

the community. Services might include arranging for home help or meals-on-wheels, or discussing with the adult alternative living arrangements, such as shared housing, seniors' apartments, and homes for special care. Services will be provided to the adult in the home when possible.

Who pays for these services?

The adult is expected to pay for these services if he or she can afford to. Some privately run services charge sliding-scale fees so that users pay what they can afford. There may also be volunteer services. If the adult cannot afford to pay, the province will.

What is a Protective Intervention Order?

The judge may order a Protective Intervention Order if the adult's life or health is in danger from another person. That person is ordered to stay away from the home, and have no contact with the adult. However, he or she may still have to pay support for adult.

A judge's decision is not final, and may be appealed to the Supreme Court or the Nova Scotia Court of Appeal.

Resources

The Department of Health has offices throughout the Province. Call toll free at 1-800-225-7225 to report abuse.

Contact the Public Trustee to discuss financial abuse: PO Box 685, 5151 Terminal Road, Suite 201, Halifax, NS B3J 2T3, 424-7760

The Department of Seniors provides assistance and information to seniors. Call them at 424-4737 or 1-800-670-0065. They also provide a Senior Abuse Line. Call 1-877-833-3377 Monday to Friday, between 8:30 a.m. and 4:30 p.m.

Some RCMP detachments have a Seniors Safety Program. The Seniors Safety Coordinator will visit with seniors to discuss safety and crime prevention. You can contact your local RCMP detachment to see if they provide this service.

Victims' Services support victims of crime by providing information, support, and assistance as a case moves through the criminal justice system.

Head office: 1-888-470-0773, Dartmouth: 424-3307, Kentville: 1-800-565-1805, New Glasgow: 1-800-565-7912, Sydney: 1-800-565-0071



5523B Young Street,

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Tel: Administration, publications and
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800-665-9779

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Elder Abuse

WHAT YOU NEED TO KNOW



If you are aware of an adult that is being abused, call the Department of Health. See the Resources section at the end of this



YOU HAVE QUESTIONS.
WE HAVE ANSWERS.



Elder Abuse includes both abuse and neglect. Special provisions are made for dealing with elder abuse through the Adult Protection Act.

This brochure provides general information only. It is not meant to replace legal advice from a lawyer.

What is abuse?

Abuse can be:

- **Physical**, such as punching, slapping, using physical restraints and scalding hot water.
- **Sexual**, including any form of sexual activity with a person without his or her consent, such as sexual intercourse, fondling, or kissing.
- **Mental**, such as treating an adult as a child, continually criticizing or belittling the adult, verbal abuse, locking the adult in a room, not allowing the adult to have visitors, and threatening to put the adult into an institution.
- **Financial**, such as stealing the adult's pension cheque or savings, threatening not to visit or allow grandchildren to visit unless the adult gives money or gifts, and misusing a Power of Attorney..

What is Neglect?

Neglect is the failure to provide adequate food, medical attention, shelter, or clothing to an adult. Neglect may also be "self-neglect" where an adult lives alone and cannot adequately care for him or herself, but refuses help.

Who is an adult in need of protection?

An adult in need of protection is someone who is 16 or older and who:

- Has a physical disability or mental infirmity
- Is abused or neglected in the premises where he or she lives.
- Is unable to protect him or herself from abuse or neglect, and is refusing, delaying or unable to provide for his or her own care.

What is the Adult Protection Act?

The Adult Protection Act is a provincial law that provides protection to adults in need of protection. It does not protect against financial abuse. The Adult Protection Act places a duty on everyone to report the abuse or neglect of such an adult.

What is the Protection of Persons in Care Act?

The Protection of Persons in Care Act safeguards patients and residents in Nova Scotian hospitals, residential care facilities, nursing homes, homes for the aged or disabled persons under the Homes for Special Care Act, or group homes or residential centres under the Children and Family Services Act. Health Facility administrators and service providers (including staff and volunteers) are obliged to promptly report all allegations of abuse under this act.

Who reports Abuse?

It is an offence not to report abuse and neglect of an adult in need of protection. A judge can fine you up to \$1,000 for failing to report abuse, sentence you to up to a year in jail, or both.

Even if you hear about adult abuse confidentially, you must report it. For example, a doctor must report information he or she receives about abuse or neglect of an adult in need of protection.

The system keeps the identity of people who report abuse confidential, unless that person is asked to give evidence in court.

What about Financial Abuse?

The Adult Protection Act does not protect against financial abuse. The police deal with some types of financial abuse, such as fraud or theft. If you or somebody you know is being financially abused, call the police or the Public Trustee. The government appoints the Public Trustee to manage the financial affairs of persons who are unable to manage their own affairs. See the Resources section at the end of this pamphlet to find out how to contact the Public Trustee.

What is Power of Attorney?

Power of Attorney is a legal document that allows you to give another person power to act on your behalf. Talk to a lawyer before giving anybody Power of Attorney. See the Resources section at the end of this pamphlet to find out how to find a lawyer.

How are reports of abuse handled?

The Department of Health enforces the Adult Protection Act through its Adult Protection Service, as well as the Protection of Persons in Care Act. After abuse is reported, the Adult Protection Service may visit the adult's home, and talk to those involved. In the case of the Protection of Persons in Care act, an investigator is sent to the premises. If the Adult Protection Service finds evidence that the adult is in need of protection, the worker may offer services to the adult. If there has been a criminal offence, the Adult Protection Service must report to the police. The Adult Protection Service may remove an adult from the home if there is evidence that the adult's life is in danger, if he or she is being pressured not to accept assistance, or if he or she is unable to decide whether to accept assistance.

What happens if the adult or caregiver refuses assistance?

Adult Protection cannot force services on competent adults who refuse service. The Adult Protection worker may ask a doctor to assess the adult's level of competency. The adult and caregiver do not have to agree to an assessment, but if they obstruct the assessment, the Adult Protection Service may ask a Family or Supreme Court judge for a court order authorizing entry into the adult's home. Usually four days notice is given. In an emergency, a judge can allow entry without notice.

Who decides whether the adult is in need of protection?

A judge decides. If there is evidence that an adult is in need of protection, the Adult Protection Service may ask a Family Court or Supreme Court judge to make an order that the adult is in need of protection. Before making an order, the judge will hold a hearing. He or she will give ten days notice of the hearing to the adult and other interested parties, such as the person suspected of abuse. If the judge decides that the adult is in need of protection, the judge may allow the Department of Health to provide the adult with services, or make a Protective Intervention Order.

What kind of services does Adult Protection Provide?

The Adult Protection Service does not provide services directly. It refers the adult or the adult's family to the services that they may need and which are available in