

Elder Abuse Response Team



Connecting you with care
Votre lien aux soins

CCAC CASC
Community
Care Access
Centre Centre d'accès
aux soins
communautaires



Waterloo Regional Police Service

Partnership

The Elder Abuse Response Team

Detective Mike Payne, WRPS

Elizabeth Nieson, RN Elder Abuse Resource
Consultant, WW CCAC

elderabuse.@wrps.on.ca

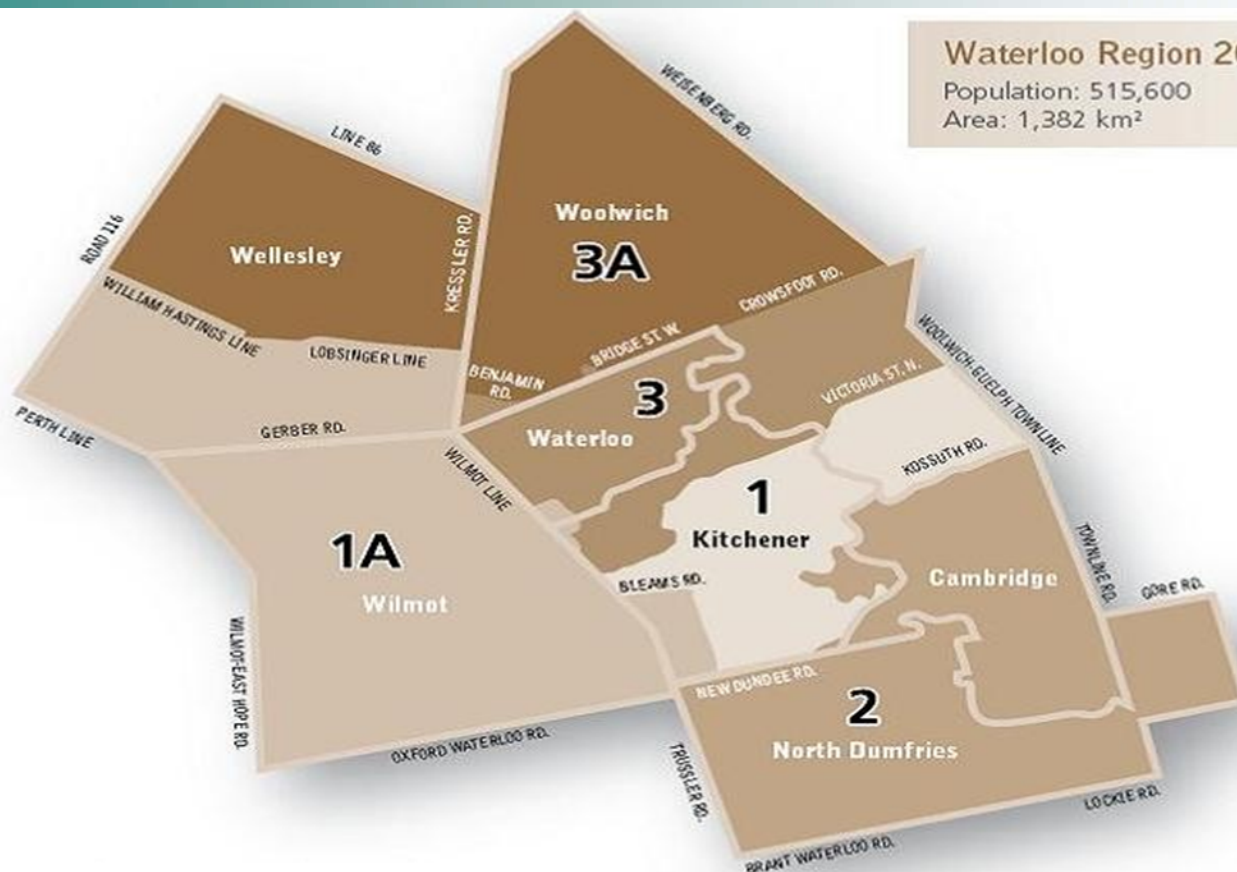
519-579-4607



Waterloo Region 2007

Population: 515,600

Area: 1,382 km²



Regional Population

	REGION OF WATERLOO	CITY OF CAMBRIDGE	CITY OF KITCHENER	CITY OF WATERLOO	TOWNSHIP OF NORTH DUMFRIES	TOWNSHIP OF WELLESLEY	TOWNSHIP OF WILMOT	TOWNSHIP OF WOOLWICH
2007	515,600	124,600	215,700	117,000	9,250	10,110	18,140	20,730
2006	507,300	122,100	213,500	114,900	9,350	10,100	17,250	20,050



Family Violence Project Waterloo Region



- SA/DV Treatment Centre
- CFCC Counselling Services
- Community Action Program for Children
- EART
- Victim Services
- WRPS Domestic Violence
- Family and Children Services
- Women's Crisis Services of Waterloo Region
- Credit Counselling CFCC
- Crown Attorney





Supporting Documents

■ Memorandum of Understanding

- Sharing of information (PHIPA, Freedom of Information and Protection Act)
- Agreement between CCAC and WRPS

■ Elder Abuse Response Team Protocol

- Supports operating principles and key values (safety, confidentiality, dignity and respect, autonomy, access to information and least restrictive interventions)



Victim directed Intervention

Capable

- follow direction of older adult
- options and referrals to supports
- involvement of other family/services

Incapable

- evidence of
- Power of Attorney
- Substitute Decision Maker
- advocate on behalf of older adult
- Public Guardian and Trustee



Elder Abuse - Definition

“Elder abuse is the mistreatment of an elderly person by someone that they **should be able to rely on**: a spouse, a child, another family member, a friend, or a **paid caregiver**.”

Senate Committee Report on Aging, 2009 – *Canada's Aging Population:
Seizing the Opportunity*



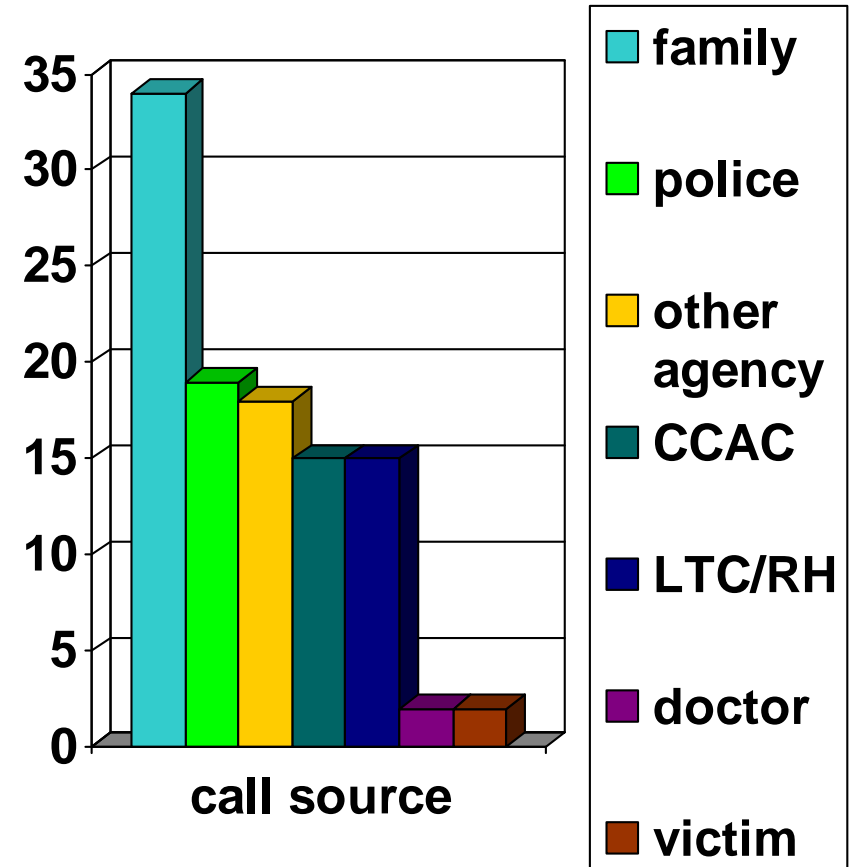
Types of abuse – EART stats

- **Financial** (fraud, forgery, theft by POA)
 - 53
- **Neglect** (unsafe or inadequate care, wandering)
 - 34
- **Psychological** (harassment, threat, control of decisions)
 - 24
- **Physical** (assault, improper use of restraints)
 - 22
- **Self Neglect** (hoarding, unkempt, wandering)
 - 6



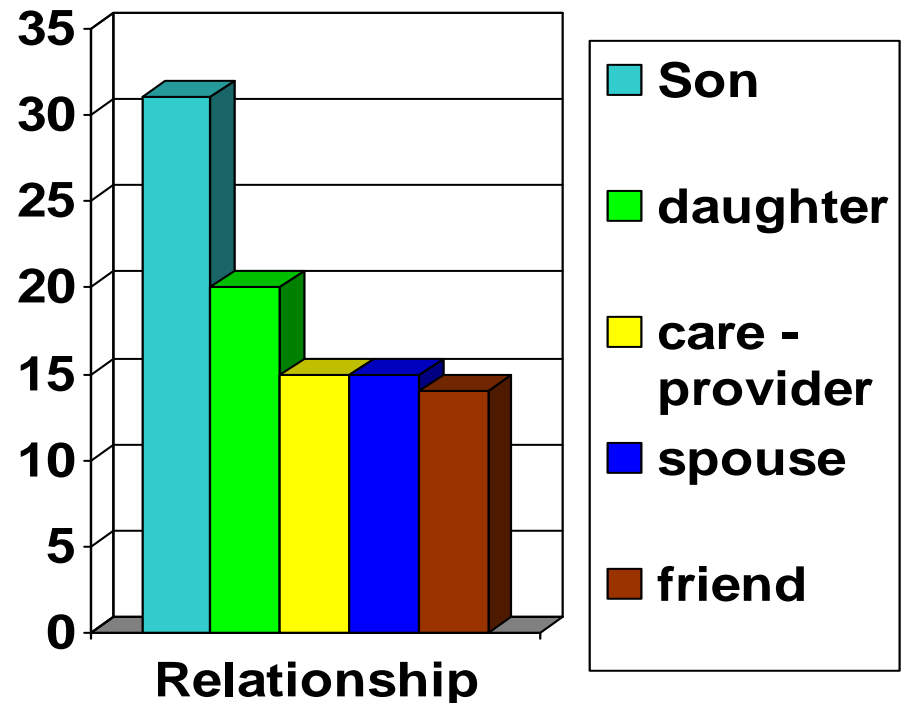
EART - Call source

- EART is direct referral
- mandate to raise awareness
- abuse recognized by family and professionals
- victims need support to seek help



EART - Who abuses?

- Adult child
- Spouse
- Dependent on the older person
- History of mental illness
- Alcohol and substance abuse
- Shared living situation



Red flags



- **isolation**
- delay in seeking medical attention/services
- functional/cognitive impaired person without adequate care or supervision
- lack food, clothing and other necessities
- suddenly unable to meet financial obligations
- unusual withdrawals from their bank
- **who is speaking for this client???**



Criminal Code

- Sect 331 Theft by Power of Attorney
- Sect 215 Duty of Persons to Provide Necessaries
- Sect 334 Theft over and under
- Sect 380 Fraud
- Sect 342 Possession of credit card/data

Martins Canadian Criminal Code, 2009



Joint Investigation

- determine offence (facts in issue)
- background (investigative and intelligence)
- mobile obtainment of statements (audio/video)
- interview of caregivers, physicians, community services
- obtain statements (witnesses)
- obtain relevant documents (POA, Dr., health care professional assessments)



Theft by POA

- POA – document authorizing person to act on one's behalf for financial decisions
- in effect at time of signing if no restrictions
- conflicting POAs (bank, family)
- Judicial authorizations – Production Orders
- Interview



Duty of Persons to Provide Necessaries sect 215

Legal Duty

- ☐ satisfied by POA/SDM, health care provider, guardian

Under Charge

- ☐ victim inability to care for self and transferred to care provider

Offence

- ☐ knowledge of care needs and responsibility
- ☐ failure to perform duties endangers life or causes or likely to cause the health of that person to be injured permanently

R. V Petersen 2005 Ontario Court of Appeal



Outcomes

- **victim/POA directed**
- charges
- release PTA-OIC term/bail “not to act as a POA for personal care &/or property as defined by SDA/HCCA”
- crown liaison screen
- Restorative Justice diversion



Restorative Justice – Why is this an option?

- abuse is a violation of people and relationships
- relationship is important to the **victim**
- victim and the abuser supported equally
- holistic approach to repair the relationship
- healing, prevention oriented



Prevention

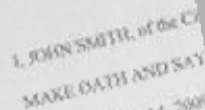
- know your client
- learn to recognize abuse
- link with community resources; police, social, health services
- continue education and sharing of best practices with colleagues
- documents (working knowledge of legislation)



Drafting Documents

- estate planning/POA – care and property
- limit circulation of document
- activation clause – conditions and restrictions
- collaboration with medical/health professionals
- validity of the document supported by identifying practice information (i.e., name; date of execution; witnesses)





On May 14, 2009,
Regional Municipality of
K. Payor and we signed
time, as attending witness

2. At the time we were of age or older and we have years to the best of our knowledge.

3. We are not.

(a) the attorney(s);

(b) a spouse of the

(6) a child of the
to treat as his or her

is a person who

Sworn or Affirmed by:
deponents before me at
in the Regional Municipality
this 14th day of May, 20

COMMISSIONER, U

CONTINUED
FOR

THIS CONTINUING POWER

by MICHAEL R. PAYNE

of the City of Kitchener.

AND in case of any different matters aforesaid, to suit such manner as may seem in satisfaction for the pay to grant an extension of security, or otherwise to most expedient.

AND for me and in my name to let, sell, manage and use or wheresoever, and to insure the same, and to purchase discharge or partly discharge servants to assist him in his servants, and appoint or

AND as and when my or
real estate, lands and her
securities for money as
or prices, and by public
reasonable and exped
respectively to the pur
or any part of the pur
whenever time and upo
property or not as my

AND let me and in my
deed, consents, contras
shall see fit for all se
discharges for all et an
of the powers herein
said attorney(s), shall
all responsibility of

AND for me and in
arrangement with co-
satisfaction of his de-
and effects, real in
personally present.

AND to subscribe in every way, states, description and to dividends now due payable to me and absent and vote on adventures of common hold shares, stocks

AND to have all
writings, jewellery
safely deposited here
having safety dup

AND to invest at interest and open a bank account. Think it, and more.

CONTINUING POWER

2. CONTINUING POWER OF ATTORNEY. This is a continuing power of attorney. It is my intention and I so authorize my attorney(s) that the authority given in this continuing power of attorney may be exercised during any incapacity on my part to manage my property, pursuant to section 7 of the Substantive Decisions Act.

FAMILY LAW ACT CONSENT

3. If my spouse disposes of or encumbers any interest in a matrimonial home in which I have a right to possession under Part II of the Family Law Act, I authorize the attorney(s) named in this power of attorney for me and in my name to consent to the transaction as provided for in clause 21(1)(a) of the said Act.

CONDITIONS AND RESTRICTIONS

4. This power of attorney shall only come into effect upon one medical practitioner, or a Capacity Assessor as defined in the *Substitute Decisions Act*, certifying in writing that I am no longer competent to manage my affairs.

EFFECTIVE DATE

5. This continuing power of attorney for property comes into effect as of the date of execution set out below.

REFUGATION

6. Any prior power of attorney for property or any power of attorney which affects my property given by me, except a power of attorney given to a bank or financial institution, is hereby revoked, for the purpose of transacting my business with that bank or financial institution, is hereby revoked.

COMPENSATION

COMPENSATION

7. I authorize my attorney(s) to accept compensation out of my property for any work done by him, her, or them, pursuant to this power of attorney for property, in the same manner as may be provided by regulation for the compensation of guardians of property made pursuant to section 90 of the Substitute Decisions Act.

_____, day of _____, 20____

Executed at the City of Kitchener, in the Regional Municipality of Waterloo, this _____ day of _____, 20____.

WILEY

Print name and address

© 1995

Print name and address

66 College Street, Kitchener, Ontario

MICHAEL B. PAYNE



AFFIDAVIT

I, JOHN SMITH, of the City of Kitchener, in the
MAKE OATH AND SAY: AFFIRM

1. On May 14, 2009, I was present, before
Regional Municipality of Waterloo, and saw the
R. Payne and we signed the document in the
time, as attesting witnesses.

2. At the time we witnessed the execution
of age or older and we knew Michael R. Payne
years to the best of our knowledge.

3. We are not:
- (a) the attorney(s) named in this power of attorney(s);
 - (b) a spouse or partner of the grantor;
 - (c) a child of the grantor or a person to whom as his or her child; or
 - (d) a person whose property is under

Sworn or Affirmed by the above-mentioned
deponents before me at the City of Kitchener
in the Regional Municipality of Waterloo
this 14th day of May, 2009

COMMISSIONER, ETC.

**POWER OF ATTORNEY
FOR PERSONAL CARE**

THIS POWER OF ATTORNEY FOR PERSONAL CARE
by **MICHAEL R. PAYNE**
of the City of Kitchener, in the Regional Municipality of Waterloo.

APPOINTMENT

1. I APPOINT ELIZABETH NEISON as
to be my attorney(s) for personal care.
I authorize my attorney(s) to make
accordance with the Substitute Decisions Act,
specific instructions or special powers of attorney,
have the authority to act as my litigation agent,
continue, defend or represent me in
care.

CONDITIONS AND LIMITATIONS

2. This power of attorney is not restricted to the following:
- SPECIFIC**
3. I do not wish to have my life under any
other medical procedure which is
from life threatening physical or mental
the relief of suffering.

CONSENT

4. I authorize my attorney(s), on my behalf,
to which the Health Care Consent Act applies.

SPECIFIC

5. None.
6. If my capacity for personal care is
be performed, I name the following
to perform such assessment:

My family physician as well as
herein named attorney, may
perform such assessment.
7. Any prior power of attorney that
affects my personal care gives

COMPENSATION

8. My attorney(s) may take compensation out of my property for any work done in connection with this power of attorney for personal care by him, her or them, in accordance with the circumstances permitted, the amounts permitted and any method permitted for determining the amount of such compensation as may be permitted by regulations pursuant to s.30 of the Substitute Decisions Act for the compensation of attorneys under a power of attorney for personal care.

Executed at the City of Kitchener, in the Regional Municipality of Waterloo, this _____ day
of May, 2009, in the presence of both witnesses, each present at the same time.

Witness

Print name and address

Witness

Print name and address

MICHAEL R. PAYNE

POWER OF ATTORNEY
FOR
PERSONAL CARE

GIVEN BY:

MICHAEL R. PAYNE
(GRANTOR)

TO:

ELIZABETH NEISON
and
DAVID PAYNE
(ATTORNEYS)

Date of Execution: May , 2009

ACME LAW
Barristers and Solicitors
123 Down Street
Waterloo, Ontario
N2L 5X1
Telephone: (519) 555-5555

POWER OF ATTORNEY
FOR
PROPERTY

GIVEN BY:

MICHAEL R. PAYNE
(GRANTOR)

TO:

DAVID PAYNE
and
ELIZABETH NEISON
(ATTORNEYS)

Date of Execution: May , 2009

ACME LAW
Barristers and Solicitors
123 Down Street
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