

Alberta Laws Concerning Elder Abuse

The main pieces of Alberta and federal legislation that relate most closely to elder abuse are:

Adult Guardianship and Trusteeship Act

- › standardizes issues around capacity assessment and allows for a range of decision-making options. These options recognize that adults have different levels of decision-making ability and that an adult's capacity may change over time.
- › options range from supported decision-making authorizations to guardianship and trusteeship orders.
- › Learn more at www.oaknet.ca/agta.

Family Law Act

- › provides a way to apply for a Support Order in cases of neglect
- › Learn more at [#SupportOrders](http://www.oaknet.ca/neglect).

Mental Health Act

- › does not specifically deal with elder abuse, but occasionally is used to remove a senior from an abusive situation if a police officer sees someone acting in a disorderly or dangerous manner who appears to have a mental disorder.
- › used only in extreme situations when the abuser is not mentally competent.

Personal Directives Act

- › allows people to create a legal document setting out their wishes for **personal** care after they are no longer able to make those decisions for themselves.
- › Learn more about Personal Directives at www.oaknet.ca/node/60.

Powers of Attorney Act

- › allows people to create a legal document appointing someone to manage their **financial** assets.
- › may or may not extend past incapacity.
- › Learn more about Powers of Attorney at www.oaknet.ca/content/power-attorney.

Protection Against Family Violence Act

- › protects all family members who are victims of family violence
- › makes three kinds of protective tools available: Emergency Protection Orders, Queen's Bench Protection Orders, and Warrant Permitting Entry.
- › Outside of this Act, Restraining Orders and Peace Bonds can stop an abusive person from contacting an older adult.
- › Learn more about these orders and how to apply for them at www.oaknet.ca/orders.

Protection of Persons in Care Act

- › promotes the safety of adults in publicly funded care.
- › among other specifications, service providers must take reasonable steps to protect clients from abuse, while providing care or support services.
- › More information can be found at www.health.alberta.ca/documents/PPC-Understand-PPCA.pdf.

Criminal Code of Canada

Some criminal offences under the *Criminal Code* apply to different types of elder abuse:

Physical

- > Assault (common assault, assault with a weapon or causing bodily harm, aggravated assault, and sexual assault)
- > Forcible confinement
- > Murder and/or manslaughter
- > Administering a noxious substance
- > Counselling suicide

Financial:

- > Theft, including theft by a person holding Power of Attorney, and theft with a credit card
- > Fraud and fraud with a credit card
- > Robbery
- > Breaking and entering
- > Forgery and using forged documents
- > Extortion
- > Stopping mail with intent
- > Criminal breach of trust and conversion by a trustee

Psychological

- > Intimidation
- > Uttering threats
- > Harassing telephone calls
- > Criminal harassment (i.e., stalking)

Neglect

- > Criminal negligence causing bodily harm
- > Breach of duties to provide necessities of life

For background on the Alberta Court System, visit justice.alberta.ca/programs_services/courts/Pages/chart_courts_alberta.aspx