Elder Abuse: The Hidden Crime

What is elder abuse?

Elder abuse is violent or abusive harm done to an older person. Elder abuse is often a crime. The abuse could be caused by:

* a family member,
* a friend,
* someone the older person relies on for basic needs, or
* staff in group residential settings, such as care homes (including retirement homes, retirement lodges, seniors’ group residences, and supportive housing), and in long-term health care facilities, such as long‑term care homes (often known as nursing homes), public hospitals, and complex continuing care facilities.

Someone who commits elder abuse usually has control or influence over the older person. Victims of elder abuse often know and trust their abuser. Some victims of elder abuse depend on the people who hurt them, sometimes for food, shelter, personal care, companionship, or transportation.

What types of elder abuse are there?

Physical abuse

* physical assault, such as slapping, pushing, or beating an older person,
* forced confinement in a room, bed, or chair.

Anyone who physically assaults or forcibly confines a person is committing a crime that is punishable by law.

Sexual abuse

* any unwanted form of sexual activity,
* sexual assault.

These actions are crimes.

Financial abuse

* forcing an older person to sell personal property,
* stealing an older person's money, pension cheques, or possessions,
* committing fraud, forgery, or extortion,
* misusing a Power of Attorney.

These actions are also crimes.

Neglect

* abandoning an older person, or withholding food and health services,
* deliberately failing to give a dependent older person what they need.

This kind of neglect is a crime.

Mental abuse

* humiliating, insulting, frightening, threatening, or ignoring an older person,
* treating an older person like a child.

Some of these actions may be crimes in certain circumstances. For example, it is a crime to threaten to physically harm a person or damage their property.

What are the signs and symptoms of elder abuse?

Victims of elder abuse may show signs of any of the following symptoms:

* depression, fear, anxiety, or passivity,
* unexplained physical injuries,
* dehydration or lack of food,
* poor hygiene, rashes, or pressure sores,
* over-sedation.

There are other signs of elder abuse. For example, if money or personal items such as eyeglasses, jewellery, hearing aids, or dentures are missing without explanation, it may be because of elder abuse.

No one should jump to conclusions, but signs and symptoms should be taken seriously. What sometimes seems like self‑neglect might turn out to be elder abuse.

Why does elder abuse happen?

Elder abuse happens because of the abuser's power and control over an older person. In some cases, it may also be linked to an abuser's:

* drug or alcohol problem,
* history of anti-social behaviour, or
* mental health problems.

Abuse is more likely to happen when the family is going through a period of high stress, including the stress of looking after the older person.

Old age is a difficult time for many people, a time of failing health, reduced income, the loss of a meaningful role, or the death of loved ones. These problems can create great unhappiness for older people and can damage relationships with spouses and children. In extreme cases, this damage can lead to abuse.

The abuser may not allow people to visit or talk to the older person. The older person may be isolated from the community, social services, and even from other family members.

In some cases, the elder abuse may be part of a cycle of violence in the family. The person who abuses an elderly parent might have been abused by that parent. The elder abuse could be a form of “getting even” with the parent for past wrongs.

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A staff member in a long-term care home might abuse residents physically or mentally. Abusers may be frustrated staff members who are not able to do their jobs properly. This can be because of poor training, low pay, over-work, or under‑staffing. Staff could also have personal problems that affect the way they provide services to older people under their care.

There is no excuse for abuse. The personal circumstances or problems of the caregiver do not excuse abuse of the older person. These problems may be factors in the abuse, but they do not justify it.

Who abuses older people?

Family members

Most elder abuse is caused by a family member. This could be a son, daughter, spouse, grandchild, or other relative. This family member is often dependent on the older person for money or a place to live. The abuser might have difficulties, such as chronic unemployment, or psychological or personal problems.

**Professional caregivers**

Sometimes elderly people are abused by health care and social service providers, either in the community or in long‑term care homes.

Theft and assault can happen in institutions, but most abuse there takes the form of neglect, poor care, and lack of respect for residents.

Who are the victims of elder abuse?

Most victims of elder abuse are mentally competent and able to make decisions for themselves. Most are capable of taking care of their own health needs and do not need constant care. Do not assume that they are mentally incapable merely because they are older adults.

Although victims of elder abuse are generally dependent on their abuser in some way, their dependency is not necessarily because they are mentally incapable or physically frail. However, if they have a mental or physical disability, they are more vulnerable to abuse.

Sometimes the abuse of an older person by their spouse or intimate partner is domestic violence or partner assault. CLEO has another publication called [Do you know a woman who is being abused? A legal rights handbook](http://cleo.on.ca/sites/default/files/book_pdfs/handbook.pdf). It includes help and referral information for women who are experiencing domestic violence.

Abuse can happen to any older person, but the greatest physical harm is most often done to women.

Isolation and abuse go hand in hand. Many victims of abuse are isolated from their friends, neighbours, and other family members.

Why is elder abuse seldom reported?

Some victims do not report elder abuse because:

* they are afraid of what the abuser will do to them if they report the abuse,
* they are completely under the control of the abuser and depend on the abuser for food, shelter, clothing, and health care,
* they are afraid they will be put in an institution,
* they are ashamed to tell anyone that a family member is assaulting them or stealing their money, or
* they think that the police and social agencies cannot really help them.

Sometimes family, friends, or health and social service providers do not report their suspicions of elder abuse because:

* they do not know who to speak to,
* they do not know what can be done,
* they do not want to get involved, or
* the older person asks them not to report it.

There are other reasons why service providers may not report elder abuse:

* they may believe that they have a confidential relationship with their client and cannot tell anyone else about what happens in the client’s home,
* they do not know that assault, theft, or serious neglect in the family or in a long‑term care home is a crime,
* they might be afraid of the abuser and of going into the home after the abuse is reported,
* they might believe that the police cannot help because the older person would not be physically able to testify in court, or
* they might think nothing can be done because the older person might deny the abuse is happening.

**When does elder abuse have to be reported?**

Long-term care homes and retirement homes

Reporting abuse is mandatory when the victim lives in a long-term care home or a retirement home.

The law requires reporting by anyone who knows or has reasonable grounds to suspect that a resident has been, or might be, harmed by any of the following:

* improper or incompetent treatment or care,
* abuse of a resident by anyone,
* neglect of a resident by a staff member or the owner of the home,
* illegal conduct,
* misuse or fraud involving a resident’s money, or
* misuse or fraud involving public funding provided to the home (long-term care homes only).

This obligation to report applies to everyone except other residents of the home. Members of regulated health care professions, social workers, and naturopaths must report even if the information is otherwise confidential.

**How to report**

If the victim lives in a long-term care home, the abuse must be reported to the Director at the Ministry of Health and Long-Term Care. This can be done by calling the toll-free ACTION Line at 1-866-434-0144 (7 days a week, 8:30 a.m. to 7:00 p.m.).

**If the victim lives in a retirement home, the abuse must be reported to the Registrar of the Retirement Homes Regulatory Authority. This can be done by calling 1-855-275-7472 (1-855-ASK-RHRA).**

The Director or the Registrar must look into **all** reports of abuse, and must send an inspector to the home **immediately** if the report is about harm or risk of harm due to:

* improper or incompetent treatment or care,
* abuse of a resident by anyone,
* neglect of a resident by a staff member or the owner of the home, or
* illegal conduct.

The operator of the home, whether a long-term care home or a retirement home, is also required to immediately contact the police if there is an alleged, suspected, or witnessed incident of abuse or neglect of a resident that may be a crime.

Other settings

If the victim of elder abuse lives in their own home or in any other setting, the law does not **require** anyone to report the abuse. In some cases, reporting might be required by someone’s employment duties, a contract for services, or a professional code of ethics.

But victims, or anyone else who suspects elder abuse, can report their concerns to the police, health or social services, or a legal service. No matter where cases of abuse and serious neglect happen, these may be crimes and should be reported to the police.

What do victims of elder abuse need?

Whether voluntary or mandatory, reporting is no guarantee that the abuse will be confirmed or stopped, or that the underlying problems that led to the abuse will be solved.

There are many different kinds of elder abuse, and many different ways to help. Depending on the situation, responses other than reporting may be appropriate as well.

Elder abuse victims need:

* the abuser to stop the violence, exploitation, or neglect,
* safety, shelter, and access to financial resources,
* home support services so they will not be dependent on the abuser, or housing options to meet their needs,
* emotional support, counselling, and greater links to the community, and
* information about the law and the criminal justice system, especially about what is likely to happen to their abuser if it is a family member.

Where can older people get help?

Even if seniors are being abused at home, many would prefer to stay in their own homes or to continue to live with relatives instead of moving into a care home (retirement home) or to a long‑term care home. These seniors and their relatives need help to deal with the abuse in the home.

Although no community service deals specifically with elder abuse and neglect, there are many services that can help older people. All of these services can play a role in helping victims of abuse and their families. Staff and volunteers of agencies that provide professional services, community support services, homemaking, and personal support services should know how to recognize elder abuse. They should also know what options and resources are available in their community to help seniors deal with financial, physical, and mental abuse, including information on preventing abuse.

These services can:

* help seniors become more independent, particularly from their abusers,
* provide options to older people who are socially isolated,
* help to lessen the stress between the caregiver and the older person,
* make referrals to special services that help the abuser deal with aggression, anti‑social behaviour, or drug and alcohol abuse, and
* support the senior who wants to maintain a relationship with their abuser.

If you are being abused, or if you think someone else is being abused, you can get advice or help from health and social service agencies and other professionals. The following are three good places to start:

Community Information Centres

Community Information Centres can give you advice about the services available in your area. They can also put you in touch with the right agencies and professionals. Your community may have an Elder Abuse Committee that you can contact. You can find your local Community Information Centre listed in your telephone book or visit [211Ontario.ca](http://www.211ontario.ca/).

Community legal clinics

Community legal clinics can often give you free legal advice and help. [Click here](http://www.cleo.on.ca/en/publications/elderab/who-can-i-contact-help-and-information) to find the community legal clinic nearest you.

In Ontario, there is a legal clinic called the Advocacy Centre for the Elderly (ACE). ACE specializes in the legal problems and needs of older people. [Click here](http://www.cleo.on.ca/en/publications/elderab/who-can-i-contact-help-and-information) for their contact information.

Community Care Access Centres

[Community Care Access Centres (CCACs)](http://www.ccac-ont.ca/) are nonprofit corporations that have been set up across Ontario to provide a single and simple access to many services. These services are all called long-term care services.

The 14 Community Care Access Centres are responsible for:

* service information and referral to all long-term care services, including volunteer-based community services,
* case management,
* determination of eligibility for services,
* co-ordinated service planning and monitoring, and
* placement co-ordination services for long-term care homes.

Long-term care services include a broad range of community, personal support, and health care services that the senior may need on an occasional or ongoing basis. Many of these services can help a victim of abuse live more independently.

These services could also help a senior get emotional support and necessary links to their community.

These services include:

* Professional services, such as nursing, occupational therapy, physiotherapy, social work, dietetics, and speech‑language pathology services.
* Homemaking services, such as help from trained homemakers with house cleaning, laundry, ironing, shopping, banking, paying bills, planning menus, and preparing meals. This also includes assisting and training someone to carry out these tasks.
* Personal support services that provide physical assistance with the activities of daily living for people who need help because of illness or permanent physical disabilities. This includes assistance with personal hygiene.

If you need or want any long-term care services, you should call the CCAC in your community. The CCAC will either help you directly or refer you to the appropriate service. To contact the CCAC in your area, look under "Community Care Access Centres" in your telephone book, or visit the CCAC web site at [www.ccac-ont.ca](http://www.ccac-ont.ca/).

The CCAC case manager will complete an assessment to determine the services a senior needs and is eligible for. After discussing the services with the senior, the case manager will arrange for the type and amount of service to be provided. The CCAC will also provide information and referral to many other services such as:

* community support services, such as meal services, transportation, home help, friendly visiting, security checks, and social and recreational services,
* caregiver support services, and
* special services for people who have impaired vision or hearing.

The CCAC can arrange some of the following services or provide information about them:

Community health services

Community health services are provided by professionals in an older person's house or apartment. These services are arranged through the CCAC.

These professional services include nursing, occupational therapy, physiotherapy, social work, speech-language pathology, and dietetics. Seniors may also be eligible for medical supplies, equipment, dressing supplies, and prescription drugs.

Professional services can be provided by both nonprofit and commercial agencies in the community. The senior is not charged for professional services arranged through the CCAC.

**Office of the Public Guardian and Trustee**

In cases of very serious financial or personal abuse, the Office of the Public Guardian and Trustee (OPGT) must investigate a report that someone is mentally incapable, is suffering harm, and needs essential help they are not getting.

If necessary, the Public Guardian and Trustee can apply to the court to become the abused person’s Temporary Guardian in order to get them the required help. The court will order temporary guardianship only if it finds the person to be mentally incapable. Even if temporary guardianship is not necessary, the Public Guardian and Trustee can still help the person get access to other services.

To report incidents of serious abuse, contact the OPGT's Guardianship Investigations Unit at 416-327-6348 or toll-free from outside Toronto at 1-800-366-0335.

For more information about the OPGT's services, contact the closest office. The OPGT's main office is in Toronto. They can be reached at 416-314-2800 or 1-800-366-0335. There are also regional offices in Hamilton, London, Ottawa, and Sudbury. To contact the office in your area, look under "Guardianship - Public Guardian and Trustee" in the government blue pages of your phone book, or visit the OPGT website at [www.attorneygeneral.jus.gov.on.ca/english/family/pgt](http://www.attorneygeneral.jus.gov.on.ca/english/family/pgt/).

What kind of action is needed?

Elder abuse is a complex problem that requires many responses, depending on the type of abuse.

There is a need for service providers to look at how individual agencies and programs can be adapted to respond effectively to the needs of older people. Although a particular program may not have a special mandate to deal with elder abuse, it may be exactly what the victim needs to help address the abuse.

The *Home Care and Community Services Act* requires CCACs to have a plan to deal with abuse. Community agencies that provide services through CCACs are also required to have a plan. The plan will involve preventing, recognizing, and addressing physical, mental, and financial abuse of the people who receive these services. The plan must also include the training and education of both staff and volunteers.

Many police services across the province have either community relations officers or special units that investigate crimes against older persons or at-risk adults who are being victimized primarily because of their age. For example, the Ottawa Police Service has an Elder Abuse Section and the Hamilton Police Service has a Crimes Against Seniors Unit.

A number of organizations and community groups work to raise awareness about elder abuse, in an effort to prevent abuse from occurring and to help people make contact with services and organizations if they become victims of abuse. One example of such a group is the Ontario Network for the Prevention of Elder Abuse (ONPEA). ONPEA is a nonprofit, charitable organization whose focus is on elder abuse prevention through education, training, collaboration, service co-ordination, and advocacy. ONPEA has offices in Toronto, Thunder Bay, Sudbury, Ottawa, Mississauga, Windsor, and Peterborough.

Some people feel that a special provincial law should be made to require reporting elder abuse. However, a special law may be more harmful than helpful. Special laws can give the impression that resources and services exist to help victims. In fact, services may not exist or there may not be enough to meet a victim’s needs.

Special laws by themselves do little to prevent abuse. It may be better to promote a clearer understanding of existing laws and services, and how to use them effectively.

Victims need help now. The police, health and social services, families, and friends can use the present laws to help them.

What can you do?

Many communities across Ontario have created Elder Abuse Networks to look at how people and services can deal with this problem. Staff in hospitals, long‑term care homes, and in health and social service agencies are developing guidelines to identify elder abuse and help victims get access to resources. Police officers are being trained to respond to elder abuse victims more effectively and are investigating complaints in long-term care homes, other health facilities, and in retirement homes.

If you would like help to deal with elder abuse, look for the organizations in your community that might have experience in this area. [Click here](http://www.cleo.on.ca/en/publications/elderab/what-community-resources-are-available-victims-elder-abuse) to see a list of resources that are generally available.

The problem of elder abuse will not be resolved unless steps are taken to confront each case of abuse. Ask yourself what you can do to help.

Who can I call for help and information?

For legal services

**Advocacy Centre for the Elderly (ACE)**

2 Carlton Street, Suite 701
Toronto, ON M5B 1J3

Phone: 416-598-2656

Fax: 416-598-7924

Web site: [www.acelaw.ca](http://www.acelaw.ca/)

To find the community legal clinic nearest you, go to Legal Aid Ontario's web site at [www.legalaid.on.ca](http://www.legalaid.on.ca/). click on "Contact LAO" then "Community legal clinics". Or you can call Legal Aid Ontario at:

Toll-free: 1-800-668-8258

Toll-free TTY: 1-866-641-8867

Toronto area TTY: 416-598-8867

You can also see CLEO's article called [*Getting legal help: Community Legal Clinics in Ontario.*](http://www.cleo.on.ca/en/publications/ontario) [Click here](http://www.cleo.on.ca/en/order-publications) to find out how to order it.

For referrals and more information

**Ontario Network for the Prevention of Elder Abuse**

234 Eglinton Avenue East, Suite 500
Toronto, ON M4P 1K5

Phone: 416-916-6728

Fax: 416-916-6742

Web site: [www.onpea.org](http://www.onpea.org/)

For information on services and government programs

Look in your telephone book for the number of your local Community Information Centre, or call ServiceOntario:

Toll-free: 1-800-267-8097

Toll-free TTY: 1-800-268-7095

Web site: [www.ontario.ca](http://www.ontario.ca/)

For the Community Care Access Centre (CCAC) in your area

Look under "Community Care Access Centres" in your telephone book, or visit the CCAC web site at [www.ccac-ont.ca](http://www.ccac-ont.ca/).

**To report abuse in retirement homes**

**Call the Retirement Homes Regulatory Authority:**

**Toll-free: 1-855-275-7472 (1-855-ASK-RHRA)**

**To report abuse in long-term care homes**

**Contact the Ministry of Health and Long-Term Care ACTION Line at:**

**Toll-free: 1-866-434-0144**

**Toll-free TTY: 1-800-387-5559**

You can also call the ACTION Line with any problems, concerns, or complaints that you have about home care services, long-term care homes, or CCACs.

To report abuse or make a complaint, you can also contact the nearest Service Area Office (SAO) of the Ministry. The following is a list of the Service Area Offices throughout Ontario:

Ottawa

347 Preston Street, 4th Floor
Ottawa, ON K1S 3J4

Toll-free: 1-877-779-5559

Toronto

5700 Yonge Street, 5th Floor
Toronto, ON M2M 4K5

Toll-free: 1-866-311-8002