

Abuse and Neglect of Seniors Is it a Crime?

Information for seniors



This is one of a series of information sheets for seniors. The others are :

- ▲ *Reporting Crimes to the Police and What Happens When You Make A Report*
- ▲ *Reporting Abuse and Neglect Under Part 3 Adult Guardianship Act*
- ▲ *Abuse and Neglect of Seniors and the Criminal Justice System*
- ▲ *Where to Get Legal Help*
- ▲ *Giving Other People Authority to Help You Manage Your Affairs*

WHEN IS ABUSE AND NEGLECT OF SENIORS A CRIME?

When they see it, most people can recognize financial, physical and emotional abuse. And, there are times that neighbours and family members worry that seniors who rely on others for care are being neglected. In situations like these, many of us are uncertain about when to ask the police to help keep seniors safe.

Abuse and neglect of seniors has been called the "hidden crime" because it so often happens behind closed doors and no one knows about it. But, this raises some questions. There are things that people do that are very wrong, like humiliating another person, but that is not a crime is it? And how serious would something like neglect have to be before someone should call the police? Is there a crime called "elder abuse?"

In Canada, the *Criminal Code* says what can be considered a crime. Police officers and Crown counsel

use this law to look at each situation and make a decision about whether or not a crime is taking place. There is no crime called "senior abuse" or "elder abuse" but many of the behaviours that we call "abuse" are crimes that can occur against people of any age.

Following are some questions that are often asked and examples of when behaviours that are called abuse or neglect also become a crime.

> physical abuse

QUESTION: *Is it a crime when my son pushes me around and does not treat me respectfully?*

Physical abuse is when someone deliberately uses force or threatens to use force. It includes any act of violence, whether or not it causes physical injury. Some examples include pushing, hitting or slapping, forcing someone to remain in bed or a chair, withholding medication or misusing medication.



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Physical abuse could include the following crimes under the *Criminal Code*:

- ▲ assault;
- ▲ sexual assault;
- ▲ assault causing bodily harm; and
- ▲ forcible confinement.

> neglect

QUESTION: *My daughter complains that I am a burden to her, and she is fed up with taking care of me. Sometimes she leaves me alone for the entire day and I have nothing to eat. I cannot get to the bathroom on my own. I feel so bad and am ashamed that I make so much work for her. Is neglecting someone a crime?*

The law says that your daughter has a duty to look after your most basic needs if you have come to depend upon her and cannot look after yourself. If your daughter puts your health or life at risk, even if she does not do this on purpose, it would be considered neglect.

Questions that would be asked to find out if your health or life is in danger are:

- ▲ Are you living in very dirty or unhealthy conditions?
- ▲ Is there enough food and heat?
- ▲ Are you receiving the medical care you need?

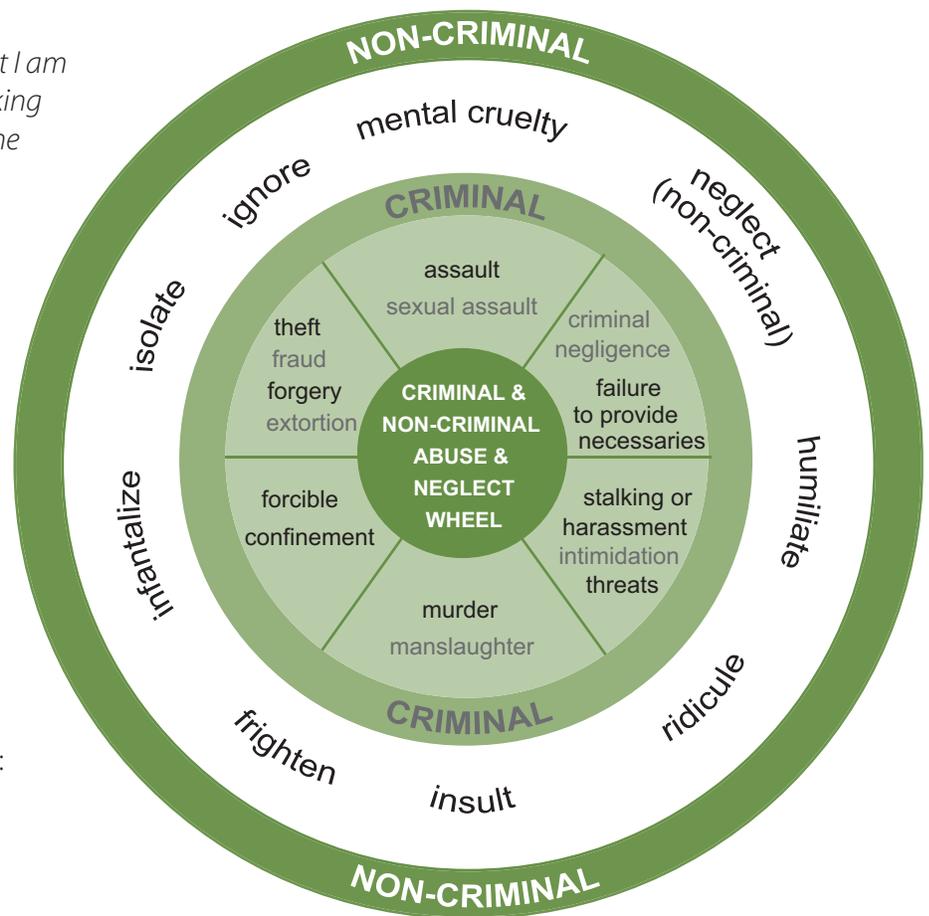
Two forms of neglect under the *Criminal Code* are:

- ▲ Breach of duty to provide necessities.
- ▲ Criminal negligence causing bodily harm or death.

> emotional abuse

QUESTION: *Is my daughter being emotionally abusive when she says that I am a burden and threatens to put me in an institution?*

Any behaviour of your daughter that takes away your dignity and self-worth is emotional abuse.



Common examples of emotional abuse of seniors are:

- ▲ isolating or ignoring an older adult;
- ▲ treating a senior as if he or she was not a person or equal to other people;



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- ▲ threatening to remove benefits, services or medication; and
- ▲ threatening to send the person to an institution.

Many forms of verbal or emotional abuse may be crimes under the *Criminal Code*. Some of these crimes are:

- ▲ Criminal harassment which is repeated unwanted conduct that makes a person fear for their safety.
- ▲ Making threats to cause death or bodily harm to a person or to damage someone's property or injure their animal or bird.
- ▲ Harassing telephone calls.
- ▲ Intimidation or causing someone to be afraid.

> financial abuse

QUESTION: *My grandson has been taking money from me. Every time he comes to visit me at my home, some money goes missing. I suspect that it might be him. I really love him and do not know how to address this problem. I do not want to cause any problems between us since we have always been very close. I might even give money to him if he asked. Is he committing a crime? Is he stealing from me?*

Financial abuse is using another person's money or property in a dishonest manner. Examples of financial abuse can be theft of personal possessions, theft of money, theft of credit cards, or using someone else's money or property for yourself if you have a power of attorney or some other authority to manage their affairs. Other examples can include:

- ▲ **fraud** — deceiving another person into giving away their money or assets.
- ▲ **extortion** — threatening someone to make them give you their money or assets.

The *Criminal Code* offences that may be applied to

deal with some of the financial abuse of older adults are:

- ▲ theft;
- ▲ extortion;
- ▲ fraud;
- ▲ criminal breach of trust;
- ▲ forgery; and
- ▲ misuse of power of attorney.

You said that you and your grandson have always been very close. It is best not to ignore abusive behaviour, as it almost always gets worse. Telephone **VictimLINK at 1-800-563-0808** to explore some solutions and learn about community services that can help.

To learn more about the law and your rights, telephone **BC CEAS at 604-437-1940** if you live in the Lower Mainland or toll free from the rest of the province at 1-866-437-1940.



THIS INFORMATION SHEET WAS DEVELOPED WITH FINANCIAL ASSISTANCE FROM A COMMUNITY OF SURREY HEALTH GRANT, FRASER HEALTH AUTHORITY.