

Raising Awareness and Addressing Elder Abuse in the LGBT Community



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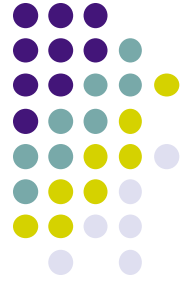
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Part 2 – Aging, Care and Abuse Workshop, Sept 11, 2015



GERONTOLOGY
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Overview of the Presentation



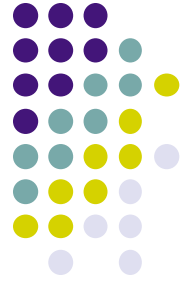
- What is Elder Abuse?
- Where Does it Occur?
 - Lesson 1 – It happens in Israel, in Jordan, in China and Japan, in S. Africa, in Canada, the UK ... This is a worldwide social problem.
- Who is Being Victimized ?
 - Lesson 2 – It happens to rich people and poor people, LGBT people and the heteronormative population. This is a community problem not just a problem of “vulnerable people”
- Who are the Perpetrators?
- What is Being Done About it?

What is Elder Abuse?



- “...any knowing, intentional, or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to a vulnerable adult” (NCEA, 2010).
- “... (a) intentional actions that cause harm or create a serious risk of harm (whether or not harm is intended) to a vulnerable elder by a caregiver or other person who stands *in a trust relationship* to the elder or (b) failure by a caregiver to satisfy the elder’s basic needs or to protect the elder from harm” (Bonnie & Wallace, 2003, p. 1 italics added)
- “... 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” (WHO/INPEA, 2002; WHO 2014).

Power of one person over another

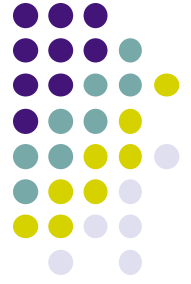


- A common theme in many definitions is **abuse of power**
- “relationships are abusive when a person uses various tactics to maintain power and control over a person” (Wahl, 2009)



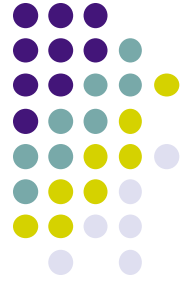
Trust – another key element

- Elder Abuse is the mistreatment of an older person by someone they should be able to rely upon - a spouse, a child, another family member, a friend or a paid caregiver
- Any harm done to an older person by a person in a position of trust or authority
- any action or deliberate inaction by a person in a position of trust which causes harm to an older adult



Types of Elder Abuse

- Physical – may include beating, burning, spitting on, restraining using ropes, belts, drugs or other chemicals
- Emotional/Psychological – includes verbal or non-verbal behaviour that reduces a senior's sense of self-worth or dignity
- Financial – theft, fraud, forgery, extortion, sale of assets, wrongful use of Power of Attorney, etc.
- Sexual – including assault, harassment & exploitation
- Neglect – intentionally or unintentionally failing to meet the needs of persons who are dependent



Extent of the Problem

- Reported in both developed and developing countries
- Multiple settings - Occurs in the community and across a range of institutional settings
- Psychological and financial are the most common (Podnieks, Pillemer, Nicholson, et al. 1990; Boldy, Horner, Crouchley, et al, 2005; Ockleford, Barnes-Holmes, Morichellim et al, 2003).
- Often more than one type is experienced (Anme & Tatara, 2005; Boldy, Horner, Crouchley et al, 2005; Vida & Des Rosiers, 2002)

Prevalence – Community-dwelling Seniors



- Population-based studies suggest that between 4% and 6% of community-dwelling elderly people have experienced some form of abuse (WHO 2002b).
 - 4%= 193,836 Canadians aged 65+ in 2011
 - 6%= 290,754



Prevalence - Institutions

- In a US survey, 36 % of nursing home staff reported having witnessed at least one incident of physical abuse of an elderly patient in the previous year, 10 % admitted having committed at least one act of physical abuse themselves, and 40% said that they had psychologically abused patients (WHO, 2002, 2014)

- Note: In 2001, 7% of Canadians aged 65+ lived in nursing homes

Types of Institutional Abuse



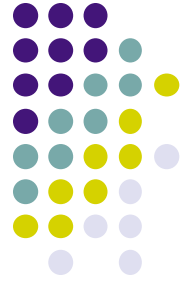
- In addition to the 5 basic types, abuse in institutions also includes physically or chemically restraining patients, depriving them of dignity and choice over daily affairs, and providing insufficient care (e.g. allowing them to develop pressure sores).
- Within institutions, “abuse is more likely to occur where care standards are low, staff are poorly trained or overworked, interactions between staff and residents are difficult, the physical environment is deficient, and where policies operate in the interests of the institution rather than of the residents” (WHO, 2002b).

Population Aging and Elder Abuse – both Women’s Issues



- More older women than men are abused, even after adjusting for their greater numbers.
- Older women seeking help are often in a situation of triple jeopardy, experiencing ageism + sexism + victim blaming.
- At the outset of the US Women’s Health Initiative study 10,200 (11%) of the 92,000 women aged 50-79 reported abuse in the past year; 3 years later over 2,400 more women reported abuse (an additional 5%).
- Rates for physical abuse were similar among women aged 50+ and younger women (Mouton et al. 2004).

Numbers Depends on who is Counting



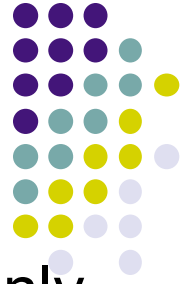
- A study in two Israeli hospitals (Cohen et al, 2007) found that when asked directly, 6% of patients aged 70+ admitted to being abused by a family caregiver; nurses and social workers found evidence of abuse in 21% of patients.
- While routine screening for abuse/risk factors at hospitals, social service centres and in primary care settings is recommended, an Australian study (Helmes & Cuevas, 2007) showed that:
 - GPs saw abuse scenarios as less severe than seniors did
 - Caregivers saw scenarios as less severe than other older persons did
 - Females saw sexual abuse as more severe than males did



Diverse Victim Population

- Some have had previous experience with family violence; others first experience abuse or neglect in later life
- Some types of abuse are more common for men than women
- Health & functional status
 - “Well seniors” experience harm, so do
 - Persons with disabilities (physical, developmental)
 - Persons with cognitive impairment
- Ethno-cultural/visible minority groups/immigrants
 - In N. America represent approx. 1/5 of seniors population, yet existing theory built mainly from Anglo Western or European perspectives
 - Aboriginal seniors
 - **LGBT seniors**

Perpetrators



- Among community-dwelling elderly, harms come mainly from the informal support system – family, neighbours and friends; other possible perpetrators include home support workers and others who provide service in the home.
- In institutions, the focus has been on staff or volunteers, with some consideration given to harms from family and systemic issues (rules, regulations, policies that discriminate against older persons) and more recently, from resident-resident aggression (Spencer, Charpentier, McDonald, et al. 2008; McDonald et al. 2015)

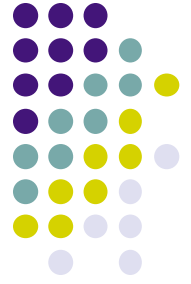
Abuse of Power in Elder Abuse

Includes:

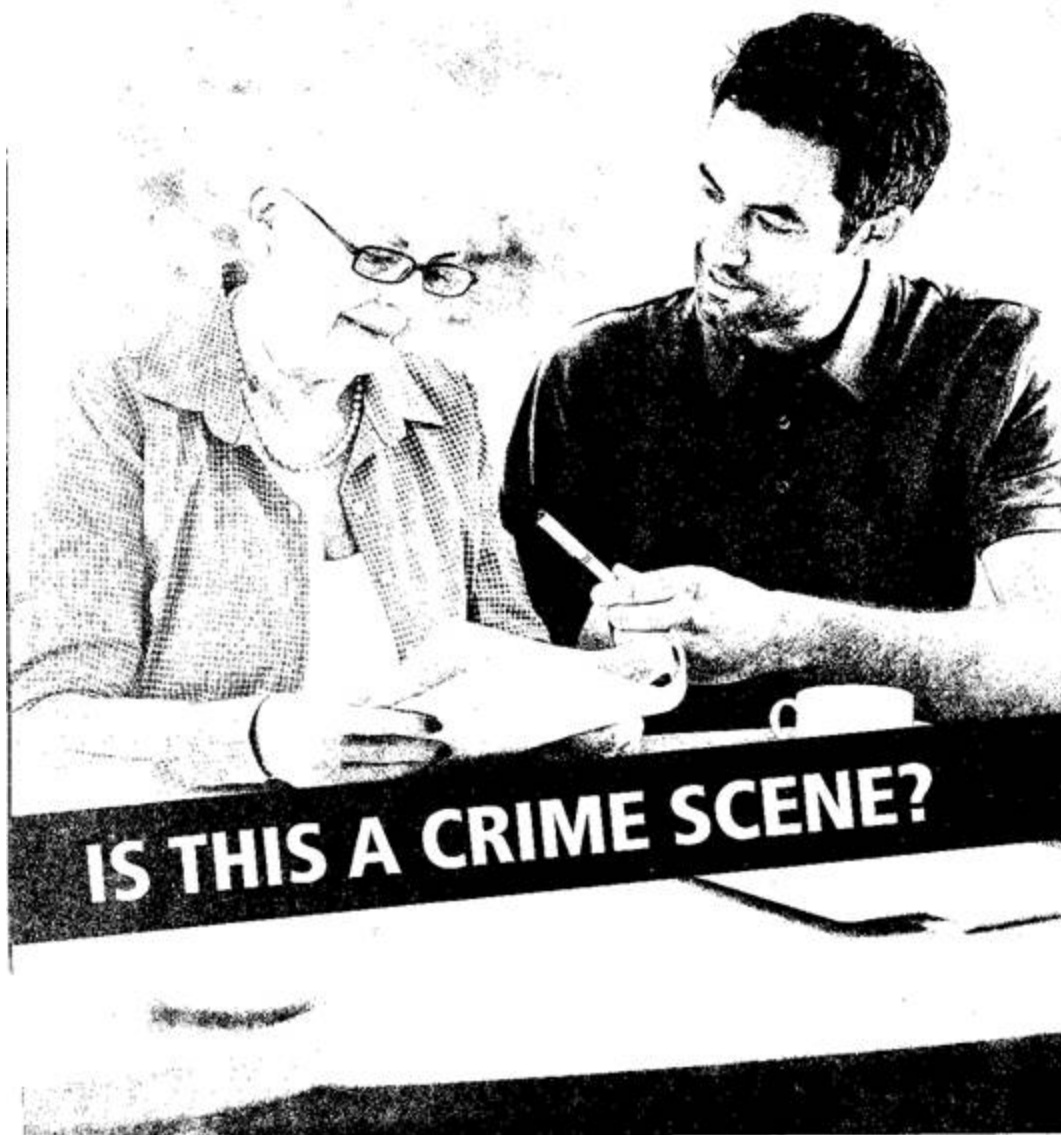


- Use of Coercion and Threats
- Intimidation
- Abusing Emotionally
- Using Family
- Minimizing, Denying and Blaming
- Using Privilege
- Isolating a Person
- Abusing Financially

Elder Abuse is a type of Bullying



- While most people think of bullying as something done to children by other children or by persons in authority over them, bullying can be perpetrated and experienced by people of any age



No one should ever be **pressured, forced or tricked** into giving money — even to loved ones. If someone you trust is taking advantage of you, help is out there. **Learn the signs of financial abuse to protect yourself and the people you love.**

ELDER ABUSE

IT'S TIME TO FACE THE REALITY

To find out more from the Government of Canada about preventing elder abuse, visit www.seniors.gc.ca or call **1 800 O-Canada** (1-800-622-6232)
TTY: 1-800-926-9105



Government
of Canada

Gouvernement
du Canada

Canada

Legal Definitions in Criminal Code

(Whal, 2009)



Physical Abuse

- Assault s 265
- Assault with a weapon or causing bodily harm s. 267
- Forcible Confinement ss 279(1)

Sexual Abuse, Neglect, Psychological Abuse

- Sexual Assault s.271
- Breach of Duty to Provide Necessaries s.215
- Intimidation s.423
- Uttering threats s. 264.1.

Legal Definitions in Criminal Code

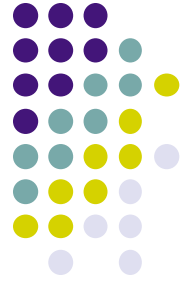
(Whal, 2009)



Financial Abuse

- Theft s.322
- Theft by a Person Holding a Power of Attorney s.331
- Fraud s.380
- Extortion s.346
- Stopping Mail With Intent s.345
- Forgery s.366

Risk Factors – Physical & Psychological Abuse



- Younger victims - those who are “young-old” (65 to 74 years)
 - married, living with spouse
 - more independent in activities of daily living
 - in poor emotional health with low morale, in troubled marriages,
 - lack confidants, socially isolated
- Physical Abuse of
- Women – by spouse
 - Men-by adult children

Risk Factors – Financial Abuse



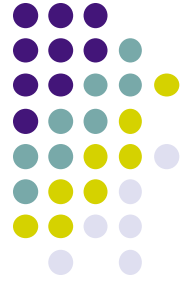
- Victims tend to be unmarried persons (widowed, divorced, or never married) who live alone
 - have problems with money management and transportation
 - lack confidants and social support
 - have health problems, poor morale and/or depression that limits their activities.
- Perpetrators tend to be: younger, distant relatives or non-relatives who abuse alcohol and have physical or emotional problems.
 - do not live with the victims but are financially dependent on them.



Risk factors – Sexual Abuse

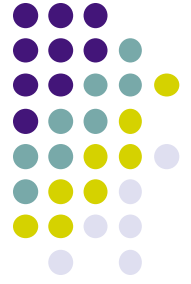
Factors depend on setting

- Largely experienced by women
- May be sexual abuse by
 - spouse or family member - if living together
 - Stranger - if living alone
- Perpetrator and/or victim may be cognitively impaired - if living in nursing home



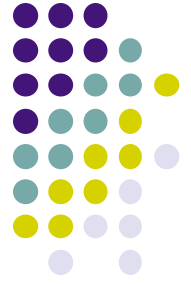
Consequences

- The impact of abuse and neglect lasts much beyond “the event”. Physical abuse can be especially serious for older people because their bones are more brittle and convalescence takes them longer. Even a relatively minor injury can cause serious and permanent damage (WHO, 2002b).
- Loss of income or assets due to financial abuse can rob older people of their autonomy and choices, including capacity for self-care (Spencer & Gutman, 2009).
- Living under the stress of abuse often leads to earlier mortality (Lachs, Williams, O’Brien et al. 1998)



Things to watch out for

- Abusers may seem very helpful and concerned about an older adult's well-being
- Older adults may become victims because they see themselves as needing "help" or companionship



Most common inquiry by seniors who contact Toronto's Advocacy Centre for the Elderly (ACE)

- concerns loss of authority –
 - when may others “decide” for me?
- Also, systemic abuse – when “systems” assume that seniors do not have rights.

Examples of Situations that ACE has Assisted Seniors with that Involving Abuse by Family (Wahl, 2009)



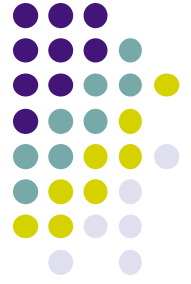
Title and Mortgage Fraud

- Recovered title to elderly woman's home where son and daughter-in-law changed title to property using Power of Attorney (POA)
- Set aside a Writ of Possession and successfully defended two mortgage actions that threatened eviction of an elderly widow whose son, grandson and her grandson's common-law spouse conspired to defraud her of title and steal mortgage proceeds using a forged POA. |
- Successfully defended a mortgage action brought against a client whose daughter, while ACE's client lived in social housing, fraudulently placed ACE's client on title to the daughter's home and refinanced it in ACE's client's name, before defaulting on the mortgages leaving ACE's client responsible for payment of the mortgage debt.

Another Example Involving Family & one Involving a Neighbour



- **Duty of an Executor** - Recovered a \$30,000 testamentary trust left to an elderly disabled client from his mother's estate, administered by his sister who had refused to account or turn over any part of the trust proceeds despite the intervention of two privately-retained lawyers
- **Civil action to recover Debt**- Obtained ongoing monthly payments of \$1,500/month on a \$70,000 debt owed to an elderly widow by her former neighbour, a school teacher, who had previously refused to make payment on her debt



The Abuse Dynamic

- Abuse of older adults is more similar to spousal abuse than to child abuse
- But ...it has a different dynamic than spousal abuse because the abuser may be your own child
- you can divorce your spouse but not your child
- Older adults are ADULTS not children, even if they lack mental capacity for some things

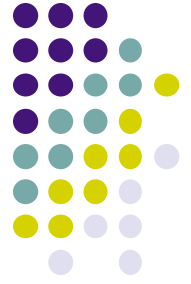
Risk Factors May Change Over Time



- “If a woman remains functionally independent, the risk factors for abuse mirror those for intimate partner violence. If she becomes dependent functionally, and perhaps more vulnerable, the risk factors for abuse mirror those of caregiver abuse and neglect” (Mouton et al, 2004, p.609).

Why Seniors Fail to Seek Assistance

(Wahl, 2009)



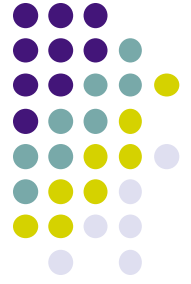
- Shame, guilt, fear of reprisal
- fear of police and court system or belief that police can't help
- fear of not being believed
- don't realize they are being abused
- don't know their rights in a system
- cannot see an alternative to the situation
- are not aware of support services that could help
- fear of being "placed" in an institution



Why Service Providers Fail to Talk to the Senior or to Contact Police or Help Directly

(Whal, 2009)

- Reluctance of raising the issue with the senior
- Belief senior will refuse help
- Belief that information they have is confidential
- Failure to recognize abuse as a crime
- Fear of the abuser
- Reluctance to be a witness
- Lack of understanding of seniors rights in a system



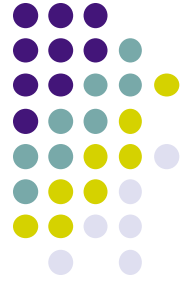
AGEISM

- “An attitude that discriminates, separates, stigmatizes, or otherwise disadvantages older adults on the basis of chronological age” (Mosby’s Medical Dictionary, 2009)

Examples of Ageist Behaviour



- Diminishing the self worth of a senior
- Treating senior like a child, removing decision making opportunities
- Ignoring a senior's wishes
- Brush offs
- Assumptions about his/her rights in the system e.g. Hospital Discharge or Rights within an Assisted Living Facility or Care Facility

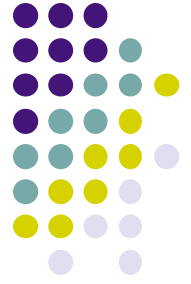


Capacity and Substitute Decision-Making

- Most older adults are capable of making their own decisions
- Capacity may be different for different types of decisions & at different times
- There is not a single test that determines capacity for all times and all purposes
- A capable person has the right to risk

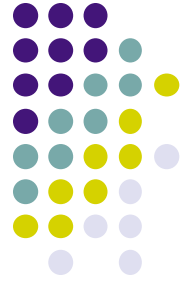
Important Tips on Capacity Issues

(Wahl, 2009)



- Do not automatically assume that frail elderly people are incapable
- Speak with the older person, not around him/her
- Help to empower the older person
- DON'T assume that the Attorney in a POA has power just because he or she is named in a POA
- Understand when the attorney in a POA has power and what power they have and when they don't have power
- Understand the powers conveyed by a Representation Agreement (or lack thereof for a substitute decision maker).
- Recognize potential conflict of interest & opportunities for elder abuse by a substitute decision-maker

Needs of Victims



- 1. To Stop the Abuse
- 2. Safety, Shelter
- 3. Financial Resources
- 4. Home Support Services/Housing Alternatives
- 5. Emotional Support, Counselling, Links to the Community
- 6. Information on the Criminal Justice System and on Other Legal Rights & Remedies

Resources

- “Its Time to Face the Reality” brochures available from

[http://
www.seniors.gc.ca/
eng/pie/ea/
elderabuse.shtml](http://www.seniors.gc.ca/eng/pie/ea/elderabuse.shtml)



**BC ASSOCIATION OF COMMUNITY RESPONSE
NETWORKS**

**PROVINCIAL LEARNING EVENT – September 15,
2015**

10:30 – 12:00 NOON

**Please mark your calendars, and dial in to join the
conversation.**

Toll Free Phone Number: [1-877-353-9184](tel:1-877-353-9184)

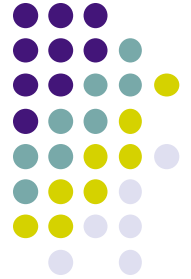
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Local: [604-681-0260](tel:604-681-0260)

Pass Code: 9239214#

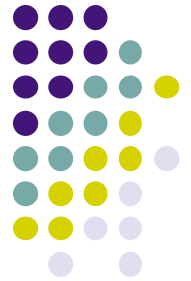
Our Guest Speaker will be:

***Krista James, Coordinator of the Knowledge Sharing
Project
Canadian Network for the Prevention of Elder Abuse
(CNPEA)***



Work in Progress

(Gutman, Robson, Blair, Marchbank, 2015)



- To raise awareness and address elder abuse in the LGBT community a unique inter-generational project is bringing queer youth together with queer senior creative writers to create a set of videos and fact sheets that will be LGBT-relevant
- These will be presented, together with local resources, at Town Hall meetings to be held in each of BC's health authorities in Fall – Winter 2015-16

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