



SECTION 4. Preventing Other Forms of Abuse and Neglect

Learn the facts about elder
abuse and how to get help

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Preventing Other Forms of Abuse and Neglect

Senior abuse, also called elder abuse, is any act or behaviour which harms a person who is 65 years of age or older. This section of the guide will offer some information on the prevention of other forms of abuse such as physical, emotional/psychological, chemical and neglect.

A. Types of Abuse

Type of Abuse	Definition	Signs of Abuse
Physical Abuse	<ul style="list-style-type: none"> Any act of violence or rough treatment that causes injury or discomfort, such as slapping, pushing or hitting. It may include the use of physical restraints. 	<ul style="list-style-type: none"> ■ fear of caregivers ■ unexplained injuries ■ delay in seeking treatment ■ unusual patterns of bruises ■ history of changing doctors ■ scalp injuries

Type of Abuse

Definition

Signs of Abuse

Psychological/ Emotional Abuse

Any act which lowers a person's dignity and self-worth. This may include regularly yelling at, criticizing, threatening, humiliating or isolating the senior. This can also include spiritual abuse, such as preventing the senior from attending church or worship services, and/or mocking the senior's religious beliefs.

- low self-esteem
- appears nervous around caregiver
- confusion
- suicidal
- avoids eye contact with caregiver
- fear of abandonment
- lethargic/withdrawn

Chemical Abuse

Any misuse of medications and prescriptions, including withholding medication and over-medicating.

- overly sedated or lethargic
- overly anxious or agitated
- disorientation, confusion
- sudden changes in mood
- failure to fill prescriptions

Type of Abuse

Definition

Signs of Abuse

Sexual Abuse

Any unwanted sexual act. This may include unwanted touching, kissing or fondling.

- unusual fear of person
- stained, torn or bloody clothes
- pain and bruising
- change in sexual behaviour
- sexually transmitted infections (STI)

Financial Abuse

See Section 2

Any act involving the misuse of the senior's money or property without their full knowledge and consent. This includes theft of money, pension cheques or property as well as misuse of their authority under a Power of Attorney.

- unexplained missing items
- failure to pay bills
- inaccurate knowledge of finances
- suddenly changing a will
- going without affordable necessities
- unusual withdrawals from bank account

Type of Abuse

Definition

Signs of Abuse

Neglect

- | Neglect happens when a caregiver does not properly care for and attend to a senior who cannot fully look after him or herself. It may include withholding food, personal hygiene care, health services, clothing, help or companionship.
- | Neglect may also be self-neglect. This happens when a person refuses, delays or is unable to arrange for his or her own care and attention.

- malnourished
- wandering without supervision
- lack of heat/electricity
- unkempt appearance
- missing dentures, glasses, hearing aids
- skin conditions or pressure sores
- untreated medical problems
- alcohol or medication abuse

TIP

For more information, see the booklet ***Preventing Abuse and Neglect of Seniors*** in your Toolkit.

B. How the Law Protects Seniors from Abuse

Abuse most often happens in situations where a senior is dependent, vulnerable and isolated. The Department of Social Development has several programs that offer support and services for seniors. One program that can help when a caregiver abuses or neglects a senior is **adult protection**. Adult protection legislation in New Brunswick is found in the *Family Services Act*. It defines an “adult in need of protection” as a person aged 65 years or older, or a disabled adult over the age of 19, who:

- is incapable of properly caring for her or himself because of a mental or physical disability, *and*
- is being abused and neglected, *or*
- refuses, delays or is unable to remove him or herself from the abusive situation.

“Disability” is defined as a physical, communication or intellectual impairment which greatly limits the ability to carry out normal daily activities.



Adult protection has the authority to investigate and help when a senior is being abused or neglected. If you are unsure whether your situation is abuse or neglect, do not hesitate to contact adult protection to see what help may be available to you. See **Section 6** of this guide for contact information.

Adult protection does not cover financial abuse unless there is also neglect or physical, emotional or sexual abuse. Situations of financial exploitation (for example, fraud or financial scams), should be reported to the police and the Financial and Consumer Services Commission of New Brunswick.

To prevent abuse, family and friends, including neighbours, religious leaders, and community members, should be part of the solution. Everyone can play a role. It starts with becoming aware of the potential for senior abuse, recognizing the signs, offering assistance, and reaching out to reduce isolation. It also includes encouraging seniors to reach out when they need help. They are more likely to do that when they feel that they are valued and that others care about their well-being.

For more information on the adult protection investigation process, you should read the booklet ***Preventing Abuse and Neglect of Seniors***.

C. Seniors and Family Violence

Family violence refers to the various forms of abuse described in Table A at the hands of an intimate partner. Family violence is sometimes referred to as domestic violence, spousal abuse or “intimate partner violence”. Although anyone can experience family violence, women are much more likely to be victims than men.

Certain forms of family violence are against the law, such as uttering threats or physical or



sexual abuse. Family violence is not something that only happens to younger women. If you have been treated abusively by your partner in the past, the abuse is likely to continue as you get older. The best predictor of future abuse is past abuse. Spousal abuse does not transform into senior abuse just because you turn 65.

Dynamics of Abuse Can Change with Age

Sometimes, with age, the dynamics of abuse may change. Perhaps the abusive partner has become ill or frail. The earlier victim of family



violence may become the caregiver. That may affect the quality and nature of the care that they provide to their spouse. Poor health may also increase the need for medication and treatment. Limiting access or overusing medication to keep someone sedated is a form of abuse, referred to

as **chemical abuse**. Restraining someone for long periods of time, such as tying them up overnight so they won't bother you, is a form of **physical abuse**.

No matter the relationship or history of the victim and abuser, the police can lay charges if they have reasonable and probable grounds that a crime has been committed. It is important that such treatment be reported to the police.

Remember that all forms of abuse are unacceptable. Even abuse that may not be considered criminal in nature, such as name calling and put downs, is unacceptable.

If the police can't help you, you should look for help from other sources such as family, friends, community agencies, transition houses and outreach services.

D. Dating and Common-law Relationships



Dating can create another new set of dynamics when it comes to the potential for abuse and for loss of control over finances and property. As older adults become

involved in dating relationships or common-law arrangements, they may worry about the emergence of obligations that they had not anticipated, such as having to pay support to someone if the relationship breaks up.

If you are dating, it makes sense to find out how a new relationship might affect your legal rights and responsibilities. Many of the common questions that arise about property and support obligations when older adults enter new relationships can be found in the booklet ***Are You Dating? Older Adults and Healthy Relationships***, found in your Toolkit.

Some common concerns when dating include:

- **After dating for a long time, would my friend have a right to my property or money?** Just because you have been dating a long time, does not mean your partner has a right to your property and assets. If you plan to move in together, you should talk to a lawyer about how this might change your situation.
- **If we decide to live together, will our rights change?** Not necessarily. When a couple lives together it is called a common-law relationship. Living together is not the same as being legally married. You will not have an automatic right to half of one another's property. If you are not living together, neither one of you have an obligation to support the other if you break up. However, if you live together for three years or more and depend on the other person for support, he or she may have a legal duty to support you if the relationship ends. You should get legal advice about your rights.

TIP

For more information about the rights and obligations of common-law partners, go to www.familylawnb.ca and check out the booklets *When Couples Separate*, *Living Common-law*, *Domestic Contracts* and *Marital Property*.

Tips on Protecting Your Property

- **Get legal advice:** The best way to protect your property interests is to see a lawyer and enter into a **domestic contract** with a new partner. This is a written agreement between you and your partner. It is called a **cohabitation agreement**. It sets out your rights and responsibilities to each other such as: who owns the property, how property will be divided if you separate, and support obligations. You should each talk to a different lawyer. Your lawyer will explain how your agreement will affect your rights and responsibilities.
- **Don't co-sign for your partners debts:** You are not responsible for the debts of your common-law partner unless you have co-signed a loan for them or you have signed a contract agreeing to pay for them. However, if you later separate and your partner applies to the Court for a division of property and debts, the Court may order you to contribute based on your specific situation. Unlike a legally married couple who separates, the division of property and debts is not an automatic right.
- **Keep proof of your purchases:** If you and your partner buy something together, such as furniture or a car, you both own it. Make sure you keep proof of payments (such as receipts) and indicate who paid for the item.
- **Change or update your will:** If you die without a will, your common-law partner is not entitled to your property. See ***Dying Without a Will***. If you want your common-law partner to have something when you die, you will need to update your will as soon as possible by contacting your lawyer. However, if you do not want to leave anything to your partner, then you do not have to change your will.
- **Know your support obligations:** You may have a legal duty to support certain people, such as a common-law partner, if they depend on you for support. If you do not adequately provide for them or include them in your will, they may apply to the court for some financial support from your estate under the *Provision for Dependants Act*.

E. Preventing Financial Exploitation, Fraud and Abuse

While you are healthy and capable, think about creating some of the legal tools mentioned in **Section 1**. Legal tools are only part of the solution. You should also take steps to reduce your isolation. Consider volunteering in your community. That's one way to get out, meet new friends and reduce isolation. It is less likely that you will be abused if you have surrounded yourself with a network of caring friends and family members who are checking in on you. Not sure where you would like to volunteer? Check out our **Volunteer Self Assessment Quiz** in your Toolkit.

What You Can Do to Protect Yourself from Abuse



- Keep up your relationships with friends.
- Learn to recognize the signs of abuse and neglect.
- Report any abusive activity.
- Keep your money in a bank.
- Keep your valuables in a safety deposit box.
- Know your financial position.
- Deposit your own pension or disability cheques or arrange for direct deposit.
- Join a seniors' group or service club.
- Understand your rights as much as possible.
- Talk to the abuser about your feelings, if you feel comfortable and safe doing so.
- Find out about support services.
- Leave.

What You Can Do if You Are Experiencing Abuse

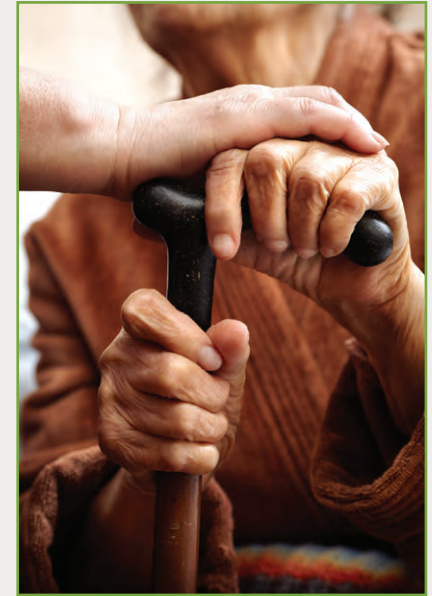
- Don't be afraid to ask for help.



- Talk to family members or friends privately.
- Talk to your doctor, counsellor, religious leader or other member of your faith community.
- Make sure the other person is listening to what you are saying.
- Explain what is happening.
- If possible, write down a list of the abuse you are experiencing and share it with another person.
- Ask for patience. If the other person seems to be upset at what you are saying, tell them that you need for them to be calm.
- Ask for suggestions and options for dealing with the abuse.
- Tell them you value their opinion. Discuss the advantages and disadvantages of each option.
- Ask for referrals to others who are able to help.
- Don't be pressured into doing something you don't want, rather choose the most appropriate option for your situation.
- Make your own decision.
- Report abuse to Social Development and/or call the police.
- Ask the person to come with you when you tell the police or contact Social Development.

What You Can do to Help Another Senior

- Keep close ties with older relatives and friends.
- Learn to recognize the signs of abuse and neglect.
- Discuss any signs of abuse or neglect.
- Suggest counselling for the family and tell them about support services.
- When appropriate, offer advice on financial matters.
- Try to reduce the stress in the family.
- Find ways to limit the person's isolation.
- Contact the Department of Social Development and ask for help.



TIP

Don't wait for others to step in. Friends and neighbours may suspect abuse, but people often feel that they should not meddle in someone else's private family matter.

How the Community Can Help

- Never tolerate abusive behaviour.
- Reach out if you suspect abuse.
- Suggest counselling services and self-help groups for seniors and their caregivers.
- Make sure that available programs and services are publicized.
- Educate the public on the aging process.
- Create a network of support and advocacy for seniors and their families.



TIP

Be aware of services and abuse prevention resources for Newcomers to Canada and Aboriginal people. See **Section 6 - Services and Resources.**