening. Not only is their own safety at risk if they engage too far, but they may be risking the safety of the senior as well because they don't know about the escalation of violence and abuse. Workers need some basic skill sets.



Financial abuse is not taught as part of lawyers' bar admission course. Similarly, medical professionals don't always know where to refer people. Elder abuse, including financial abuse, should be put into the curricula of all the different professions, including policing, nursing, social work, etc. It also needs to be part of accreditation policies. This could be achieved by professionals lobbying their various boards.

All physicians should have to do a half-day Continuing Medical Education credit course about seniors' issues before they are certified by their colleges.

There needs to be more training and systems in place to ensure that those who work with seniors report or intervene in cases of abuse. Personal support workers and other unlicensed staff need to be trained, licensed and paid a decent wage.

There is a lack of awareness of remedies available across sectors. This general lack of information could be addressed by a cross-fertilization of remedies available among the different sectors. There also needs to be education on terminology between sectors.

- **Healthcare workers need to be educated about privacy issues**

Health providers often don't know the law and don't report to certain agencies when they could because they think they're not allowed to. They need to be made aware that under certain circumstances, they are allowed to provide police with information. It is important to look at the ethical issues and challenges and incorporate that into the education program and look at using the tools that already exist, like the *Criminal Code*. Participants pointed out that those working within the health care system often have little faith in the judicial system. There is no effective whistle-blower policy that protects health care professionals. There needs to be education and clarity around the laws that exist.

One participant, speaking from the perspective of law enforcement said that, in his experience, health care providers have a tendency to put up what he called the "privacy wall" when police services try to get information for an investigation of elder abuse. There is legislation, i.e. PIPEDA, which enables healthcare custodians who hold records to give police, or any other institution, the information they need if there is substantial risk to the person's health or if they are going to be harmed. However, social workers and healthcare workers don't necessarily look at police or other agencies as partners. These workers need to expand the circle of care to include some agencies, police for instance, that they don't historically look at as partners to care.

The group spoke about "liability chill" among health and social service providers. People are reluctant to report abuse because they fear having to testify in court and risk being sued. One participant mentioned that the Privacy Commissioner of British Columbia issued a statement in May of 2008 that said: if you use good common sense in giving somebody's name and private information out, we won't come down on you.

Often, service providers don't want their employees getting involved in these issues because of the potential for bad press. At the same time, some health and social service workers fear reporting because they don't want to break down the confidence they've built with patients.

There should be positive incentives for reporting, rewards built into the system.



One participant noted that we have to be careful with privacy and access issues because it may help in some areas but it can certainly put people at risk in other areas. Under freedom of information acts, people have access to records in which they are named, and that includes the abuser or suspected abuser. Social workers, physicians and nurses feel vulnerable if they can't have their records protected from a suspected abuser with violent tendencies.

- **It is crucial for health and social service providers to have an understanding of the complexities of issues of capacity and competency**

The group tackled the ethical questions associated with issues of capacity. The question arose: Do we want to enforce the capacity of the adult or protect them when looking at their finances? Participants highlighted the importance of the right to self-determination. One participant pointed out that we recognize mature minors if we like the choices they make and when we don't, we have the courts intervene. Another group member conceded that it is difficult when you see situations that call out for intervention, but stressed that you always have to respect the person's right to self-determination.

The group emphasized that it is a mistake to assume that elderly people are incompetent. Physicians often talk to a senior's family or take the family's word regarding POA. They shouldn't turn their minds off and assume that because someone is older, they need to deal with the family instead of the individual. It is important to understand competency and capacity issues because they are front and centre in terms of whether or not service providers are going to act in a paternalistic manner. There are a myriad of documents of authority giving different powers to different people for different decisions, but each one has a different test for competency associated with it, depending on the legislations. So from the perspective of a service provider like a medical practitioner who is not an expert in the field, clarity around issues of capacity and competency would be very helpful.

- Participants also highlighted the issue of skill incapacity. For example, illiteracy can lead to the assumption that a person is deficient, but that may not be the case. Often, the real issue is financial literacy and the fact that the senior hasn't been provided with the plain language services that they need and information on how to protect themselves. They don't necessarily need to have their competency assessed. What they do need is to be educated on what their options are.

When someone is being abused and gets assessed, it isn't and shouldn't always be an issue of competency and capacity related to aging.

- The group discussed the specific issue of seniors who are receiving money from the residential school payments. In this scenario, language, culture, literacy, physical ability and medical issues can create a situation where a senior experiencing a sudden change in living situation hasn't been provided with the mechanisms to deal with it. Again, skills and experience, not mental capacity, is the issue.



- The group also looked at the flipside of competency and discussed whether issues of financial abuse are being missed due to inadequate assessment of mental capacity.
- **There is a need to educate seniors about financial literacy and financial abuse**
Inadequate financial literacy and a lack of information about what recourse victims of financial abuse have were highlighted by the group as two issues that need to be addressed.
 - The group discussed the importance of educating seniors in order to empower them to protect themselves. Participants suggested that we need to learn from the field of domestic violence and educate people on how to be safe. Women who have been widowed may be vulnerable to exploitation due to financial illiteracy. Education for seniors, especially older women, about their income and planning for their retirement so they can look after themselves, would reduce their vulnerability. One participant suggested having multidisciplinary teams conduct seminars in senior centres to improve the financial literacy of seniors. However, another participant pointed out that many seniors are house-bound and can't get out to educational seminars.
 - Many older adults who have been financially abused believe that their only recourse is to report to the police. Often they don't want to pursue that option as the abuser is a family member. It was suggested that peer supports or advocates who wouldn't just provide information, but "walk the journey" with the senior, might be beneficial. These people could offer support in a therapeutic, safe, confidential way, helping the senior to become empowered.

It is important to get information to seniors in plain language, in multiple languages, and in ways that they can understand the information. The media; newspapers, television, radio, represent one avenue through which hard to reach seniors could be made aware of financial literacy and the issue of financial abuse. Correspondence from the federal government, e.g. Old Age Security, Guaranteed Income Supplement, could also contain pertinent information.

PARKING LOT

The parking lot is a place to record topics that were worthy of discussion but were either not directly relevant to the overall theme of the session or were the subject of significant unresolved debate.

- **Mandatory Reporting-**

The issue of mandatory reporting was discussed at length, with questions being raised such as: to whom, by whom, of whom, what, and with what implications for the seniors? Ultimately the group did not reach consensus on the issue.

We don't have any laws that say that if you know of something going on that is a contravention of the *Criminal Code*, you have to report it. Ethics may say call, professional associations may have strong protocols that encourage reporting, but no law exists. Some jurisdictions have mandatory reporting, others don't. One participant suggested that we need something from the federal level that we can all look to.



Some participants felt that people need to be mandated to report suspected fraud or suspected financial abuse of seniors to police. If police aren't told, they can't investigate and nothing gets done about it. One participant noted that legislation in New Brunswick only allows workers to investigate and intervene in matters of physical abuse, sexual abuse and neglect. Financial abuse isn't covered under *The Family Services Act*. In British Columbia there is mandatory reporting for health agencies, however police won't investigate a financial crime if it is less than \$100,000. Some participants argued that police agencies should not be allowed to set such thresholds, because for many vulnerable adults, \$100,000 is their life's savings and the difference between being homeless or not.

Several participants were strongly against putting forward a recommendation for mandatory reporting. These participants were more interested in law reform; tweaking the law to help in these situations. After a spirited discussion about the issues around mandatory reporting, the group decided to table it as an issue.

Health and Social Services Community Session Recommendations

National Research Strategy

- to inform the implementation of all other recommendations and create evaluation frameworks
- using a variety of different lenses to look at abuse, including age, gender and cultural analysis at a minimum

Education and Awareness

- public awareness for the general public to combat ageism
- public awareness for seniors to provide them with information on where they can find/receive help
- training for professionals

Multiple voluntary reporting mechanisms that provide access to referrals, counselling and support

- possibly a helpline
- possibly a National Ombudsman's Office

Resourcing the Response

- access to housing
- access to legal resources, including legal aid for those who need it
- access to health and social services
- empowering the communities
- community response networks



The Policing Community

**Session Leaders: Christina Wolf, Detective, Ottawa Police Services
Patrick Tracy, Detective, Edmonton Police Services**

In their discussions and the formulation of their recommendations, the Policing Community group tried to observe the following guiding principles:

- speak to the senior
- the presumption of competence of the senior
- the senior has the right to make bad decisions

The group proposed a guiding principle to be considered by communities and governments: The senior has the right to make their own decisions and be treated as mentally capable unless proven otherwise.

They were adamant that competent older adults have the right to make bad decisions. They can only be informed of choices and given access to information and help.

Discussion - Critical Points

- **Education is needed to demystify the role of the police and inform seniors about how and when to contact police**

Trust and access are big issues when it comes to seniors and their interaction with the police. Seniors need to have a better understanding of what the role of the police is and can be. After a crime has been committed is not the only time to connect with law enforcement.

One participant suggested that seniors either have high expectations of the police or mistrust them completely. Some seniors fear the police won't be able to do anything. Others fear all they can do is throw people in jail. However, there are many avenues that the police can pursue before considering laying charges. The group agreed that it is crucial to demystify the role of the police and the police persona. Fact sheets clarifying the role of various service providers should also be disseminated. The group highlighted the importance of ensuring such materials are accessible to various cultural communities. One participant suggested that the multicultural media could play a big role in reaching multicultural seniors.

One initiative that is being pursued in Manitoba is called "Police Academy - Older Adult Division." The goal of the program is to foster trusting relationships between older adults, police and the community. It covers every aspect of safety issues affecting seniors from frauds and scams to elder abuse. Through the program, participants developed a binder of material, the intent being that they will become safety ambassadors within their communities, connecting with seniors who are more isolated.

One participant spoke about the need to create some kind of information package to be made available to immigrants to Canada through the Canadian embassy in their country of origin before they come to the country. These packages could be printed in the first



language of these new Canadians and could provide information on all types of crimes, especially elder abuse.

- **Frontline workers, police in particular, need to encourage seniors to let them in and allow them to share information**

Issues of consent can be a serious impediment to the investigation of abuse by police. Abused seniors often don't want to go to court or lay charges; they just want the abuse to stop. They may be worried that their adult child is going to be mad at them, they may fear isolation, physical or emotional injury, or that their needs aren't going to be taken care of because they called the police on their caregiver.

"As soon as I ever raise that flag and say, 'I may have to share this information', they just shut right down," one participant working in the policing community said.

Frontline workers, police in particular, need to think about how to encourage seniors to let them in. One participant suggested asking someone on first meeting for their consent to share information.

Members of the group were of the opinion that police need to be given time to do outreach and talk with seniors' groups. Showing up in a marked car and uniform is not always the best approach. Police should be part of the continuum.

- **An awareness campaign on a national scale is required**

Participants emphasized the need for a public awareness campaign on a national scale to combat the stigma that is attached to older adults. The campaign could deliver the message that not all seniors are senile and adult children need not necessarily speak on behalf of their parents. As well, consciousness could be raised among seniors regarding the fact that financial abuse is a crime and they can do something about it. Finally, perpetrators could be warned that they will get into trouble if they financially abuse seniors.

One participant suggested pursuing funding from the federal New Horizons for Seniors Program that offers \$50,000 for elder abuse awareness projects.

The group was generally in favour of a three pronged campaign to combat ageism, empower seniors, and show zero tolerance for elder abuse.

- **Elder abuse needs to be added to school curricula to raise awareness of the issue among youth**

One participant suggested using pre-existing curricula that address bullying and tying in a teachable moment about respect for seniors. A presentation has been developed in Manitoba that is being used in schools around the issue of the financial abuse of elders, in the context of bullying. The message is about respect for older people, but also that bullying hurts at all ages. Bullying is already in the curriculum, so it's just a matter of extending it to include the message that older people are bullied as well. A police officer is often present which helps to develop relationships of trust with police officers. "If you can hand the school something on a silver platter and say 'This is where it fits into



something you're already doing' and you have school resource officers that are working with the school, it works out fabulously.”

- **Police have a complex role to play in responding to cases of financial abuse**

Law enforcement personnel need to think outside of their “police hats.” One participant noted that you have to learn to use means other than the *Criminal Code* and handcuffs to achieve a goal. One participant commented that being a cop, one has to be creative; the criminal code is not the gospel. Sometimes you can achieve the same result by going through a bylaw. Sometimes the goal is simply to make the individual safer or more aware.

One participant noted that with the model of elder abuse intervention team, the goal is not getting people to court. Rather, the model honours what the client wants.

Participants suggested that police should be the service provider that can be called on anytime. If they are unable to help, they can offer a referral. One participant who is a member of the policing community noted that much of her work consists of consultations. Police should receive that kind of training and then the community should be made aware that the police offer that kind of service, she suggested.

Another participant pointed out that the role police play depends on what society wants from their police. Do they want them to be responders, protectors, or social workers? You can't have your police be everything.

- **Restorative justice should be investigated and best practices identified**

Most participants agreed that, where possible, mediation should be considered. However, depending on the severity of the crime and if the parties can't be brought together, charges may need to be laid.

One participant pointed out that when a victim seeks redress through the courts, law enforcement personnel have the power to impose conditions on the abuser, e.g. undergo counselling, undergo rehabilitation. In this way, they can make things happen by imposing conditions that have the threat of jail behind them. Participants wondered how much imposition can be put on the abuser under restorative justice. Enough to force them to make substantive changes that will end the cycle of abuse?

While participants were open to considering the merits of mediation, reconciliation and arbitration, many had mixed emotions about the term “restorative justice.” One participant who had worked as a professional mediator warned against making a blanket recommendation for mediation unless the group agreed on language and specifics. Another participant described her concerns about recommending the use of restorative justice pointing out that there are many different models, some people aren't adequately trained to implement these models, and some models don't take the power differential in these cases into consideration. Participants were concerned that an older adult might end up negotiating away rights if the mediators working with them didn't understand the power imbalances that often exist in these cases.

One participant suggested that some cultures aren't comfortable inviting police or courts into their situation. New immigrants from some cultures may bring a fear of police with them from their home country. Mediation is an important component for those members



of the multicultural community who have been financially abused by a family member, but are reluctant to pursue legal redress.

The point was also raised that, in some cases, perpetrators don't realize that what they are doing is a violation of the *Criminal Code*.

Rather than recommending that restorative justice be pursued, participants were more comfortable recommending that it be investigated and best practices be identified with a view to eventual implementation. The group suggested that an exploratory project be undertaken to study restorative justice and shed light on it. One such project underway in British Columbia was referenced.

- **There is a nation-wide need for more people and resources devoted to the investigation of financial abuse of seniors**

There was general agreement that all jurisdictions need more people and resources devoted to the investigation of cases of financial abuse of seniors. One participant described the lack of funding in her jurisdiction: "There are two people working on elder abuse, and we are in a region of 860,000 people. Does that make sense? I think not. So we have to triage our cases... We're telling people that dependent upon what the criteria is in their complaint, they might be waiting a year. And people can't afford to wait that long. We're dealing with elderly victims who may not be here or may be mentally diminished by the time we do get to [their case]."

Another participant explained the situation he faces in his work investigating cases of elder abuse: "We started ten years ago with a hundred and ten files and in the last year it was eleven hundred, so there is just more need."

One participant pointed out that by bringing awareness to seniors, an expectation is being created. Awareness leads to reporting, which in turn leads to an influx of new cases. An infrastructure needs to be set up and ready for that influx. Police cannot function without funding.

Funding was also cited as the most important thing the government can provide to support grass roots efforts.

- **How police service administrators and personnel view elder abuse prevention and response needs to be addressed**

How funding is doled out is a matter of how police service administrators delineate priorities. In most jurisdictions, issues such as street crime are a priority, while elder abuse is right at the bottom.

One participant noted that if there is a conference on gang prevention, the police service in her jurisdiction would likely send several participants, but would be far less supportive of personnel attending something on elder abuse. The perception that elder abuse prevention and response is social work prevents police services from devoting resources to it. Participants agreed that funding needs to be redirected from other areas to elder abuse.

The group also discussed the fact that elder abuse is not a popular specialization for police recruits. There needs to be a corporate paradigm shift to make elder abuse a go-to place.



The group noted that as seniors become a bigger demographic, they will eventually have the political clout to make elder abuse a priority.

- **There is a need to explore forums for information sharing on a national scale between police services**

Participants from Ontario brought LEAPS (Law Enforcement Agencies Protecting Seniors) across Ontario to the attention of the group. LEAPS brings together police from a multitude of police services across the province to meet on a quarterly basis to exchange ideas, investigative strategies, and trends that they may be experiencing in their jurisdictions. Participants were curious about LEAPS, asking why there isn't a LEAPS in every province, or a national conference of LEAPS. Participants from Ontario explained that it was self initiated

The group discussed the need for a national body, an expansion on the LEAPS concept, which brings police together, not only to share best practices, but to influence government. Participants envisioned something on a broad scale, using new technology. A central hub for all police to be able to access information would be especially beneficial to small communities where small police offices lack funding and access to resources.

Participants explored other innovative ways to share information. One participant suggested that technology could be used to have regular conversations in a cost effective way. Information and innovations could be shared on a countrywide basis via video conferencing or web casting. The federal government could help with this process. An online forum for discussion, like Facebook, was suggested.

- **There is a need for research on elder abuse in general, and specifically to inform the creation and dissemination of materials**

The group wanted to see a breakdown of elder abuse categories from the Canadian Centre for Justice Statistics in terms of how elder abuse is reported and tracked, how the statistics are maintained, and if there is a way to document why seniors don't report or don't want police assistance when police have been called to respond to criminal activity.

Participants also called for research on the development of appropriate training tools for police and other front line workers, i.e. tools for screening, assessment, intervention, and risk assessment. Such tools exist for the field of domestic violence, but there is no universal risk assessment tool for elder abuse. The group also recommended that research be undertaken on the best way to publish or disseminate educational materials.

- **A national repository for elder abuse information and materials needs to be created**

The group felt that the materials that police and other front line workers teach with and disseminate should be gathered in a national bank. A committee needs to be convened to do this work. Participants agreed that rather than developing a whole new organization, it would be prudent to build on what already exists.



Grass roots efforts also need to be known to each other. A central website or repository where contacts, coordinators and groups could connect, and materials, research papers and tools could all be accumulated, would be invaluable.

- **Each police service should have a dedicated elder abuse component**

The group felt that more police need the appropriate training, tools, skills, abilities and understanding of all the complexities of elder abuse. There needs to be government initiated mandatory training for all police. One participant noted that there is a training tool being developed in Ontario that could be adapted or modified to be used across jurisdictions.

However, participants were sceptical that specialized training regarding elder abuse could be delivered to an entire police force. One participant cited the example of the 5000 police officers working in Toronto, noting that it would take years to train all of them. “The sensitivity is not going to be there for everybody,” he said.

There was agreement that police services should have specialized investigative units for elder abuse, like those that they have for child abuse and sexual abuse.

The Police Services Act of Ontario stipulates that each police service is to have a dedicated elder abuse component. One participant suggested that the Toronto Police Service should have a designated elder abuse section, in addition to the elder abuse coordinator it currently has. He pointed out that a coordinator doesn’t do investigations, but rather fields calls. Hamilton’s elder abuse investigative unit was cited as a good example of what is needed across jurisdictions.

One participant cautioned against throwing elder abuse under the umbrella of fraud, as some police services do, arguing that it needs its own specialized police response.

Another participant took issue with the term “vulnerable persons coordinator.” It sends the message that all older people are vulnerable when in fact, most of them aren’t.

Police officers only work with a specific unit for about five years. This lack of consistency was seen as a challenge. On one hand police officers have the opportunity to gain a wealth of experience. However, there is immense value in having a contact person that communities come to know and count on. The group agreed on the importance to communities of knowing that there are people specifically assigned to elder abuse response, that there isn’t some great abyss, where you call the police number not knowing who you’re going to get. In terms of sustainability, succession planning is crucial.

- **All professions should receive interdisciplinary training**

In addition to police, participants wanted to see training for civil litigators, crowns, judges, bank and other frontline employees. Co-training in a multidiscipline model was deemed important in order for the various professions to hear each other’s ideas, frustrations and concerns.

One participant described a grant that the British Columbia Association of Community Response Networks received to do interdisciplinary training at the local level regarding financial abuse/crimes. The goal was to bring all of the players together in order for them to get to know each other, understand each others’ goals, and hopefully continue to get together in order to figure out the opportunities and limitations in each others’



roles. A project of the Public Guardian and Trustee in British Columbia saw two rounds of health authority staff having co-training with regional police so they could know each others' roles and identify key contacts in their communities. In the absence of a dedicated team, at least they would have designated people to talk to.

- **There is a need for working partnerships between the various disciplines**

The message should be that the police can't do it alone. As one member of a police service pointed out, police rely heavily on partnerships and information sharing because much of their work is dependent on the eyes and ears that are out there witnessing elder abuse on the front lines.

However, one member of the policing community candidly noted that police aren't always forthcoming when it comes to sharing information; information comes in, but it doesn't necessarily go out. There is a need for information sharing and the development of partnerships with the other disciplines so that there are open lines of communication. The disciplines need to learn to talk to each other to better understand each others' roles and limitations. One participant suggested that there should be a memorandum of understanding between stakeholders, including banks, police, Canada Revenue Agency, Superannuation, Service Canada, and the Public Guardian and Trustee, similar to the circle of care concept in the health industry.

- **There is a need for clinical consultation teams composed of go-to people among the disciplines and the community, to deliver a coordinated response to cases of elder abuse**

Participants were adamant that consultation teams need to be developed to deal with complex cases that require a multidisciplinary approach. The group felt that cases of elder abuse should be handled with an interdisciplinary approach from the outset. There should be local level interagency protocols between police and local health workers. The group agreed that response partnerships were essential, especially when it comes to working within the framework of privacy legislation.

Participants were in favour of Community Response Networks, which they felt get people working together and bond relationships between law enforcement and the community. The Community Response Network model balances the senior's rights and safety with the need for someone to get their foot in the door and get a sense of whether the senior is making an informed decision or not, and if not, provide them with information, while respecting their right to make their own decision.

- **There is a need for designated services to expedite the prosecution of elder abuse offences**

One participant referenced the domestic violence infrastructure, applauding its design; with designated crowns, designated judges and designated court rooms. The group wanted to see designated services for elder abuse in addition to designated police sections.

One participant brought up the need to develop expert witnesses. There are no markers to say what elder abuse is in the context of cross-examination. There are no expert witnesses to call on who will testify that a senior has been abused.



- **It is imperative that frontline workers understand privacy legislation and that service providers adopt policies that encourage information sharing**

Stakeholders need to be educated about what they can and cannot share. The message that you may share information and you will be protected if you do so needs to be spread.

All jurisdictions have a different legislative framework. Participants felt that education regarding privacy legislation has to come from the federal and provincial governments. The police do not have the time to go out and educate all frontline service providers on the legislation.

One participant pointed out that the medical community can use *The Health Information Protection Act* (HIPA) to share information with the police. PIPEDA also has provisions that allow for the voluntary sharing of information. Section 7 of PIPEDA allows for the sharing of information to an investigative body, like the police, without warrant. Most financial institutions aren't aware of this. Other times, banks are familiar with the provisions, but they take a default position: the legislation permits us to, it doesn't obligate us to. If it is a choice, they opt not to share information. These policies need to be addressed.

One participant raised the notion of mandatory response as opposed to mandatory reporting. Whether it be social services, health care professionals, police, or banks, if a case of elder abuse has been reported to you, what is your response going to be? Not all elder abuse is a crime, but there should still be a response. There should be some form of a response through the policies of each service provider.

- **An anonymous reporting mechanism would encourage frontline workers to report elder abuse**

Frontline workers who see seniors every day and know that abuse is going on need to be informed that they have the option to report, and be encouraged to do so.

Unfortunately, they are not always listened to. Participants suggested that there should be a direct conduit between people like personal support workers and the police.

Crime Stoppers is one option that allows for action at the same time as it protects anonymity. Two years ago in Ontario, the Ontario Association of Crime Stoppers initiated a province wide initiative called Senior Crime Stoppers to encourage anyone with information on elder abuse to anonymously report it through Crime Stoppers. A participant from Ontario noted that personal support workers in long-term care homes have been especially grateful for this option.

- **Banks need to have policies and protocols in place to respond to cases of elder abuse**

Banks in particular need to have their own responses to cases of financial abuse. Participants raised the fact that banks don't have mechanisms to track and review transactions. It's always an individual that picks up on irregularities and unfortunately, with fewer and fewer frontline people in the banks, these employees are not necessarily going to be there to flag these cases. However, there are computer programs that exist that could be enlisted to track account activities. Whether through active or passive



management, there should be some sort of automatic advisor that monitors accounts. One participant told the group about a proposal she recently submitted to her credit union, calling for a response to suspected cases of financial abuse, not just of seniors, but of everyone.

The group discussed the fine line between privacy concerns and fiduciary duty. Banks should review their fiduciary duty with legal counsel under *The Banking Act*. One participant suggested that if they did so, there would be a rapid change in their attitudes towards reporting suspected cases of financial abuse. They would be fearful of being sued for not fulfilling their fiduciary responsibility and due diligence requirements. The federal government can use its influence to encourage this shift in attitude.

- **In addition to reporting to Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), banks should be mandated to report suspicious account activities to the police or the Public Guardian and Trustee**

One participant described her work with a credit union, speaking to tellers and training them to look for signs of a senior who's being financially abused and report cases of suspected abuse to their supervisor. The supervisor then reports to the manager, who reports to the audit manager, who is mandated to report it to FINTRAC.

FINTRAC is Canada's financial intelligence unit, a specialized agency created to collect, analyze and disclose financial information and intelligence on suspected money laundering and financing of terrorist activities. FINTRAC is supposed to report suspected cases of financial abuse to police agencies, but one long-time member of the policing community claimed to have never seen a FINTRAC report during his entire tenure.

One participant suggested that perhaps bank employees could report suspected cases of financial abuse to the PGT. However, the powers of the PGT vary from province to province. Another participant suggested having mandatory reporting to the police when activities in a senior's account appear to be suspicious.

- **There should be a power of attorney central registry or repository**

One contributing factor to the occurrence of abuse of POA is the lack of accountability of appointed attorneys.

- One participant, citing a case where an individual had POA over seven seniors and was able to steal \$1 million, suggested that POA should be registered with the PGT. Another participant suggested a governing registrar or central place where records are kept, such as with marriage certificates or birth certificates. Group members questioned the feasibility of a POA registry due to the magnitude of the task. One participant noted that, while it could be a systemic nightmare, it couldn't be any worse than the land title registry for property. The notion of a POA registrar met with mixed reactions from the group. Some participants thought a registry represented an infringement on privacy.
- One participant advises senior clients to put a clause in their POA agreements calling for regular accounting. Another participant raised the point, who would police that? Another suggestion was for seniors to put a clause in their POA



agreements, something to the effect of, “only under these circumstances can you invoke powers as my appointed attorney.”

- **It is the responsibility of bank employees to ensure that seniors understand how joint accounts work**

Joint accounts can be problematic. Members of the policing community complained that in the majority of cases of financial abuse where joint accounts are involved, their hands are tied. Moreover, service providers are often told that financial abuse involving misuse of a joint account is a civil matter.

Many seniors don't know how joint accounts work. One participant from the financial services community described the lengthy discussions she has with her clients about POA versus joint accounts, right of survivorship and tenants in common, before making any accounts joint. This is a self-initiated discussion, not bank policy.

Bank employees should be trained to talk to the senior about matters such as joint accounts on a one-on-one basis. That may mean having a private conversation with the senior, away from their family or the caregiver who may be accompanying them.

Policing Community Session Recommendations	
Public Awareness Campaign	<ul style="list-style-type: none"> • empower seniors • demonstrate that there is no tolerance for financial abuse of seniors • combat ageism
Education	<ul style="list-style-type: none"> • demystify police persona • clarification of roles of different service providers (fact sheets) • ensure information gets into the hands of seniors, reaching seniors in cultural communities
Training	<ul style="list-style-type: none"> • co-training in a multidiscipline model for police, civil litigators, judges, crowns, banks, front line workers (support workers etc.) to develop a coordinated response
Resources	<ul style="list-style-type: none"> • more human resources to properly respond to the influx of calls for service • a national repository of elder abuse information and materials • POA registry or repository
Response	<ul style="list-style-type: none"> • additional supports to grass roots initiatives • working partnerships between disciplines resulting in a coordinated community response • designated investigative police units, courts, crowns and judges
Research	<ul style="list-style-type: none"> • study of best practices looking at conciliation or arbitration models • explore forums for information sharing on a national scale, e.g. webcasts • breakdown of elder abuse statistics and categories from the Canadian Centre



- for Justice Statistics
- research on the best ways to disseminate education materials
- research development of appropriate training tools for police

Plenary: Major Themes, Discussion and Critical Points

**Facilitators: Judith Wahl, Executive Director, Advocacy Centre for the Elderly
Laura Watts, National Director, Canadian Centre for Elder Law Studies**

At the outset of the plenary the facilitators, Judith Wahl and Laura Watts, outlined the agenda for the morning. Ms. Wahl asked session leaders from each of the concurrent sessions to present their final recommendations to the plenary. Ms. Watts provided participants with some ground rules, asking them to remember their audience, and noting that serious objections to the content of the recommendations would be recorded and valued.

Session leaders from the four concurrent sessions then presented the recommendations for next steps and solutions that their groups had generated during their discussions. These recommendations have been recorded in tables which are located at the end of the discussion summary of each session.

The forum facilitators summarized the recommendations from the four sessions and pulled out the major themes that ran through all of the session discussions:

1. Education, training and public awareness

- training of all players at all levels so that professionals are sensitive and responsive to the seniors community and the issues that seniors face
- co-training so that the various players know each other, their roles, and are able to respond in a collaborative, coordinated manner
- public awareness so that the public understands their rights and responsibilities
- education to ensure that seniors understand their rights and know what services are available to them and can use those services effectively

2. Access to justice/Access to services

How do we make sure that people who need legal services are able to access legal services? How do we make sure people are able to get the remedies that do exist and how do we ensure that those remedies are appropriate to the circumstances?

- specialized crowns, courts, judges, investigative units, legal clinics, social services
- advocacy services; potentially an Ombudsman
- equal access to justice across the country; services available to seniors living in rural and remote areas and in whatever language the senior speaks

3. Resourcing the response

- if you raise awareness and encourage people to seek help, you must ensure that the helping services they require actually exist



- this includes legal and social services, as well as the lateral services that victims of abuse need
- tools are important, but human resources are equally imperative

4. Regulation and legislation

- frontline workers need to really understand existing privacy legislation before looking at ways it might need to be changed
- appropriate monitoring of POA documents and appointed attorneys
- the products that are available to seniors should be responsive to their needs
- expanded, proactive interventionist role and corresponding resources for the PGT
- research on mandatory reporting and mandatory response

5. Oversight of professionals

- licensing standards for different professions
- vigilance of law societies re: professional competency

6. Research

We don't have all the answers.

- we need data on elder abuse and research on the impact of some of the responses that have taken place to inform the policy decisions that are made
- a National Research Agenda

The facilitators then invited all delegates to participate in an open discussion of the recommendations, themes and other topics that had been raised during the concurrent sessions. In addition to examining some of the subtleties and challenges of the various issues, participants were invited to discuss subjects that had been placed in the "parking lot" during their concurrent sessions because they weren't entirely relevant to the overall theme of the session.

Discussion - Critical Points

- **Access to legal resources**

The whole legal framework is very intimidating for a lot of seniors and many feel much safer in their home environment than in a formal office. As well, there is a shortage of legal professionals in rural and remote areas and transportation can be a big issue for some seniors in terms of accessing legal help.

Sometimes legal resources need to be brought to the senior because they aren't able to come to the lawyer's office. This is one way to help deal with access issues that seniors living in rural and remote areas face.

- **Other players that seniors interact with need to be brought on board, especially faith leaders**

One participant pointed out that an important point of service for seniors is the faith communities. It is important that this group be represented during discussions such as those taking place at the Forum. Another participant agreed, saying that he had been



attending domestic and family violence conferences for years and never seen a faith leader in attendance. “Having been a former reverend, some of the most passionate well connected social justice minded men and women I’ve known are the pastors and priests and rabbis and elders. And we’re dropping the ball, somehow, by not...inviting them into the conversation.”

- **Some groups won’t acknowledge that abuse takes place in their communities**

A participant from Manitoba noted that some of the communities she works with won’t acknowledge the fact that abuse is occurring in their communities. She also referred to cases where leaders within communities obtained POA for a number of people and took advantage of that role. Ms. Watts cautioned participants that sometimes, even though the narrative in a culture is about respect, the reality is quite different.

- **Seniors receiving misinformation about financial planning**

One participant pointed out that seniors are receiving advice on estate planning from organizations sanctioned by their faith communities. This is especially true of older women, many of whom are widowed. She expressed concern that the information provided by these organizations is not always accurate or doesn’t pertain to the jurisdiction in which the senior resides. She suggested that there needs to be monitoring of the information that is made available to seniors through these venues.

Ms. Wahl agreed that this is a big issue, citing the example of living wills and advance directives that are available in drug store chains. “I’ve got to tell you, two thirds of [these kits] are totally incorrect and yet they are being sold in our stores.” She cautioned participants to be wary of providing misinformation in their professional capacities. “There’s an individual responsibility on all of us and within our sectors to make sure that our policies and practices are legally correct and reflect our jurisdiction’s legislation.”

- **Residential school payments**

One participant brought up the trend she has noticed with regards to the residential school payments and the financial abuse that some recipients have fallen prey to. Some training is now being provided, but early training, prior to the money being dispersed, would have gone a long way to avoiding some of the problems that have arisen as people have suddenly found themselves with money. She suggested that the federal government provide resources and training to the people on the receiving end of such payments before engaging in such initiatives.

- **Perpetrators of sexual assaults and violent offences living in residential settings**

The discussion arose from one participant’s suggestion that nursing homes should have access to some mechanism that would allow them to check incoming residents prior to admission for a history of violence or sexually aberrant behaviour in order to protect other residents. Another participant raised the questions, “Where do perpetrators of sexual assaults and other violent offences obtain long term care? Is there, or can there be a place within the long-term care system that is geared to the special needs of those who have violent tendencies?”



In response to this question, Ms. Watts suggested that an important piece of the research agenda should be about diversity in aging and what services would have to exist in order to appropriately respond to that diversity. One participant noted that in her jurisdiction, there has been an increase in reports of sexual abuse of seniors in facilities and other residential settings. When a senior enters the long-term care system, a social and medical history is done. If an issue comes up, it is dealt with and they are offered a placement, perhaps with increased supervision or some other safeguard to ensure that that individual wouldn't be putting other residents at risk. However, in that jurisdiction, if you are aware of the sexual abuse of a senior, you are not mandated to report.

- **Policies need to be examined for their impact on elder abuse**

One participant suggested that policy lenses from all government funded and supported organizations should have embedded in them their elder abuse practices or an analysis of whether or not their policies and mandates may have unintended consequences. She pointed out that the social condition of a senior may mean there needs to be an exception to policies and regulations and how they access services. The social determinants of health need to be considered in all policies and regulations.

Another participant noted one example of a policy that has had an unintended impact on seniors and their vulnerability to financial abuse. The tripling of probate fees in Ontario led to an increase in seniors opening joint accounts and consequently, has resulted in more issues surrounding the abuse of joint accounts. Nova Scotia, having recently increased probate fees to a similar level, may soon experience a similar trend. This participant expressed approval of the policy of the Quebec government: no survivorship in joint accounts, homologation/verification of POAs, no real probate fees, and notarial wills that don't require probate. She suggested research be done to see if there was significantly less financial abuse of elders flowing from these laws in Quebec. Ms. Watts pointed out that Quebec has an excellent consumer advocacy history and suggested that English Canada could learn from Quebec's approach to consumer advocacy as it relates to financial abuse.

A participant from B.C. brought forth an approach that has been used in her jurisdiction when looking at financial abuse issues within B.C. at a community level. The factors that allow financial abuse to occur are viewed in the context of a triangle. Part of the triangle is financial pressure: greed or need. The second part is opportunity: for example, joint accounts, POA. The third part is a false sense of entitlement. It is important to think about how other policies may be affecting these factors. So it may be a provincial policy that relates to social assistance, income support, policies that relate to mental health services for adult children who have mental health problems, substance abuse problems, gambling problems, etc. While we may not be able to fix these issues, we should at least be cognizant of them because they are another part of why the situation may be arising in the first place.

- **Autonomy vs. Protection**

A debate arose about the issue of adult children living off of their senior parent's pension. One participant argued that even if a senior doesn't lack capacity, if they are giving their money to their children because they fear being isolated and their children



are abusing that trust, something should be done. Ms. Wahl pointed out that there is a delicate balance when it comes to deciding when and where to intervene. Is it going to be better for a senior to be separated from her only living relative because society intervenes and tells her she can't give her money to her son? She pointed out that we don't want to over-intervene, because that in itself may also cause abuse. Ms. Wahl suggested that the best course of action is to provide education and awareness to people so they can make choices, and ensure that resources and support networks are there so that they have real options if they decide to leave those situations.

It is critical to provide information to seniors at a very early stage in order to help them protect their autonomy. All sectors have a responsibility to collaborate and ensure that seniors have access to information about their rights, options and what is available to them.

- **Gaps in protection against abuse, even where there is legislation**

One participant pointed out that even when there is a legislative framework that is intended to protect against abuse of vulnerable adults, it doesn't necessarily have teeth. She raised the case of Adult Protection Legislation in Nova Scotia. This jurisdiction has mandatory reporting and protection for persons in care, but neither one is very effective for addressing cases of financial abuse. "Adult protection doesn't apply to financial abuse unless it coexists and if it coexists then it's simply referral to the Public Trustee, and that has its own challenges. Protection of persons in care technically covers financial abuse, but again they don't have the capacity and the mechanisms to address it." For this reason, Nova Scotia is very interested in the idea of a legal aid clinic.

- **Education of adult children**

If more adult children had the knowledge to counsel their parents properly, there would be much less abuse. Ms. Wahl pointed out that it is important for those who produce education materials and do presentations to remember players such as appointed attorneys and ensure that they understand their role. For example, the Public Guardian and Trustee of Ontario has a brochure, "How to be an Attorney" or "How to be a Guardian" that sets out some of that information. As a lawyer, even though an appointed attorney may not be your client, you do want to ensure that they receive information as to their obligations because it is in the best interests of your client.

- **Regulation of Estate Service Companies**

Regulations are needed to ensure that estate services aren't "double-dipping" and stealing from seniors. One participant working in the financial services industry on the settlement of estates mentioned that when she hires someone to do an auction, she will have an ethical contract with the estate service that states that they cannot collect any other fee besides the one she is paying, and that they will be audited.

- **Stiffer penalties for perpetrators of financial abuse of seniors**

One participant who is a crown attorney described her frustration at the fact that, in her jurisdiction, she has found it nearly impossible to get a court to sentence a perpetrator of financial abuse to jail time. While she admitted that there are benefits to restorative



justice and adult diversion, she is dismayed that in the last ten years there has been such a strong movement away from jail time. She suggested that pressure be brought to bear on the top levels of government to encourage judges to dole out more jail time to perpetrators of financial abuse. As well, she claimed that restitution should be part of a probation order to ensure that the senior gets their money back without having to sue for it. She decried what she sees as a swing to the left and suggested that it is political.

- **Positive images of aging**

One participant cautioned those developing awareness and information campaigns not to compound ageist attitudes by portraying seniors as vulnerable. Ms. Wahl agreed, pointing out that people do get frailties when they're older, but that doesn't mean they are incapable. She urged participants to remember, in all of their work, that people have the right to make decisions for themselves, that seniors are not incapable, and that policies and interventions shouldn't be designed based solely on vulnerability.

A participant from British Columbia described some of the positive messaging that has recently been circulating in that province surrounding the end of mandatory retirement, etc. She noted that while that messaging is positive and reflects reality, a downside to it is that the bad news areas, like elder abuse, fall off the map as a consequence.

- **Services and supports for perpetrators of financial abuse**

A participant from Edmonton raised the point that while it is important to hold perpetrators who are abusing family members accountable, there is also the issue of the older adult who has been abused wanting to maintain a relationship with the abuser. The perpetrator is often a loved one and the older adult may not want to cut ties. It is important to look at services and supports for perpetrators of elder abuse, to help families come to a different place. In these cases the goal should be to encourage a relationship that is changed, is healthier, and has some boundaries to it.

- **Program delivery at the community level**

The point was raised that many of the initiatives that had been discussed could be developed and delivered at the community level. However, funds are needed both for the salaries of those who respond to cases of elder abuse at the community level and for the development and maintenance of local Community Response Networks.

- **Broad issues in the financial services industry**

Ms. Watts urged participants to think broadly about financial services providers. For instance, one participant brought up the issue of financial abuse of seniors by insurance companies. Ms. Watts referenced viatical settlements; when a third party buys out a life insurance policy, something that is common in the United States but that isn't discussed often in Canada. "If you've got cross jurisdictional clients, you need to be aware that the documents you are dealing with and the financial documents you are dealing with are increasingly cross-jurisdictional as well." It is important to be alive to these broad issues.



Closing Remarks

Closing remarks were made by Susan Scotti, Senior Assistant Deputy Minister, Income Security and Social Development Branch, Human Resources and Skills Development Canada.

Ms. Scotti outlined the events of what she described as a “landmark week” in terms of the focus that had been placed on elder abuse as a societal concern.

The week began with the recognition of World Elder Abuse Awareness Day (WEAAD) on Sunday, June 15th.

On Monday the 16th, the International Network for the Prevention of Elder Abuse (INPEA) held a conference to mark WEAAD that featured speeches by Secretary of State for Seniors, Marjorie LeBreton and Chief Justice of the Supreme Court of Canada, Beverley McLachlin. During her speech, Senator LeBreton announced that the federal government plans to launch a national elder abuse awareness campaign that will explain the various kinds of elder abuse, help victims determine where to seek help, and provide frontline workers who have regular contact with seniors with the tools necessary to recognize the signs of elder abuse.

A two-day elder abuse expert roundtable with a focus on research followed INPEA's conference. Hosted by Human Resources and Skills Development Canada (HRSDC), the roundtable brought together experts in the field to discuss existing knowledge and research on elder abuse, identify gaps in both data and research, and provide a forum to further information exchanges and collaboration between researchers, the policy community and the service community. According to Ms. Scotti, the results of the roundtable will help establish a medium-term research plan to address some of the gaps in data and knowledge.

The Forum capped off the week. Ms. Scotti emphasized the importance of such venues to share knowledge, experience and ideas about various approaches that have been tried, and identify new ways the government, organizations, communities, service providers and seniors themselves can move forward in a concerted way to address and prevent elder abuse. She noted that the time for action is now and shared some observations that came out of the discussions of the past week:

1. There is a need for a coherent research agenda, including a strong evaluation framework, to help us gauge what has been effective in addressing and preventing elder abuse.
2. There is a need for public education and awareness initiatives. These should be sensitive and careful not to inadvertently perpetuate the images of vulnerable seniors and contribute to ageist perceptions.



3. There is a need for training, accreditation and monitoring of professionals in various fields that provide services for seniors and encounter elder abuse. The training should be specific to the particular professional group.
4. There is a need for resources to support the demand for services and interventions that will come from having created an increased awareness.
5. It is imperative that there continue to be collaboration, cooperation and the sharing of information among various levels of government, service providers and everyone who is engaged in this effort.
6. Services and points of service for seniors must be culturally sensitive and should be available, accessible, and appropriate to their needs.



Appendix A: Case Scenario

**Federal/Provincial/Territorial (F/P/T)
Forum on the Financial Abuse of Seniors
Lord Elgin Hotel
Ottawa, Ontario
June 19-20, 2008**

Case Scenario

Mrs. Jones

Mrs. Jones, 85, lives in her own three bedroom home in a major urban centre. She has two children, a daughter Natasha, a legal secretary, and a son Frank, a butcher. She participates in social programmes at a seniors drop in centre. She does some volunteering and is active in her faith community.

She is in fairly good health. She is a little hard of hearing and she describes her own voice as “croaky” at times because she has had some problems with her vocal cords. Consequently, she finds that some store keepers and others she interacts sometimes discount her and patronize her a bit, but after they get to know her, they realize she is a very able woman.

She looks physically frail but she manages quite well for herself, although she does get tired doing physical work around the house. As a result, her house needs some repairs as she is finding it challenging to maintain. She feels that she doesn't have funds to hire a handyman to do the tasks needed with her modest income.

She manages all her own finances and pays her own bills and takes care of all her own personal financial business, although she herself admits that she doesn't totally understand all the details about her RRIF, which is modest, and just follows her bank advisor's advice as to what to do with it on renewals. She also has a small bank account which her monthly pension cheques (OAS, GIS and CPP) are deposited.

She jokes with her friends and family that sometimes she has what she calls “senior moments” when she has temporarily misplaced her keys or something else or forgets a person's name or calls her grandchildren by the wrong names.



Mrs. Jones' daughter, Natasha, (age 50) and her grandchildren Jim, age 18, and Peter, age 21, now moved into Mrs. Jones house because her daughter has just separated from her husband and is planning to divorce.

As part of the divorce settlement, Natasha and her husband are selling their home and dividing the proceeds equally. Natasha suggests to her mother that her mother should transfer title in her house to Natasha who will use the proceeds of the sale of her house to do repairs and upgrade Mrs. Jones' house for the benefit of Mrs. Jones, Natasha, and the boys. As well, she tells her, based on her own experience as working in a law office, that if the mother transfers the house to her Natasha now, then they will save "estate taxes" and "probate fees" at her mother's death. Natasha tells her mother that she will make sure that Frank gets a "fair share" of her mother's estate (which is the house, the RRIF and a modest bank account) at her mother's death, as she will just give her brother a cash payment.

Natasha also encourages her mother to change her bank account to a joint account into which both of them would deposit their pension and pay cheques. Natasha offers to manage the bills for the house using this joint account. Natasha says that she called someone at her mother's bank who advised her to do this instead of doing a Power of Attorney document¹. This would allow Natasha to access the bank account and her mother's money if her mother became mentally incapable to manage property. Natasha tells her mother that this is easier than doing a Power of Attorney. As well, Natasha tells her mother that the funds in the account would also then not end up in her mother's estate after her mother's death. She says that the person at the bank also suggested to Natasha that her mother name Natasha as beneficiary on the RRIF for the same reasons.

Mrs. Jones doesn't know what to do and whether she should just do what Natasha advises. She wants to help Natasha and Natasha seems to have done the footwork to figure out a plan that will satisfy everyone.

Stage two

Mrs. Jones has not prepared a Power of Attorney or any similar document as yet nor has she transferred title in the house. Mrs. Jones has concerns about Natasha's ability to manage money. She saw Natasha's charge card bill which showed a debt of \$30,000. As well, Natasha's husband is paying support only for the child in university, Peter, but is not paying support for the 18 year old, Jim, who is not in school. He is not working and is just hanging around the house.

¹ The term "Power of Attorney" refers to a legal document by which a person (the grantor) may give authority to another person (the named attorney) to have access to and manage their finances and other property for them. This kind of document may have a slightly different name in each province – i.e. Mandate in Quebec, Continuing Power of Attorney for Property in Ontario, Enduring Power of Attorney in Newfoundland and Labrador. When using the scenario think about the type of document that is used in your own province for this purpose, whatever its name.



Jim keeps on asking his grandmother for some pocket money so he can go out with his friends. He promises that when he finds a job he will pay his grandmother back. Mrs. Jones feels intimidated by Jim as he threatens to trash the house, saying that if she doesn't give him money that some things in the house just might get broken and that would cost her more in the end. As he tells her, "boys will be boys, eh Grandma?"

Mrs. Jones also notices that some money seems to be missing from her purse – although she thinks she might have forgotten herself about whether she had spent the money. She seems to go through more money now that the family is living with her.

She also notices that small withdrawals are going out on her bank card but she doesn't use it herself as she doesn't like using the automatic teller machines. "It's just not the same as talking with a teller" she tells her friends.

She does tell Natasha about the money missing from her purse and the use of the bank card. Natasha just laughs and says, "Well Mom you are getting more forgetful all the time! It's just old age!"

Stage three

Mrs. Jones has not yet signed a Power of Attorney or any other similar document nor has she transferred title to the house as yet. Mrs. Jones is now having some health problems. She feels very dizzy and is having problems concentrating on anything and trouble seeing straight.

Before going to the doctor, Natasha suggests that the two of them go to the bank to get some money out for shopping, in case Mrs. Jones must stay home to recuperate. Mrs. Jones is taken to the bank by Natasha. They go to a teller and Natasha tells the teller that Mrs. Jones wants to withdraw \$5000. Mrs. Jones just nods and doesn't say anything. The teller prepares the withdrawal slip and Mrs. Jones signs it but her signature is very scrawled and is not clear. Throughout all this, Natasha is always at the side of her mother and answers for her mother when the teller asks any questions. When the teller asks if Mrs. Jones if she is okay, Natasha says, "My mother is fine, she is just tired."

Stage four

A few days later, Natasha brings home a Power of Attorney kit that she bought at a bookstore and asks her mother to sign it, naming Natasha as her attorney, so that Natasha can access her mother's bank account. Mrs. Jones, who has still not completely recovered from her recent illness for which she is taking some medication, is hesitant. Mrs. Jones tells her daughter that she attended a legal information seminar last year at her local seniors' centre on Powers of Attorney and understood from that workshop that it was a good idea to get legal advice before signing a Power of Attorney.

Natasha laughs and tells Mrs. Jones, "Don't you trust me? The booklet that comes with the kit explains everything you need to know so why waste your money on a lawyer?"



Besides, this is only to let me access your account and I am your daughter! Anyways, Paul, my boyfriend, and Nancy, his daughter, have come all the way here today so that they can witness your signature. It would be really inconvenient for them, and rather rude of us, not to do the Power of Attorney now.”

Stage five

Mrs. Jones does sign the Power of Attorney document. Two months later Mrs. Jones sees that \$3000 has been taken out of her bank account by Natasha. She asks Natasha about this. Natasha says that she needed the money to pay for house repairs and repairs to her car (in which she does drive her mother to appointments and shopping). Mrs. Jones is uncomfortable but accepts this explanation.

Natasha then takes out an additional \$7000 without telling Mrs. Jones. Mrs. Jones notices this too and tells Natasha that she is upset about this. Mrs. Jones asks, “Why are you taking out so much money from my account? On what are you spending so much money? It can’t be for any house bills. When are you planning to pay it back?” Natasha says, “Well Mom you must be forgetting that I already told you about this. I told you that the costs for the house repairs were much higher than the original payment, which was just a deposit to do the repairs. I told you that before when you asked about the first amount of money. Mom, don’t worry about this as I can manage the money for you. Remember that’s why you gave me the Power of Attorney in the first place! I’m doing all of this for you!”

Mrs. Jones calls up her son Frank and tells him about what has been happening, Frank is very upset with his sister, but also is upset with his mother. “How could you have named Natasha as your attorney? Her marriage split up over money fights. You always favoured her and now see what’s going on.”

Stage six

There is now a lot of conflict in the house. Mrs. Jones is not happy with the way Natasha and her grandchildren maintain the house. Her daughter does very little cleaning; the boys leave dirty dishes and clothes all over the place. The house is getting very run down. They are not doing any repairs or basic maintenance as promised. The boys have their friends at the house at all hours, playing very loud music, even into the middle of the night. Mrs. Jones complains to Natasha about this. Natasha tells Mrs. Jones, “I’m tired of all your nagging. This is my house too. The boys live here too and have just as much right as you to do what they want in their own home. Why don’t you move into the basement apartment? Then we can live separate lives and be at peace!” Mrs. Jones does that because she does not know what alternative she has. As this is her house, she doesn’t want to leave it.

Stage seven

Mrs. Jones gets ill again. She passes out at home and Natasha finds her and takes her to hospital. Mrs. Jones is delirious. It turns out that she has a urinary tract infection



which has caused the delirium. She is treated, is now fine and is discharged from hospital and returns home.

Mrs. Jones is very unhappy living in the basement. She tells Natasha that she wants Natasha and grandchildren to leave. Natasha tells her that the house belongs to her (Natasha) and tells mother that if she doesn't like living there she should move out. Mrs. Jones goes to the lawyer and finds out that Natasha transferred title of house into her own name using the Power of Attorney. Mrs. Jones is too upset to tell her son Frank about this as she doesn't want to alienate him any further.

Stage eight

At the direction of Mrs. Jones, Mrs. Jones lawyer calls Natasha to find out more about the house transfer. Natasha tells Mrs Jones' lawyer that her mother told her to transfer the house to herself as compensation for providing Mrs. Jones with "care" and that her mother just forgot that she did this.

Natasha starts telling everyone – the person at the bank that usually deals with her mother, the neighbours, the social worker at the seniors' centre when she drops off her mother for a meeting – that her mother is getting very confused and is likely not capable of managing her own finances. She tells everyone that her mother had been hospitalized for delirium. Natasha seems very distressed talking about her mother's memory lapses. Natasha tells the social worker, "She is now making false accusations against my son Jim. She says that he is stealing money from her and threatening her when in fact she is freely giving him money because she loves him and is a soft touch to the boy. I tell her not to give him money but she insists on doing that because she is his grandmother. How can she now claim that he is threatening her? That's just not fair!"

Stage nine

Mrs. Jones has a stroke and ends up in hospital. It is clear that she cannot care for herself and will not likely recover to the degree to be at home without a lot of care in the future. Natasha makes it very clear to Mrs. Jones that Mrs. Jones cannot return home, saying that the basement apartment is not suitable for her and that she, Natasha, will not agree to be Mrs. Jones caregiver. She tells her mother that she will have to go to some form of "old age home." At this point Mrs. Jones agrees to that as she knows she has a long recovery time ahead of her. Mrs. Jones consents to the admission. Shortly after admission to a long term care home² Mrs. Jones has another stroke that leaves her unable to speak. No one is sure whether Mrs. Jones is still mentally capable to manage her property because of the communication difficulties.

The home administration and staff therefore turn to Natasha for any decisions about Mrs. Jones finances as she is the named attorney in Mrs. Jones Power of Attorney. Natasha redirects her mother's pension cheques into Natasha's own bank account

² The term "long term care home" is used to refer to any kind group housing in which seniors can get both accommodation and health care and other services. This type of housing may have a different name in different provinces (supported housing, assisted living, home for the aged, nursing home to name only a few).



instead of her mother's bank account. She does pay the long term care home fees for a few months but refuses to leave any money in her mother's trust account at the home, despite requests from the home administrator. The home administrator has explained to Natasha that it is helpful for Mrs. Jones, although not mentally capable to handle all her money, to have some "pocket money" available to pay for hair cuts and styling, for any clothing needs, and to pay for treats from the long term care home tuck shop. Natasha says, "Don't you worry – I will take care of anything my mother needs. She has tons of clothes and candy isn't good for her anyways. And why does she need to get her hair done? She's not going out anywhere!"

After a few months the Natasha stops paying the monthly fees at the home and the administrator leaves repeated messages on the Natasha's answering machine and emails about this which the Natasha ignores. Natasha and Frank, her brother, are constantly fighting about this as Frank insists that Natasha take care of her mother's finances better and pay the bills and make available money for Mrs. Jones at the home for day to day expenses.



Appendix B: Delegates List

**Federal/Provincial/Territorial (F/P/T)
Forum on the Financial Abuse of Seniors
Lord Elgin Hotel
Ottawa, Ontario
June 19-20, 2008**

Delegates List

NAME	ORGANIZATION
Baker, Barb	Nova Scotia Association of Health Organizations
Barbour, Margaret	Manitoba Association of Multipurpose Senior Centres
Braun, Joan	British Columbia Coalition to Eliminate Abuse of Seniors
Brown, Amanda	Vancouver Coastal Health (BC)
Burry, Doreen	Western Health (NL)
Chalke, Jay	Public Guardian and Trustee of British Columbia
Chase, Edward (Ned)	Canadian Bar Association- Elder Law Section (NS)
Chetner, Saara L.	Office of the Public Guardian and Trustee of Ontario
Ching, Carol	Alberta Seniors and Community Supports, Government of Alberta
Connolly, John	Human Resources and Skills Development Canada
Cooper, Kelly	Health and Social Services / Adult Protection, Government of Yukon
Costa, Amalia	Client Strategies for Retirees, Royal Bank of Canada (ON)
Crichton, Susan	Manitoba Seniors and Healthy Aging Secretariat, Government of Manitoba
Davis, Hélène	Aging and Seniors Division, Government of Newfoundland and Labrador
Davis, Sylvia	Ontario Public Service "Quarter Century Club" Retirees
Desveaux, Jeanne	Canadian Bar Association - Elder Law Section (NS)
Doyon, Helen	Public Health Agency of Canada
Drew-Lytle, Maura	Canadian Bankers Association
Driscoll, Christine	Nova Scotia Public Prosecution Service, Government of Nova Scotia
Easton, Margaret	Westminster Savings Credit Union (BC)
Emmertson, James	British Columbia Law Institute
Esteves, Elizabeth	Ontario Seniors' Secretariat, Government of Ontario
Fleischer, Ashley	Department of Culture, Language, Elders and Youth, Government of Nunavut
Fleischmann, Patricia	Toronto Police Service (ON)
Francoeur, Mario	Toronto Dominion Bank Financial Group (QC)
Gagné, Bernard	Financial Consumer Agency of Canada
Gallinger, Alvin	Provincial Advisory Committee of Older Persons (SK)
Gartner, Patricia	St. Michael's Health Group (AB)
Gibson, Dave	Administration Saskatoon City Hospital
Gosse, Ryan	SIFE Memorial (NL)

Federal/Provincial/Territorial Ministers Responsible for Seniors



Grauby, Isabelle	RCMP
Gutman, Gloria	International Network for the Prevention of Elder Abuse and the British Columbia Network for Aging Research
Hems, Lisa	Ontario Coalition of Senior Citizens' Organizations
Hill, Brenda	Kerby Rotary House (AB)
Hounsell, Nicholas	SIFE Memorial (NL)
Howie, Jamie	Department of Social Development, Government of New Brunswick
Kassamali, Zul	Multicultural Council for Ontario Seniors
Kay, Teri	The Ontario Network for the Prevention of Elder Abuse
Keating, John	Durham Regional Police (ON)
Kublu, Thomas	Department of Culture, Language, Elders and Youth, Government of Nunavut
Leaney, Alison	British Columbia Association of Community Response Networks
Lester, Rosemary	Seniors Resource Centre of Newfoundland and Labrador
Lockhart, Elizabeth	Scotia Private Client Group
Loney, Al	The Council on Aging of Ottawa
Lord, Laurie	Toronto Dominion Bank
Lum, Ed	Hamilton Police Service (ON)
MacKenzie, Jim	Office of the Public Guardian and Trustee of Ontario
MacLeod, Beverly	Saskatchewan Seniors Mechanism
Mair, John	Association of Scotiabank (QC)
Manuel, Lisa	Family Service Association of Toronto (ON)
Mar, Lincoln	Public Trustee of Alberta
Martin, Robert	Credit Union Central of Canada
Mayer, Richard	Fédération des Aînés et des retraités francophones de l'Ontario
McCormack, Mike	Ottawa Police Service (ON)
McDonald, Lynn	University of Toronto, Institute for Life Course and Aging (ON)
McGillivray, Thelma	Older Women's Network/ Provincial Council of Women (ON)
McGillivray, Brenda	Ottawa Police Service (ON)
McNally, Sandra	Canadian Imperial Bank of Commerce
Michaud, Suzanne	Royal Bank of Canada (ON)
Micucci, Lisa	Children's Law and Family Violence Policy Unit, Justice Canada
Mike, Shuvanai	Department of Culture, Language, Elders and Youth, Government of Nunavut
Mortimer, Katherine	Ontario Seniors' Secretariat, Government of Ontario
Nunweiler, Angela	Ministry of Health, Government of Saskatchewan
Paine, Harry	Manitoba Society of Seniors
Penell, Frances	Human Resources and Social Development Canada
Pautz, Jessica	Human Resources and Social Development Canada
Podnieks, Elizabeth	International Network for the Prevention of Elder Abuse (ON)
Quirt, Geoff	Ontario Seniors' Secretariat, Government of Ontario
Rietschlin, John	Human Resources and Skills Development Canada
Rolls, Andrea	Ministry of Public Safety and Solicitor General, Government of British Columbia
Rooney, Jane	Financial Consumer Agency of Canada
Saunders, Dan	Ontario Public Service "Quarter Century Club" Retirees
Scotti, Susan	Human Resources and Skills Development Canada
Smith, Marie	United Senior Citizens of Ontario

Federal/Provincial/Territorial Ministers Responsible for Seniors



Soden, Ann	Private Practice (QC)
Spencer, Charmaine	Gerontology Research Centre, Simon Fraser University (BC)
Spinks, Trudy	Office of the Public Guardian and Trustee of Ontario
Stevens, Jennifer	Federal Superannuates National Association (ON)
Stone, Karen	Department of Health and Community Services, Government of Newfoundland and Labrador
Stratton, Kaila	Scotia Private Client Group (ON)
Tarkpea, Natalie	Human Resources and Skills Development Canada
Therrien, Lori	Catholic Social Services (AB)
Tout, Rick	Ontario Provincial Police
Tracy, Patrick	Edmonton Police Service
Trainor, Brian	Affinity Credit Union (SK)
Van Eden, Marlene	Lethbridge Senior Citizens Organization (AB)
Vickers, Dawn	Community and Social Development, City of Lethbridge (AB)
Villeneuve, Terry	NWT Seniors Society
Wahl, Judith	Advocacy Centre for the Elderly (ON)
Walsh, Robin	Canadian Bankers Association
Walton, Daniel	Lethbridge Regional Police Service (AB)
Ward-Knight, Bonnie	Service Canada
Watts, Laura	Canadian Center for Elder Law Studies (BC)
Webb, Graham	Advocacy Centre for the Elderly (ON)
White, Gordon	Ontario Residential Care Association
Wolf, Christina	Ottawa Police Service (ON)
Young, Miriam	Ministry of the Attorney General, Government of Ontario



Appendix C: Biographies

**Federal/Provincial/Territorial (F/P/T) Forum on the Abuse of Seniors
Lord Elgin Hotel
Ottawa, Ontario
June 19-20, 2008**

Biographies

Forum Facilitators

Judith Wahl, Executive Director, Advocacy Centre for the Elderly

Judith Wahl, B.A. LL.B. is a lawyer and Executive Director of the Advocacy Centre for the Elderly (ACE), a legal clinic for seniors, in Toronto, since 1984. In her work at ACE, she has had extensive experience in elder abuse issues in a variety of ways. ACE provides legal representation for seniors that are victims of abuse. ACE produces public legal education material to raise awareness about elder abuse and abuse response. ACE has worked with police services in Ontario to develop education programs and training for police on abuse investigation and response of the criminal justice system to crimes against seniors and training for Crown attorneys on issues related to the prosecution of crimes that are elder abuse. ACE has assisted communities across Ontario, both urban and rural, in the development of elder abuse community response networks. Judith is a frequent speaker at conferences locally, provincially and nationally on elder abuse issues.

Laura Watts, National Director, Canadian Centre for Elder Law Studies

Laura Watts is the National Director of the Canadian Centre for Elder Law Studies (CCELS), the national organization which focuses on issues of law and aging in Canada. She is also a Staff Lawyer at the British Columbia Law Institute and a legislative drafter. Completing her law degree at the University of Victoria Law School in 1998, Laura was called to the Bar in British Columbia in 1999.

Laura is the Secretary of the National CBA Elder Law Section and a frequent contributor to CLE programs on elder law issues. Laura serves as the Editor-in-Chief of the Canadian Journal on Elder Law and the facilitator of the World Study Group on Elder Law. She stands as the national Theme Leader on End of Life Issues for the National Initiative for Care of the Elderly (NICE network). Annually, she organizes the Canadian



Conference on Elder Law, which is an international conference advancing issues of elder law to both legal and interdisciplinary audiences.

Session Leaders

Edward B. Chase (Ned), Lawyer, Canadian Bar Association - Elder Law

Edward B. Chase (Ned) is Counsel to the Kentville, Nova Scotia firm of TMC Law, practising in the areas of Estate Planning, Wills, Trusts and Probate. A practice originating in the Annapolis Valley found him representing various segments of both the Agricultural and Corporate Communities in the more complex issues relating to succession and estate planning. He has written papers and given presentations on his area of practice to various professional groups, his local Bar Society, the Nova Scotia Bar Society and to different provincial Sections of the Canadian Bar Association - Nova Scotia. Ned graduated from Acadia University and Dalhousie Law, has served on the Board of Governors at Acadia University and is a Past President of the Associated Alumni of Acadia University. Ned's community involvement includes the Chairmanship of the Kings County Children's Foundation.

Ned is an active member of the Kings County Barristers' Society and has served on a variety of committees of the Nova Scotia Barristers' Society. Ned is a registered member of the Society of Trust and Estate Practitioners. He is past Chair of the Canadian Bar Association, Nova Scotia Elder Law Section, and an Executive Officer of the Canadian Bar Association National Elder Law Section.

Graham Webb, Staff Litigation Lawyer, Advocacy Centre for the Elderly

Graham Webb is a Staff Litigation Lawyer employed by the Advocacy Centre for the Elderly since May 1995. He is a graduate of Osgoode Hall Law School with an LL.B. (1983) and an LL.M. (Tax) (2001). He was called to the Bar of Ontario in 1985, and was engaged in private practice from 1985-1995. He has appeared in civil, criminal and administrative proceedings before all levels of courts including the Supreme Court of Canada, the Ontario Court of Appeal, the Superior Court of Justice, the Ontario Court, and a wide range of administrative tribunals. He is a co-author of *Long-Term Care Facilities in Ontario: The Advocate's Manual*, a co-editor-in-chief of the *Journal of Law and Social Policy*, and a published author of journal and newsletter articles. He is a part-time evening instructor in gerontology at Ryerson University. He is a frequent public speaker on elder law issues, and has presented on elder abuse at the Ontario Crown Attorneys' Association Fall Training Conference, the Ontario Police College, and the C.O. Bick Police College.



**Margaret Easton, Assistant Vice President, Administration,
Westminster Savings Credit Union**

Margaret Easton has over thirty years of experience in the financial services industry in both Alberta and British Columbia, in banking, trust companies, and credit unions. Margaret has obtained a B.A. in General Studies from Athabasca University, a Baccalaureate in Women's Studies and a Masters of Liberal Studies from Simon Fraser University and her B.C. Instructor's Certificate from Vancouver Community College. Margaret's financial services accreditations include her Mutual Funds License, Canadian Securities Course and her Elder Planning Counsellor designation. As a member of IPM, Margaret also has her Canadian Management Professional (CMP) designation.

She has worked for Westminster Savings Credit Union (WSCU) in Greater Vancouver for the last eight years as a branch manager in two locations and is presently Assistant Vice President, Administration. As AVP her responsibilities include ensuring the credit union is current and compliant with legislation and regulations affecting retail operations and member service delivery.

In her spare time, Margaret is also the Editor of *The Hastings Bridge*, the journal of the Graduate Liberal Studies program at Simon Fraser University.

Jay Chalke, Public Guardian and Trustee of British Columbia

Jay Chalke was appointed Public Trustee of British Columbia in 1999 and became British Columbia's first Public Guardian and Trustee in 2000 with the coming into force of the Public Guardian and Trustee Act. Formerly the Deputy Public Trustee of BC, Jay brings an extensive background in health and guardianship law to the position.

Prior to joining the Public Guardian and Trustee of BC, Jay, a lawyer, was Deputy Public Guardian and Trustee – Legal Services in Ontario. He played an instrumental role in the implementation of guardianship legislation in that province. His background includes positions as Head of the Review of Certain Practices in New Brunswick Correctional Institutions, and various positions with the Ministry of Attorney General in Ontario and with the Ombudsman of Ontario.

Jay was reappointed as Public Guardian and Trustee to a second 6-year term in February 2006, and was appointed Queen's Counsel in December 2006.

The Public Guardian and Trustee of British Columbia was established under provincial legislation in 1963 to protect the legal rights and financial and personal interests of individuals who cannot protect themselves, including children, adults who require assistance in decision-making and deceased or missing persons.



**Lisa Manuel,
Manager, Seniors and Caregivers Support Services and Violence Against Women,
Family Service Association of Toronto**

Lisa Manuel has a Master's Degree and Doctorate from the University of Toronto in sociology with a special focus on gerontology. She has worked in the senior's field since 1984 in both the social service and hospital sector. She is currently Manager of the Seniors and Caregivers Support Services Unit and the Violence Against Women Program at Family Service Association of Toronto. Prior to this she was Director of Social Services in a community-based agency for seniors.

Lisa is the team leader of FSA's Elder Abuse Consultation Team. She has consulted on a number of initiatives in the field and is often called upon to speak about elder abuse. She presents at local, national and international conferences on this topic and is keenly interested in the similarities and differences between domestic violence and abuse of older persons. Her most recent publication is a best practice manual on responding to abuse of older persons.

**Amanda Brown,
Director, Re:Act Response Resource, Vancouver Coastal Health Centre**

Amanda Brown is the Director of the Re:Act Response Resource, a service of Vancouver Coastal Health designed to support staff who routinely come into contact with those adults who are considered more vulnerable and are experiencing abuse, neglect or self-neglect. She is the regional lead for VCH on issues related to the Adult Guardianship Act and her work includes providing education and clinical consultation to staff as well as identifying and addressing the systemic challenges for health providers as they execute their duties under Part 3 of the AGA. Amanda has a particular interest in integrating less formal community supports into responses so that all resources are used most effectively and adults benefit from a collaborative approach to care. She became a Director of the BC Association of Community Response Networks in 2005.

Christina Wolf, Detective Constable, Ottawa Police Service

Christina Wolf is a sworn officer with the Ottawa Police Service for the past 17 years. She currently holds the title of Detective Constable and has been working in the District Investigations and Criminal Investigations Divisions for the past 9 years. In 2005, she was selected to head the new OPS Elder Abuse Section which was launched in January of that year. She is a member of the Clinical Consultation Team, a multi-disciplinary sub-committee of the Council on Aging Elder Abuse Steering Committee. She is also a member of LEAPS (Law Enforcement Agencies Protecting Seniors), a provincial committee developed for the purpose of sharing information and investigative strategies between police agencies. As well, Detective Wolf is a member of the Elder



Abuse Theme Team through N.I.C.E (a National Initiative for the Care of the Elderly). N.I.C.E is a network funded by a 3 year International Partnership Initiative grant that is working on knowledge transfer as well as the development of user-friendly tools that are both sensitive and relevant to home regions across the country. She leads the police team in their approach to modifying an existing assessment and intervention tool as well as a Theft by Power of Attorney investigation reference guide to be used by police, social workers and LTC homes in all provinces and territories.

Detective Patrick Tracy, Edmonton Police Service

Detective Patrick Tracy has been a member of the Edmonton Police Service (EPS) for 15 years. He currently serves as a Detective in the Elder Abuse Intervention Team and sits on the EPS Ethics Committee. Previously, Detective Tracy has served in the EPS' Spousal Violence Unit and in the Breach Enforcement Team, which dealt with spousal violence offenders who breached their court-ordered conditions. Detective Tracy has a strong sense of social justice and community wellness issues, and co-hosts a weekly two-hour radio talk show dealing with police, social and related issues.