



**Department of Justice
Canada**

**Ministère de la Justice
Canada**

TECHNICAL REPORT

**ELDER ABUSE IN CANADA:
AN ANNOTATED BIBLIOGRAPHY**

Sonja Embree

August 1992

TR1992-11e

UNEDITED

140610

**Research and Development Directorate /
Sous-direction de la recherche et du développement**

**Corporate Policy and Programs Sector /
Secteur des politiques et programmes ministériels**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Department of Justice Canada

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

TECHNICAL REPORT

ELDER ABUSE IN CANADA: AN ANNOTATED BIBLIOGRAPHY

Sonja Embree

August 1992

TR1992-11e

UNEDITED

*The present study was funded by the Research Section
Department of Justice Canada. The views expressed
herein are solely those of the author and do not
necessarily represent the views of the Department.*

NCJRS

JAN 28 1993

TABLE OF CONTENTS

Introduction	1
Legal Aspects/Canadian Laws	2
Mandatory Reporting	7
Guardianship/Mental Incompetency	9
Abuse of Native Elders	12
Elder Abuse in Context	16
Provincial Legislation	22
Films	23
Related Bibliographies	25

Introduction

The following bibliography is intended for use as a guide to existing literature surrounding the issue of elder abuse. Items listed are both general and specific in nature, although emphasis is given to materials that relate to the justice system. The majority of the materials are Canadian, although some American works have been included, and all materials have been published since 1985.

There are ten sections to this bibliography. Articles found in the first section, "Legal Aspects/Canadian Laws", provide a general overview of the laws in Canada which deal with elder abuse and some of the benefits and difficulties the laws pose in the search for solutions to the problem of elder abuse. As well, articles on some of the existing legal services and programmes are included in order to provide examples of the practical application of Canadian laws.

Regarding "Mandatory Reporting" and "Guardianship/Mental Incompetency" respectively, it should be noted that some references were relevant to both of these sections.

Section five, "Abuse of Native Elders", looks at the unique situation of abused elders on and off reserves and the impact which Canadian laws can have on their intervention.

The next section, "Elder Abuse in Context", is only partially concerned with the legal context of elder abuse. It describes issues such as the high level of fear among the elderly, or victimization in an institutional setting.

The following section entitled "Provincial Legislation", lists the various acts which are either directly or indirectly related to the problem of elder abuse.

Section eight's focus is on some of the films available for both professional and public use which address current themes in the area of elder abuse, such as financial fraud games whereby money is stolen from unsuspecting persons.

Finally, "Related Bibliographies" and "Further References" provide the reader with additional contacts should they wish to pursue the issue of elder abuse in further detail.

This bibliography was completed by Sonja Embree, of the Women's Studies Program, Carleton University, while under a student placement with the Research and Development Directorate, Department of Justice Canada.

LEGAL ASPECTS/ CANADIAN LAWS

Advocacy Centre for the Elderly, "Elder Abuse: The Hidden Crime," (write to: 120 Eglinton Ave., suite 902, Toronto, Ont.), June 1988.

The Advocacy Centre is a legal clinic which serves low-income, elderly clients in the Metropolitan Toronto area. The centre encourages increased police involvement in dealing with the problems of elder abuse as it has found that laying charges (even if no conviction results) helps to reduce or stop the violence. The centre's report, "Elder Abuse: The Hidden Crime", is broad in its scope, touching on aspects such as the definition of elder abuse and the different types of abuse which exist. The report also profiles the victims and the perpetrators of elder abuse, advocates the need for increased research and education, and provides an overview of the various Ontario laws which deal with the protection of the elderly and their property. Ontario laws mentioned include the following: the Nursing Homes Act, the Mental Health Act, and the Powers of Attorney Act.

Canadian Council on Social Development, Vis-a-Vis, A National Newsletter on Family Violence, vol. 6, no. 3, autumn 1988.

This particular issue of the newsletter discusses a variety of concerns surrounding the issue of elder abuse and includes a list of the various programs, government initiatives, committees and research being carried out across Canada on elder abuse. The addresses of each program/committee are included as well as the relevant contact persons. In the newsletter, Elizabeth Podnieks looks at the problem of definitions; the controversial issue of mandatory reporting; and the financial abuse problems which often accompany unrestrained powers of attorney. Additionally, Judith Wahl discusses the Ontario government's action on "mental incapacity" laws.

Chamberlain, Elizabeth L. and Moore, Terence M., "Review of the Canadian Legislation on Elder Abuse," (copy available at Health and Welfare Canada, National Clearinghouse on Family Violence), January 29, 1990.

Chamberlain and Moore review the various definitions of elder abuse and existing provincial laws. The authors note that, on the whole, Canadian legislation is mainly directed at adult abuse and neglect, and is not limited to elderly

persons. As well, they note that no statute makes express reference to financial abuse. The five main approaches which the provinces incorporate in their laws are thoroughly outlined: namely, the adult welfare approach (modeled on child protection legislation); trustee and guardianship; senior's advocacy (both lay and legal); the family law approach; and law enforcement.

Chamberlain, Elizabeth L., "Legal and Advocacy Resources for Elder Abuse," paper presented to First National Conference on Elder Abuse and Crime, (Toronto: January 23-25 1991).

Similar in content to Chamberlain's previous article (op. cit.), the author examines the five different approaches which Canadian legislation incorporate to deal with the problem of elder abuse. As well, she outlines some of the weaknesses and inconsistencies propagated by the legislation, such as the unnecessary loss of autonomy and freedom as a result of imposed guardianship and the lack of adequate treatment and support services. Because present laws are not always geared specifically to those who are sixty-five years of age and over, there is evidence that protection from abuse may only apply to those seniors who are physically or mentally impaired.

Gnaedinger, Nancy, "Elder Abuse: A Discussion Paper," report prepared for the Family Violence Prevention Division, Health and Welfare Canada, 1988.

This paper discusses problems with defining elder abuse, estimating the incidence of abuse as well as detection and prevention problems. The paper also examines the role of laws on mandatory reporting and protective legislation and the various treatment models which have been used to deal with elder abuse. The author states that Canada's response to elder abuse is one of concern at both the provincial and federal levels, where family violence is a top priority. She cautions however, that: (1) the rights and well-being of the elderly should be a main concern, (2) institutions are also plagued by abuse and should be closely scrutinized, (3) American data or research is not fully applicable to the Canadian context because of differences in health care and social welfare programs and (4) in attempting to help the elderly, social rights should not be abandoned in order to improve social welfare.

Gordon, Robert M., "Financial Abuse of the Elderly and State 'Protective Services': Changing Strategies in the Penal-Welfare Complex in the United States and Canada," (in) Crime and Social Justice, no. 26, 1987, pp.116-134.

This article contains a critique of the 'penal-welfare complex' in Canada which describes the penalization of the elderly that occurs when their assets are placed under guardianship or trusteeship to protect them from potential defrauders. Gordon contends that this strategy redirects the penalty away from the offender and towards the victim who loses autonomy over his/her financial affairs. He states that this type of 'protective service' is increasingly used because of its cost effectiveness and its production of revenue for the state.

Hornick, Joseph P., McDonald, Lynn, Robertson, Gerald B. and Wallace, Jean E., "A Review of the Social and Legal Issues Concerning Elder Abuse," Canadian Research Institute for Law and the Family, (Calgary: 1988).

This working paper includes a chart which summarizes the numerous and diverse definitions of elder abuse and neglect which are presently in use. The purpose of this article is to assist policy makers in understanding the diversity which exists in the hope of simplifying the process by which legislation is formulated.

Impellizer, Sergeant Lillian J., "Victims of Elder Abuse: An Enforcement Responsibility," (in) The National Sheriff, vol. 37, no. 2, April/May 1986, pp. 76-80.

Impellizer, a member of the Charleston, South Carolina Police Department, addresses many of the current themes which are being debated in Canada on the legal aspects of elder abuse. Impellizer contends that law enforcement agencies can play an integral role in protecting abused elderly persons since "to discard the elderly person into a boarding home or nursing institution, thus eliminating the 'problem', is not the answer". Eleven proposals are offered to help ameliorate the situation, which deal with a variety of programs and issues.

Korbin, Jill E., Anetzberger, Georgia J., Thomasson, Rhoda and Austin, Craig, "Abused Elders Who Seek Legal Recourse Against Their Adult Offspring: Findings from an Exploratory Study," (in) Journal of Elder Abuse and Neglect, vol. 3 (3), 1991, pp. 1-18.

In conducting their study, the authors discovered that those abused elders who use the legal system for redress tended to be younger with a rich network of social and organizational contacts. This finding indicates that abused seniors are not a homogeneous population and that not all elders therefore, will resort to criminal prosecution if they are abused. The study suggests that legislation should reflect the diversity of the senior population and be concerned with both the protection of the elderly and their empowerment. Although this study is American its findings have potential application to the Canadian situation.

McDonald, P. Lynn, Hornick, Joseph P., Robertson, Gerald B., and Wallace, Jean E., Elder Abuse and Neglect in Canada, Butterworths Canada Ltd., (Toronto: 1991).

This book is one of fourteen monographs published as part of the Butterworths series on individual and population aging. Each monograph includes a review and an analysis of Canadian-based scientific and professional research on the topic at issue, which in this particular publication was elder abuse. The authors examine the definition, context and prevalence of elder abuse and neglect and provide theoretical explanations for its existence. Of particular interest are chapters three and four which focus primarily on legal aspects such as mandatory reporting, guardianship and trusteeship, due process, and the implications of the Canadian Charter of Rights and Freedoms on elder abuse.

McKenzie, Pearl and Holland, Sylvia, "Legal Services for the Elderly," (write to: Seniors Independence Program, Health and Welfare Canada or Northshore Community Services, 1060 Roosevelt Cres., North Vancouver, BC, V7P 1M3), January 1991.

This paper provides a detailed look at the various legal services available to the elderly population in the north and western regions of Vancouver. The authors demonstrate how poverty, difficulties with language, illiteracy or physical disabilities can impede the elderly's access to legal information and advocacy groups. Isolation was highlighted as the most critical factor impeding the elderly's access to information and help. McKenzie and Holland call for a multidisciplinary approach to this problem and end with five recommendations which would enhance service delivery to aid victims of abuse.

Moore, T. and Thompson, V., "Elder Abuse: A Review of Research, Programmes and Policy," (in) The Social Worker, vol. 55, Fall 1987, pp.115-122.

This article reviews existing Canadian and American research regarding the issue of elder abuse. The gap between laws, policies and actual programs and practices are identified in the Canadian setting.

Senior Citizens' Secretariat, Nova Scotia, "Elder Abuse: Everyone's Concern," 1986, (write to: P.O. Box 2065, Halifax, Nova Scotia, B3J 2Z1).

This paper summarizes present knowledge about abuse of the elderly, and examines Bill no.61, January 1986, an act to protect adults from abuse and neglect. The section entitled, "Detection and Intervention," provides an overview of the legal procedures that must be followed when conducting investigations into suspected cases of elder abuse.

Senior Citizens' Secretariat, "Addressing the Problem of Elder Abuse: Where Do We Go From Here?", First Provincial Seniors Elder Abuse Conference: Final Report and Recommendations, chaired by John Angus MacKenzie, (Halifax, Nova Scotia: 1991).

With funding from the Family Violence Prevention Division of the Department of Health and Welfare Canada, the Senior Citizens' Secretariat set up a provincial planning committee and seven regional task forces to address the issue of elder abuse. The findings of this initiative and others were discussed at a Provincial Conference held in March of 1991. One of the main conclusions of the conference was the need for better coordination among law enforcement agencies, community services, the clergy, the seniors community, the medical community, government departments and funding agencies. It was also generally conceded that legislative provisions need to be reviewed to ensure that they are not creating artificial divisions between the protection of the elderly and the protection of their estates.

MANDATORY REPORTING

Gordon, Robert M. and Tomita, Susan, "The Reporting of Elder Abuse and Neglect: Mandatory or Voluntary," (in) Canada's Mental Health, December 1990-1.

Set within the Canadian context, this article summarizes the pros and cons of both mandatory and voluntary reporting of elder abuse. While mandatory reporting, for example, facilitates intervention into abusive situations at an early stage, thereby reducing harm, it often overrides practitioner-client confidentiality. The authors advocate voluntary reporting as there is evidence that it is as effective as mandatory reporting in ensuring that protection and assistance are provided to adults in need.

Health and Welfare Canada, "Elder Abuse: A Discussion Paper," prepared by Nancy Gnaedinger for "Working Together: 1989 National Forum on Family Violence, 18-21 June 1989," The Family Violence Prevention Division, (Ottawa).

This paper touches on present concerns and issues on elder abuse in Canada. Of particular relevance is Gnaedinger's section on protective legislation and mandatory reporting which summarizes the arguments surrounding these issues, such as the fine line between helping an individual and infringing upon their individual rights. As well, she discusses the problems associated with doing research on elder abuse due to the lack of consistent and clear definitions. Despite these and other problems P.E.I., Nova Scotia, New Brunswick, Ontario, Saskatchewan and Alberta have all adopted some form of legislation which deals with the abuse and mistreatment of elderly persons.

Hickl-Szabo, Regina, "Ontario Takes Steps to Protect the Elderly from Neglect, Abuse," (in) Globe and Mail, 17 December 1986.

This article examines changes made to Ontario's fourteen-year-old Nursing Home Act. The changes make it illegal for a resident or a nursing home staff member not to report instances of neglect or abuse. The provisions also propose the establishment of "residents" council advisory committees to investigate complaints and resolve disputes. However, the provisions do not provide members with the power to enter a home to investigate complaints.

Lee, Dyana, "Mandatory Reporting of Elder Abuse: A Cheap But Ineffective Solution to the Problem," (in) Fordham Urban Law Journal, vol. 14, 1986, pp. 723-771.

This article deals specifically with American laws, but its messages are of potential relevance to Canada. Lee argues against mandatory reporting firstly, on the basis that research shows that it does not necessarily lead to increased reporting and secondly, because the level of support services which accompany the statutes vary from state to state and are often minimal in nature. She also looks at the issue of incompetency and how the premise of incompetency upholds the treatment of elders as infants and discriminates against them on the basis of age. The article concludes with a table which details, state by state, the various statutes and services which exist regarding elder abuse.

Légaré, Francine, "Un Age a Protéger?," (in) Justice, vol. 12, no. 4, April 1990, pp. 22-26.

Légaré advocates the need for more participation by the elderly in working towards a solution to their problems. She argues that the real problem lies with the need for improved access for the elderly to legal and social services. Although her arguments are specific to the Quebec situation her points are of general importance as they touch on the debate over the arbitrariness of sixty-five as the age which we now associate with dependence and vulnerability.

GUARDIANSHIP AND MENTAL INCOMPETENCY

Community Legal Assistance Society, "The Project to Review Adult Guardianship", framework document, July 31 1991, (write to: Community Legal Assistance Society, #800-1281 West Georgia Street, Vancouver, BC, V6E 3Y2).

This article examines in detail various statutes which deal with the area of adult guardianship such as the Mental Health Act, the Power of Attorney Act, the Public Trustee Act, and the Patients Property Act, as well as the Charter. The authors advocate use of the law as a last resort to address the problem of elder abuse. They also stress that the principle of self-determination must be paramount. Several recommendations which impact on the legislation making process are offered such as procedures for emergencies; services for support, advocacy and assistance; and a mechanism for both reporting and responding to reports.

Gordon, Robert M. and Verdun-Jones, Simon N., "The Implications of the Canadian Charter of Rights and Freedoms for the Law Relating to Guardianship and Trusteeship," (in) International Journal of Law and Psychiatry, vol. 10, 1987, p. 21-34.

Through an examination of various sections of the Charter, particularly sections 1, 2, 3, 6, 15 and 24, Gordon and Verdun-Jones discuss the potential impact of the Charter on the twin areas of guardianship and trusteeship, as provided for under mental health laws. The main concern is with the procedures used for the imposition of guardianship or trusteeship and the conduct of those who assume control over another person's 'person' and/or property. As well, because property rights are excluded from protection under the Charter, the article also investigates the loss of liberty that could result from the infringement of those rights.

Gordon, Robert, Verdun-Jones, Simon N. and MacDougall, Donald J., "Reforms in the Field of Adult Guardianship Law: A Comment on Recent Developments," (in) Canadian Journal of Family Law, vol. 6, no. 1, summer 1987, pp. 149-154.

This article critiques existing laws concerning guardianship and competency. The authors state that the laws are inadequate because they address only short-term emergency situations and do not adequately address long-term guardianship needs. Furthermore, the concept of 'guardianship' refers more to the estate than to the person. With respect to the diagnosing of incompetency, the authors

suggest that it should not be solely based upon medical opinion, but rather on the notion of 'functional disability.' Included is Alberta's The Dependent Adults Act, 1980 as an example of an innovative alternative to existing procedures.

Health and Welfare Canada, Working Group on Legal Issues, Mental Health Division, Health Services and Promotion Branch, "Legal Issues in the Care of Mentally Impaired Elderly Persons: Competence, Surrogate Management, and Protection of Rights, " (in) *Canada's Mental Health*, vol. 35, no. 2, June 1987, pp. 6-11.

With an estimated four to five percent of elderly persons requiring some type of a surrogate decision-maker, this article examines the issues that arise in the debate over 'competency' and 'power of attorney'. The general conclusion of the article is that "a delicate balance must be sought between the individual's enjoyment of maximum autonomy and civil rights, and the state's duty and power to protect the vulnerable and helpless." Touched on are issues such as the monitoring of surrogate management, the determination of competency and incompetency, and the recent concept of partial guardianship and its potential for providing a balanced solution.

Maczko, Frank and Palmer, Denise, "Protection of the Elderly," *Law Society of British Columbia*, Sept. 1985.

Using British Columbia as its primary focus, this detailed report examines issues such as powers of attorney, guardianship, financial protection, reporting of abuse and neglect, and the contribution of human rights legislation and the criminal law to the whole issue of elder abuse. The authors list all laws, subsections, and clauses which presently deal with the protection of the elderly, and provide examples of cases which have gone before the courts, outlining their implications for future legal interpretation.

Silversides, Ann, "Criminologist Warns Quick Laws Could Lead to More Problems," (in) *Globe and Mail*, 3 January 1987, p. A5.

Silversides warns that care should be exercised and haste avoided in addressing the problem of abuse of the elderly since so little is known about the problem. She illustrates her point with reference to some of the existing provincial statutes aimed at adults in need of protection. As well, controversial issues regarding guardianship legislation are

examined. For example, the necessity of having an independent advocate on behalf of the elderly person in order to make use of protective legislation is discussed. The need for independent advocacy raises the question of whether the elderly person is capable of making decisions and alternatively, whether or not a system of independent advocacy allows them to make their own decisions. At the heart of the debate about protection is a conflict between the objectives of the legal and medical professions, the latter of which has traditionally been concerned with the issue of patient-doctor confidentiality.

ABUSE OF NATIVE ELDERS

American Indian Law Centre Inc., "Model Elder Protection Code," (Albuquerque, New Mexico: 1990).

Despite this report's American focus, its contribution to the prevention of elder abuse is of potential value to the Canadian context. This report looks at a native community program which deals with the growing problem of elder abuse. The program includes a draft model civil code that could aid a tribe in creating laws and services to protect the elderly.

Azevedo, Ted, "A Study of the Unmet Needs of Off-Reserve Indian and Métis Elderly in Saskatchewan," Senior Citizens' Provincial Council, (Regina, Saskatchewan: 1988).

This article looks at and identifies some of the unmet needs and concerns of Indian and Métis elderly in off-reserve settings, and establishes how these needs differ from those of other seniors. It suggests how these unique needs can best be supported by culturally-appropriate policies, program designs, and service delivery.

Brown, Arnold S., "A Survey on Elder Abuse at One Native American Tribe," (in) Journal of Elder Abuse and Neglect, vol. 1, no. 2, 1989, p. 17-37.

This article examines in depth the extent and types of abuse which are experienced by the elderly Navajo people. Neglect was the most prominent type of abuse noted with economic exploitation also being quite prevalent (although the latter was attributed to cultural privilege and the duty to share with one's family). Additionally, the article provided various theories on the causes of elder abuse, such as dependency, mental problems, and the personal problems of caregivers.

Council of Parry Island (Ontario), "Au Neeg au Nee Jig" (Those That Walk Ahead), 1989.

This document provides general information for natives in the Parry Sound area on family violence issues such as: elder abuse, child abuse, depression, suicide and alcohol abuse. Community contacts and agencies are also listed.

Great Lakes Inter-Tribal Council, Inc., "Effective Public Awareness Efforts in Tribal Communities," (Lac du Flambeau, Wisconsin: 1988).

Although this document is based on American experience, its focus is of potential importance to the Canadian situation. The report looks at the implementation of a community project to promote public awareness of elder abuse. Objectives included: increased referrals for tribal preventative services; increased reporting of tribal elder abuse; and more information materials developed by tribe members themselves.

Manotsaywin Nanotoojig (Native Action Against Family Violence), Family Violence Prevention Month Newsletter, (Sudbury, Ont.: 1988).

This newsletter is devoted to various aspects of family violence in native communities and its importance lies in the fact that is from a native perspective. Some of the issues focused on include: elder abuse, adolescent abuse and the prevention of child abuse.

McDonald, Walter R. & Associates, Inc., "Legal Needs of Indian Elders Telephone Survey," American Indian Law Center, (Albuquerque, New Mexico: 1990).

This report summarizes the results of a telephone survey conducted by the American Indian Law Center. Because the project examines the types of legal problems elder natives experience, this article could be of relevance to investigations in the Canadian setting. Some of the items surveyed were i) the services which are available to the elderly ii) the barriers which impeded the delivery of these services and iii) suggested changes to the laws.

McTimoney, David C. & Associates, Inc., "Annotated Bibliography of Canada Native Violence Information," (in) Knowing Our Direction: A Handbook for Family Violence Research, Oromocto, New Brunswick: Eel Ground Indian Reserve, 1989.

This is a bibliography of information materials dealing with native family violence collected from various Canadian sources. It includes audio visual material, pamphlets, government reports and educational resources.

Nuttall, Christopher and Light, Linda, "Justice for Victims of Crime: Implementation Report. 1985," Federal-Provincial Working Group on Justice for Victims of Crime, (Ottawa: 1985).

The working group was established to share information on initiatives which have been undertaken to address the concerns of victims of crime. The section on services to natives (pp.377-401) describes briefly the history and nature of the impact of Canada's laws on the aboriginal peoples. It also identifies the areas which it believed required further development; namely, public legal education and information programs; service delivery agencies; changes in circuit courts; and research on aboriginal victimization, including elder abuse.

Phaneuf, Gordon F., "Selected Bibliography on Family Violence in the Native Community," National Clearinghouse On Family Violence, Social Service Programs Branch, Health and Welfare Canada, June 1990.

This bibliography is intended to provide researchers, service providers, educators, policy makers, and other interested individuals with a resource document on family violence issues which affect Native populations. Although few sources exist which reflect a Native perspective, this collection is broad in scope, incorporating materials from all of the major national Native organizations and many of the provincial and regional Native councils as well. Some of the items included are peripheral to the main issue of violence in the family, but the social, cultural and economic conditions which they describe provides general, background information.

Saskatchewan Senior Citizens' Provincial Council, "Supplement to a Study of the Unmet Needs of Off-Reserve Indian and Métis Elderly in Saskatchewan: Conclusions and Recommendations," (Regina, Saskatchewan: 1989).

After consultation with organizations which deal with the native elderly in Saskatchewan, this report provides a summary of the consultation process and makes recommendations concerning the need for native involvement in several areas, including education, income, housing, transportation and health care.

Sioui, Christian, "Research into the nature and incidence of violence toward the elderly residents of Wendake," The Council of Huron-Wendat Nation, (Wendake Reserve, Quebec City: 1989).

A publication of the results of a survey carried out on the Wendak reserve which examined the nature and prevalence of elder abuse. The results and conclusions are provided as well as recommendations for change.

Sioui, Christian, "Research into the nature and incidence of violence toward the elderly residents of Wendake," Health and Welfare, Medical Services Branch, (Wendake Reserve, Quebec City: 1989).

This research is based on the results of the survey (op. cit.) on elder abuse in a native community. It deals with the needs of the elderly and some of the difficulties they face, for example, isolation, lack of support services, institutionalization and violence. It questions the reasons for elder abuse and why some elders do not seek assistance. It also makes recommendations for the prevention of elder abuse.

Tallcree Tribal Administration, Elder Abuse Prevention/Family Betterment, "Family Betterment Report: In Support of Our Elders," High Level Tribal Council, (High Level, Alberta: 1989).

Detailed in this report are programs that native communities have established to promote improvements in literacy, health, family life, community self-government and the elimination of elder abuse.

ELDER ABUSE IN CONTEXT

Abdennur, Alexander, "Elder Mistreatment: Towards the Development of a Standardized Definition," Technical Report no. 4, Department of Justice, Research Section, April 1991.

Due to the variety of definitions of elder abuse that exist it is difficult to form a consensus on the problem, which impedes standardized theory building and problem solving. Abdennur reviews existing definitions of elder abuse which concentrate on physical, psychological or financial abuse or neglect and then offers a four-stage paradigm which regulates the scope of these definitions. The author hopes that uniform "labels" to define elder abuse will work their way into the everyday language of the general public, thereby enhancing recognition and identification of the problem.

Ad Hoc Committee on Elder Abuse, "Proceedings of the Forum on Elder Abuse," Council on Aging of Ottawa-Carleton, (Ottawa: April 1988). *also available in French ("Actes du colloque sur la violence envers la personne agée")

This report consists of an assortment of information compiled over a two year period by the Ad Hoc Committee on elder abuse. The main objective of the committee was to make professionals and members of the public more alert to the issue of elder abuse both in and out of institutions. Presentations at the forum touched on different aspects of the elder abuse issue, but of special interest were those which examined the role of the police in intervening in cases of elder abuse.

Brillon, Yves, Victimization and Fear of Crime Among the Elderly, Butterworths Canada Ltd., (Toronto: 1987).

This book, which comprises part of the Butterworths series on individual and population aging, focuses on the inter-related factors which contribute to the fear of crime generally held by elderly persons. Brillon's concern is with the decrease in the quality of life which results from this fear. He includes statistics on both the perception of crime among the elderly and actual victimization rates to illustrate his point. Included in the book is a chapter on social policies designed to help victims of abuse. This chapter also touches briefly on the role of legal intervention.

Chiu, Sammy, "Chinese Elderly People: No Longer A Treasure at Home," (in) Social Work Today, vol. 20, no. 48, August 1989, pp. 15-17.

While Chiu's article is specific to the London, England setting its insights into the additional difficulties experienced by elderly members of ethnic minorities makes it relevant to the Canadian setting. Chiu looks of some of these additional difficulties such as the language barrier; the myth of extensive family support systems; lack of sensitivity to cultural variation and differences and concludes that services for these minorities should be extra-sensitive to their needs.

Cousineau, Marie-Marthe, "Le Crime, la justice et les personnes âgées," Centre International de Criminologie Comparée, Université de Montréal, Juillet 1987.

This report is based on a survey conducted in the Montréal region which focused on the perceptions, reactions, and attitudes of 210 elderly people to questions on crime and justice. The main finding of the report was that elderly persons isolate themselves in order to be protected from the possibility of attacks and that this very isolation leads to a deterioration in the quality of their life. Also of interest is the discovery that 82.4% of respondents find the justice system complicated and know little about it. This finding has potential implications for the controversy that currently exists between self-reporting and mandatory reporting.

Health and Welfare Canada, "New Horizons: Projects with an Activity Addressing the Issue of Elder Abuse, from April 1987 to July 1991," Health and Welfare Canada, Ottawa.

This report lists the various activities funded by the New Horizons program, a program which seniors plan, operate and participate in according to their interests and needs, with the aim of advancing their well-being and that of their communities. Each year the program establishes national funding priorities and for the 1991-92 period elder abuse was the main priority.

Hudson, Margaret F. and Johnson, Tanya F., "Elder Neglect and Abuse: A Review of the Literature," (in) Annual Journal of Gerontology, vol. 6, 1986.

Although this article is from an American perspective it is of potential significance to Canada as it reviews current literature and research studies on elder abuse. In total,

thirty-one projects which are specifically concerned with elder abuse and neglect within the family context are examined, including different types of treatment models. The authors discuss some of the problems involved in conducting research such as the lack of unified definitions, detection problems, and the moral and legal implications of reporting.

Jorgensen, Birthe, "Crimes Against the Elderly in Institutional Care," Department of Sociology and Anthropology, Carleton University, (Ottawa: December 1985).

This working paper reviews the Canadian cases involving charges against institutions for criminal acts of theft, assault and/or breach of the legal duty to provide the necessities of life or proper medical care to elderly residents. Jorgensen posits that "prosecutions can and should be initiated" against institutions that care for the elderly. She outlines some of the benefits and drawbacks to the use of criminal prosecutions and provides some "alternatives" which, when combined with legal protection, could help to reduce the frequency of elder mistreatment in institutions.

Leroux, Thomas G. and Petrunik, Michael, "The Construction of Elder Abuse as a Social Problem: A Canadian Perspective," (in) International Journal of Health Services, vol. 20, no. 4, 1990, pp. 651-663.

Leroux and Petrunik trace the history of elder abuse as a social issue in Canada. They conclude that although it is recognized as a social problem, the issue of elder abuse has yet to generate any specific policies, particularly at the national level. The article stresses the importance of including the elderly in such initiatives, ending the current situation in which experts define social issues.

Leroux, Thomas G. and Petrunik, Michael, "Family Violence Versus Incompetency: Competing Claims and the Role of Experts in the Construction of Canadian Elder Abuse Policy," Criminology Department, University of Ottawa, (write to: 1 Stewart St., Ottawa, Ontario, K1N 6N5).

In this article, the authors examine the "creation" and "professionalization" of the problem of elder abuse within the family violence context. They argue that the emergence of the "problem" was influenced by experts who claimed to possess a specialized body of knowledge which in turn legitimized their social intervention practices. Leroux and Petrunik state that "actual legislation for the elderly seems less grounded in conceptions of violence than in constructions of the

incompetency of the elderly to manage their own affairs and their vulnerability to financial abuse." Unlike child abuse and wife battering, elder abuse has not received any large-scale support to date. What is occurring therefore, according to the authors, is the linkage of elder abuse to other social problems which gains credibility for experts, legitimizes the issue and leads to the enactment of laws dealing with the prevention of elder abuse.

Ministry of the Solicitor General, "Criminal Victimization of Elderly Canadians," (or "Canadian Urban Victimization Survey," Bulletin 6), Ottawa: 1985.

The findings of the Canadian Urban Victimization Survey describe the incidence of criminal victimization of the elderly, the nature and consequences of victimization, and the attitudes and the concerns of elderly Canadians towards crime. A major finding of the survey was that despite the perceptions and fears of many elderly people, seniors are relatively rarely the victims of personal and violent crimes. The survey also notes however, that the consequences of victimization are more severe for the elderly due to the greater financial loss and physical injury that they experience.

National Survey on Abuse of the Elderly in Canada (The Ryerson Study), Elizabeth Podnieks (principal investigator) and Karl Pillemer (Principal Advisor), Ryerson Polytechnical Institute, (Toronto: 1990).

This survey represents the first large-scale, random survey of the problem of elder abuse in Canada. Conducted by telephone, the study surveys a sample of 2000 elderly persons (age 65 and over), both English and French speaking. The goal of the survey is to attempt to answer four major questions: (1) how frequently are elderly persons subjected to maltreatment by family members; (2) under what circumstances, how often, by whom, and with what consequences does the mistreatment occur; (3) what kinds of elderly persons are most vulnerable to mistreatment, and who is most likely to mistreat, and (4) what are the most critical service needs of victims and their families.

Office of Research and Innovation, "National Survey on Abuse of the Elderly in Canada: Preliminary Findings," Ryerson Polytechnical Institute, (Toronto: 1989).

This report is based on the Ryerson national survey conducted in the spring of 1989 (op. cit.). The authors state that

their findings will be of interest and value to agencies and groups involved in the physical and mental health of the elderly, social services, criminal justice or victim assistance. Approximately four percent of the Canadian elderly population reported experiencing some form of mistreatment within the context of the family, with the majority of these cases consisting of criminal acts. Greater information programs are deemed necessary since one-third of victims were unaware of the public legal services available to them.

Pierce, Robert Lee and Trotta, Rosilee, "Abused Parents: A Hidden Family Problem," (in) Journal of Family Violence, vol. 1, no. 1, 1986, pp. 99-110.

The authors discuss general points of interest such as the causes of elder abuse, the types of intervention that occur and they briefly discuss seniors' fear of contacting the police to report abuse. Suggestions are given which could reduce this fear and create better relations between the police and seniors in the community. The main focus, however, is on what other agencies of intervention could do in this area.

Sengstock, Mary C. and Hwalek, Melanie, "Domestic Abuse of the Elderly: Which Cases Involve the Police?," (in) Journal of Interpersonal Violence, 1(3), pp. 335-349.

The major points covered in this article are the following: the extent of police involvement in elder abuse cases; the types of crime associated with elder abuse and whether or not they should involve the police; and an examination of why the police are not called more often. In their work, the authors discovered that many elderly persons are apprehensive about contacting the police due to the manner in which police handle such cases. A further difficulty is the lack of coordination amongst the various services which deal with elder abuse. Sengstock and Hwalek make recommendations to help remedy these factors and others.

Shell, Donna J., "Protection of the Elderly: A Study of Elder Abuse," Manitoba Council on Aging, Winnipeg: 1982, (write to: Manitoba Council on Aging, 175 Hargrave Rd., 7th floor, Winnipeg, Manitoba, R3C 3R8).

Although this report is of an earlier date it was one of the first studies carried out in Canada which examined the phenomenon of elder abuse through the use of a survey. Using a snowball sample, one hundred and five practitioners in several professions were questioned on their observations and experiences with cases of elder abuse. The central aims of the study were to understand the nature of elder abuse, to identify areas of the problem which suffer from unmet needs and/or deficiencies in service, and to offer suggestions to those who deal with the issue. The findings include a look at the variety of professionals who come into contact with cases of elder abuse, the various types of abuse that are prevalent and how they are handled, characteristics of the abused and abuser, and the rate of incidence of elder abuse. The study calls for more research and specific areas are outlined where research would be most beneficial.

PROVINCIAL LEGISLATION PERTAINING TO ELDER ABUSE

Adult Protection Act, Bill no. 77 of 1987, Prince Edward Island, (Charlottetown: Queen's Printer).

Adult Protection Act: Chapter Two, 1987, Nova Scotia, (Halifax: Queen's Printer).

An Act Respecting Certain Adults Requiring Guardianship (The Dependent Adults Act), Bill no. 58 of 1988, 17 July 1989, Saskatchewan, (Regina: Queen's Printer).

An Act Respecting the Welfare of Neglected Adults, 01 May 1973, Newfoundland, (St. John's: Queen's Printer).

An Act to Amend the Child and Family Services and Family Relations Act, 30 June 1983, New Brunswick, (St. John: Queen's Printer).

An Act to Provide for Protection of Adults From Abuse and Neglect, 17 May 1985, Nova Scotia, (Halifax: Queen's Printer).

Child and Family Services and Family Relations Act, 16 July 1980, New Brunswick, (St. John: Queen's Printer).

Dependent Adults Amendment Act, (Chapter 21), Bill no. 69, 5 June 1985, Alberta, (Edmonton: Queen's Printer).

FILMS

National Film Board, Mr. Nobody, (English Program/ Ontario Centre), 35 min. 45 sec., 1987, (write to: 150 Kent Street, Ottawa, Ont., K1A 0M9).

Jack Huggins is a sixty-five year old who does not take very good care of himself but he lavishes attention on his menagerie of cats. He repairs and hoards electronic equipment that he picks from the garbage. When Jack did not comply with a Health Department order to clean up his home, he was forcefully removed from it, certified incompetent, and the Public Trustee took charge of his affairs. Jack felt that he was being treated "like Mr. Nobody. Just Mr. Nobody out on the street." This film will provoke a discussion of the legal and ethical dilemmas concerning the self-neglecting elderly. Do mentally competent elders have the right to neglect themselves? Does the state have an obligation to intervene?

Police and Security Branch, Frauds and Other Con Games

This VHS presentation was developed to promote and increase the police's involvement with seniors and to help define more clearly the role of the police in elder abuse cases. It is available in English, French, Japanese, Mandarin, and Cantonese and is accompanied by three booklets which offer safety tips and home protection advice. Some of the schemes discussed are the 'Bank Examiner,' the 'Home Repairman,' and the 'Door-to-door Salesperson'.

Solicitor General of Canada, "Crimes Against the Elderly: Films," (Ottawa: 1985).

A list of fourteen films related to crimes against the elderly.

The Manitoba Seniors Directorate, How to Recognize and Avoid Financial Abuse (write to: Culture, Heritage and Citizenship, Office of the Queen's Printer, Statutory Publications, Lower level, 200 Vaughan St., Winnipeg, Manitoba, R3C 1T5).

This video was developed by The Manitoba Seniors Directorate in response to the finding of the Ryerson Survey that financial abuse is the most reported form of elder abuse. The video tape, fourteen minutes in duration, contains four scenarios involving seniors and some form of financial abuse, and is accompanied by a handbook, both of which are available in English or French.

University of Massachusetts Medical Center, University Center on Aging, 20 min., 1986, Difficult Choices: Ethical Issues in Casework. (write to: University Center on Aging, 55 Lake Avenue North, Worcester, Massachusetts, 01655).

Using one elder abuse case in detail, the caseworker, lawyers, and other elder abuse professionals examine the right of seniors to live their lives without intervention from the state. Issues of competency, the reluctant victim, and the quality of life are raised. Despite the film's American context, the issues raised are applicable to Canadian concerns.

University of Massachusetts Medical Center, University Center on Aging, 26 min., 1986, In Pursuit of a Life Without Violence: Intervention Strategies. (write to: University Center on Aging, 55 Lake Avenue North, Worcester, Massachusetts, 01655).

Using four actual cases of elder abuse, social workers discuss intervention strategies which involve conducting an assessment, developing a service plan, coordinating community services, using the legal system, and building trusting relationships.

Visual Education Centre, Ready or Not, Here I Come. 52 min., 1985, (write to: Visual Education Centre, 75 Horner Ave., Toronto, Ont., M8Z 4X5).

The psychological and physical abuse of the elderly is probed in this program on videotape which profiles four tragic cases in which lonely, helpless, isolated elderly people were mistreated to the point of death in nursing homes, or by members of their family. A panel discussion by several experts on aging is also featured.

RELATED BIBLIOGRAPHIES

Costa, Joseph J., "Bibliography on Elder Abuse," (in) Abuse of the Elderly, (ed.) Joseph J. Costa, Lexington Books, (Lexington, Massachusetts: 1984), pp.225-290.

Health and Welfare Canada, "Bibliographie annotée pour les professionnels de la santé s'occupant des femmes, des enfants et des personnes âgées maltraités," Le centre national d'information sur la violence dans la famille, (Ottawa: 1985).

Health and Welfare Canada, "Elder Abuse Bibliography," National Clearinghouse on Family Violence, Family Violence Prevention Division, Social Services Programs Branch, (Ottawa: December 1988).

Health and Welfare Canada, "Selected Bibliography on Family Violence in the Native Community," prepared under contract by Gordon F. Phaneuf, National Clearinghouse on Family Violence, Social Service Programs Branch, (Ottawa: June 1990).

Johnson, Tanya F. and O'Brien, James G., Elder Neglect and Abuse: An Annotated Bibliography, Greenwood Press, (Westport, Connecticut: 1985).

Ministere de la Justice, "La violence envers les personnes âgées," Bureau d'aide aux victimes d'actes criminels, Aout 1990.

Public Legal Education Society of Nova Scotia, Family Violence: An Annotated Bibliography, (Halifax, Nova Scotia: 1986).

Schlesinger, Benjamin and Schlesinger, Rachel, Abuse of the Elderly: Issues and Annotated Bibliography, University of Toronto Press, (Toronto: 1988).

Solicitor General of Canada, "Crimes Against the Elderly: Bibliography," (Ottawa: 1985).

Statistics Canada, "Aging-Related Analytical Information Products Prepared or Currently Under Development by Statistics Canada Authors," Population Studies Division, Analytical Studies Branch, (Ottawa: September 1989).