Elder Abuse

This booklet was developed for Albertans who want to know more about the law as it pertains to elder abuse. It provides legal information on Alberta law only. It does not provide legal advice. If you need more detailed information, consider a self-help publication or asking for a lawyer’s advice.

You should NOT rely on this booklet for legal advice. It provides general information on Alberta law only. June 2017.
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Operating as: Centre for Public Legal Education Alberta

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General Information

What is elder abuse?

Elder abuse is any deliberate action or lack of action that causes harm to an older adult by a person in a position of trust or authority. The harm could be physical, emotional, sexual, psychological, financial, or some combination of these things. Neglecting an older adult by not doing something can be as abusive as actually striking the older adult physically.

Elder abuse is often caused by a close friend, relative or caregiver. If you are an older adult experiencing abuse, it is not your fault! It is a controlling behaviour. Abuse does not stop on its own. If it is ignored, it will continue, and may even get worse. You can take actions on your own and with the help of others to end the abuse.

You may feel the need to protect your children, spouse or other family members, even if they are treating you badly, but abusive behaviour is not healthy for you or for your abuser. No one deserves to be hurt. It's okay to reach out for help.

Elder abuse is often caused by a close friend, relative or caregiver. If you are an elder experiencing abuse, it is NOT your fault!
Is there any identifiable reason why abuse of older adults occurs?

There are many different reasons. Some warning signs include:

- a history of abuse between family members; for example, spousal abuse becomes elder abuse, or abused children become abusive caregivers to elderly parents;

- dependency; for example, the elderly person becomes dependent on family members, or someone is dependent upon the elderly person for money or housing;

- stress, which might be caused by factors such as mental or physical illness, financial pressures, lack of support systems, lack of choice for accommodation for an older adult or fear of one’s own aging;

- alcohol or drug use;

- greed;

- lack of knowledge about the degree of care and needs of an older adult;

- lack of respect given to elderly people in a society that values youth, self-reliance, and energy; and

- lack of professional awareness about the problem of elder abuse, so that it continues undetected.

Is abuse of older adults easy to detect?

Not necessarily. An older adult can be isolated and hidden from view, unlike a child who has to appear in school every day. There are, however, some signs that might indicate that an older adult is being abused in some way. Some of these signs might be obvious, such as physical injuries. Others may be more subtle, such as anxiety or depression, or in cases of financial abuse, a sudden lack of money. Sexual abuse may be very difficult to detect, as the older adult might be embarrassed or humiliated, or in denial about what is happening.

It is also important to distinguish between abuse caused by others and self-neglect by older adults who are unable or unwilling to take care of themselves.
Physical Abuse

I live with my daughter and her husband. My son-in-law works very hard, so he is often tired and moody. Lately he has been doing things like pulling my hair and leaving me in my room all day without food when my daughter is out. He even punched me once. I think it must be because he is tired, but is this normal?

No, this is not normal. There is no good reason for your son-in-law to treat you this way and you do not have to put up with it. In these situations, it’s normal to feel abused, frightened and intimidated. It is important for you to stop his behaviour or remove yourself from the situation. There are many resources and agencies that can help you decide how to handle this situation.

My mother lives with my brother and his wife. Last time I visited, I noticed that my sister-in-law was very rude to my mother and my mother had a large burn on her arm. Her explanation seemed unlikely. I am worried she is being abused. What kinds of actions constitute physical abuse?

Physical abuse is caused by inflicting physical harm upon an older adult: for example: hitting, pushing, slapping, or injuring an older adult in any way.

Physical abuse also covers behaviours such as:

- over-medicating a person;
- under-medicating a person when drugs are needed for a medical problem;
- withholding food;
- deliberately exposing a person to severe weather; and
- physically confining the person for long periods of time, whether it be to a chair, a room, a bed, or a house.
How can I tell if my mother might be physically abused?

Signs that a person might be experiencing physical abuse might include:

- marks of physical injuries that cannot be explained (or where the explanation seems unlikely), for example, bruises, welts, cuts, burns, rope or belt marks, or head injuries;
- repeated falls;
- medical attention sought from a variety of doctors or clinics;
- injuries that have not received proper medical attention;
- delay in seeking treatment;
- confusion or tiredness from over-medication;
- continued suffering from a medical condition as a result of under-medication;
- loss of mobility as a result of being restrained;
- depression; and
- signs of fear of certain family members, friends, or care-givers.

There may also be indications of abuse where the older adult lives. For example:

- locks on the doors;
- locks in areas where food is kept; and
- unusual marks on furniture where restraints might have been used.

If there is any possibility of immediate danger of physical harm, then you should notify the police or call 911 immediately!
Emotional Abuse

Last year my elderly neighbour’s nephew moved in with her while he was attending university. Since then, she has become very withdrawn and I hardly see her anymore. I worry that her nephew is not treating her properly. What sorts of actions constitute emotional abuse?

Emotional or psychological abuse could include:

- making threats to do something to the older adult or to something or someone the person cares about (including a pet);
- mental cruelty; for example: intimidation, threatening behaviour, harassing telephone calls;
- humiliation;
- forced socialization or isolation;
- treating the older person like a child; and
- not allowing the older person to make decisions for him or herself.

...Emotional or psychological abuse could include making threats to do something to the older adult or to something or someone the person cares about.
Noticeable behavioural changes, including avoiding eye contact, could be signs of emotional or psychological abuse.

How can I tell if someone might be emotionally abused?

Signs that someone might be experiencing emotional or psychological abuse could include:

• showing fear of certain family members, friends, or caregivers;
• withdrawal, passivity, agitation, anxiety, apathy, or depression without any apparent reason;
• paranoia;
• physical signs of isolation being, for example: locks on doors, or having no access to phone, radio, television or computer;
• unusual weight gain or loss;
• reluctance to talk openly;
• making inconsistent statements;
• waiting for the caregiver to respond to questions;
• noticeable behavioural changes including avoiding eye contact;
• low self-esteem;
• difficulty sleeping or needing excessive sleep;
• making excuses for social isolation; and
• being ignored, treated passively, or treated like a child by a caregiver.
Financial Abuse

My elderly aunt lives alone and her neighbours have been very good to her. They shop for her and cash her cheques, but when I last saw her, she seemed to be very short of money and food. I am becoming concerned that they may be taking advantage of her financially. How can I find out more?

Financial abuse can be difficult to detect because it will often occur over a period of time. If you have suspicions however, it is a good idea to check them out. You can ask your aunt about her finances and who controls them, and about her relationship with her neighbours. If your aunt is reluctant to tell you, you may just have to keep monitoring the situation.

You could also talk to your aunt about managing her affairs in a different way, perhaps by asking for assistance from a regular authorized caregiver or by encouraging her to arrange to give a Power of Attorney over her finances to a trusted person.

You can also give her information about financial abuse and support services. In having these discussions with your aunt, it is important to respect her wishes and confidentiality, and to get her consent before you do anything.

What sorts of actions constitute financial abuse?

Financial or material abuse could include:

- theft of money, belongings, credit cards, or pension cheques;
- forcing an older person to make or change a Power of Attorney, Enduring Power of Attorney or Will;
- forgery of a signature on personal cheques or legal documents;
- withholding money that the older person needs;
- persuading an older person to invest in a fraudulent investment scheme;
- pressuring an older person to provide services for, for example: babysitting or sharing his or her house;
• forcing, persuading or tricking an older adult to sell a home or possessions, or to pay for unnecessary services; and
• abusing Power of Attorney, Guardianship, or Trusteeship responsibilities.

How can I tell if someone might be financially abused?
An older person who is being financially abused may:
• be confused about their own finances;
• have signed a document without being told of its consequences;
• be failing to make financial choices or decisions;
• have family members moving in without agreement and/or without sharing costs;
• experience unusual bank or ATM activity done on their behalf;
• start to show a discrepancy between income and standard of living;
• have possessions disappearing;
• have sudden or unexplained difficulty in paying bills; and
• refuse to spend money without the agreement of their caregiver.

Naturally, some of these indicators may be present when an older adult is not being abused – these are merely possible indicators of abuse.
Are there other ways my aunt can keep tighter control of her financial affairs?

Other ways of helping your aunt keep tighter control of her financial affairs could include encouraging her to:

- be fully informed about her property, bank account, and possessions;
- keep her money in a bank or other financial institution, rather than at home;
- set up the paperwork to ensure pension cheques and other automatic payments go directly into her bank account;
- set up the paperwork to ensure that as many of her bills as possible are automatically paid out of her bank account;
- ensure she sees and reviews all bank and investment account statements;
- discuss any loan she intends to make with a trusted third party and be sure there is an agreed schedule of repayment;
- review her Will, Power of Attorney or Enduring Power of Attorney periodically; and
- have a trusted third party check any documents she is asked to sign.

Your aunt should also be encouraged to maintain her network of friends and acquaintances so that she does not become isolated and fully dependent upon anyone who might be abusing her.

Financial abuse can be difficult to detect because it will often occur over a period of time. An older person who is being financially abused may start to show a discrepancy between income and standard of living.
Consumer Fraud

My elderly aunt had a man come to her door and offer to do some house repairs. He got her to sign a contract and pay an advance fee. He then left to get materials and she never saw him again. What can I tell her to do in the future so she does not get caught by a scam again?

Elderly persons can be particularly susceptible to consumer fraud. It is good advice never to hire a person who just arrives on your doorstep. If you need work done, get advice and recommendations from family and friends. Even then it’s a good idea to get several estimates before you decide whom to use. Your aunt can check out a contractor’s qualifications by calling her local Better Business Bureau (BBB) or Service Alberta – Consumer Contact Centre.

BBB Central and Northern Alberta Toll-free 1-800-232-7298
BBB Southern Alberta and East Kootenays Toll-free 1-800-661-4464

Service Alberta – Consumer Contact Centre for information about consumer protection and to file a complaint. Call 780-427-4088 in Edmonton or Toll Free in Alberta 1-877-427-4088. Or visit:

http://www.servicealberta.gov.ab.ca/consumer-protection.cfm
My aunt was excited because she got a phone call telling her she had won a car. In order to collect it, she had to pay some kind of a gift fee. She paid the fee but never received the car. What can I tell her to do in the future so she does not get caught by another scam?

Under federal law, all telemarketers must state at the beginning of a call why they are calling, the name of the company or person they are representing, and the type of product or business being promoted. If your aunt does not get this information when she asks for it or she is suspicious, she should hang up the phone. She should never pay any fee of any kind in order to recover a prize, or give out her credit card details.

The Competition Bureau investigates complaints of telemarketing fraud and will prosecute offenders. You can report a suspected crime of this nature by calling 1-800-348-5358.

The Canadian Anti-Fraud Centre (CFAC) deals with all types of mass-marketing fraud. Their Call Centre staff will provide advice on the steps that victims should take to recover lost funds and to protect themselves in the future. Call 1-888-495-8501

Service Alberta – Consumer Contact Centre may also be able to provide information and assistance. Call 780-427-4088 in Edmonton or Toll Free in Alberta 1-877-427-4088 or visit:

http://www.servicealberta.gov.ab.ca/consumer-protection.cfm

Under federal law, all telemarketers must state at the beginning of a call why they are calling, the name of the company or person they are representing and the type of product or business being promoted.
Sexual Abuse

What sorts of actions constitute sexual abuse?

Sexual abuse is any kind of sexual contact without voluntary consent. Examples include:

- forced oral contact such as kissing;
- grabbing or groping;
- genital contact;
- oral sex;
- vaginal or anal penetration; and
- forced exposure to pornography.

Any unwanted sexual contact is sexual assault, which is a Criminal Code offence.

In Canada, 85% of sexual assaults are committed by someone the victim knows. It may be a partner, spouse, family friend or caregiver. It may be someone in a position of trust such as a member of the clergy or a healthcare provider.

An older person might be sexually abused if they are heavily medicated, sleeping or impaired by alcohol or drugs.

Sexual assault could be violent or coercive. Coercion does not involve physical force. It happens when someone uses manipulation, pressure or threats to make someone do something they do not want to do. Some examples of coercion could include using:

- guilt: “If you loved me…”;
- threats of any kind against the older adult, his or her family or other loved ones;
- body size or body position to convey a threat or intimidation.
How can I tell if an older person might be experiencing sexual abuse?

Indicators of sexual abuse could include:

- pain, bleeding, or bruising in the genital or other areas of the body;
- depression;
- signs of fear, withdrawal, anxiety, or passivity;
- sleeping more or less than usual;
- difficulty in trusting others;
- developing an addiction to drugs or alcohol;
- experiencing flashbacks;
- engaging in self-harming behaviours such as cutting, excessive consumption of alcohol or suicide attempts;
- diminished self-esteem.

What can I do if I think someone is being sexually abused?

Clearly, this is an area where you will have to use great sensitivity. You might begin by directly but respectfully asking if the older adult is experiencing sexual abuse.

If you see signs of physical injury, you may need to arrange for immediate medical attention for the older adult. Most hospital emergency departments in Alberta will examine and treat survivors of sexual assault at any time. Special teams are usually available to handle such cases with compassion and tact. It may be necessary to test for sexually transmitted diseases (STD). STD clinics provide free, confidential testing.

If there is no visible trauma, then it is important to listen to the older adult and take steps based on their needs and wishes. It is very important for survivors of sexual abuse that they are believed. Try, through your discussion, not to be
disbelieving or judgmental. Offer to put the person in touch with community resources to help them and offer to accompany them if that would be helpful.

Ask the older adult if they want to report the sexual abuse to the police. Most police forces have specially trained staff who handle complaints of sexual assault. You could arrange to have a police officer come to the abused adult to take their complaint, or you could accompany them to the police station to make the complaint.

There are many resources available to help victims of all ages who have experienced sexual assault. See the back of this booklet for more information.

In Canada, 85% of sexual assaults are committed by someone the victim knows. It may be a partner, spouse, family friend or caregiver. It may be someone in a position of trust such as a member of the clergy or a healthcare provider.
Neglect

My friend lives with her children and I am concerned about her health. She rarely has clean clothes to wear, she can only go out when her daughter feels it is convenient, and she isn’t receiving her insulin shots on a regular basis. What constitutes neglect of an older person?

Neglect could include:

- failing to provide adequate clothes, food, medication, personal care, hygiene, medical care and social activities;
- placing the elder person in an unsafe or isolated environment.

Neglect can be intentional or unintentional. Unintentional neglect can occur when a caregiver does not provide necessities because of a lack of skill, information, or interest.

It is also important to distinguish between neglect caused by someone else and self-neglect caused by the older person not taking care of him or herself.

What are signs of neglect?

Signs of neglect could include:

- physical signs of malnourishment such as dry lips, pallor or excessive weight loss;
- untidy appearance or inappropriate clothing for the weather;
- shivering, a blue tinge to the skin or low body temperature, which might indicate hypothermia;
- lack of needed medication, appliances, dentures, hearing aids, mobility aids or glasses;
- lack of safety precautions or supervision;
Neglect can be intentional or unintentional. Unintentional neglect can occur when a caregiver does not provide necessities because of a lack of skill, information, or interest.
Self-Neglect

My elderly uncle is very independent. He lives by himself and has no help. Lately his kitchen and bathroom have been very dirty. His vision is failing and he doesn’t appear to be eating very well. I am worried about him becoming ill or having an accident because he isn’t looking after himself. What can I do to help him?

When someone is mentally competent yet chooses to live in a situation of self-neglect, it can be difficult to help. In very general terms, people have a right to live as they choose as long as they are not committing a crime or posing a risk to others.

I’m afraid I might offend my uncle if I suggest something too drastic. How can I be helpful but gentle at the same time?

Ways to assist your uncle while maintaining his dignity could include:

- empowering him to find some solutions for himself;
- keeping in contact with him;
- making suggestions about options to help him;
- establishing a connection with formal care services; and
- finding ways to reduce his isolation.

When someone is mentally competent yet chooses to live in a situation of self-neglect, it can be difficult to help.
Abuse at Institutions

My friend lives in a seniors’ residence. I am concerned about the standard of care she is receiving there. Last week she had a bruise on her arm and told me one of the nurses had hit her. Should I make a complaint about this treatment? To whom do I complain?

Initially, you might only have to complain to the manager or owner of the residence for the matter to be investigated and dealt with. If that doesn’t help, you may have to look at other options.

In Alberta, there is a provincial statute called the Protection for Persons in Care Act. It requires individuals who have reasonable grounds to believe that someone in care is or has been abused to report the abuse to a police officer or a complaints officer under the Act. The complaints officer will look into the matter and decide if there should be a thorough investigation. For more information about the Protection of Persons in Care Act, call toll-free 1-888-357-9339 or visit:

www.health.alberta.ca/documents/PPC-Understand-PPCA.pdf
I am sure that my neighbour is being abused by her son. Is abuse of the elderly a crime?

There is no specific criminal offence of “elder abuse”. There are various criminal offences, however, that might apply to different forms of elder abuse. For example:

- physical abuse could be a form of assault or sexual assault;
- financial abuse could be an offence such as theft, fraud, theft by a person holding a Power of Attorney or extortion; and
- neglect might be covered by the offence of criminal neglect;

The vast majority of the criminal law is set out in the Criminal Code, which applies to all provinces and territories in Canada. Under the Criminal Code:

- assault can be committed by attempting or threatening to apply force to another person if the other person believes that the abuser has the ability to carry out the act.
- harassment includes behaviour of threatening conduct directed at another person where that person then fears for her or his safety.
- uttering threats includes someone knowingly uttering, conveying, or causing anyone to receive a threat to kill or physically harm someone; to burn, destroy, or damage property; or to kill, poison, or injure an animal or bird belonging to the victim.

Several pieces of Alberta legislation also protect elders from abuse. See:

www.cplea.ca/albertalawsandelderabuse.pdf

For more information see the links at the back of this booklet and visit:

www.oaknet.ca
Reporting Abuse

My aunt lives with her son and his family. I suspect that she’s being abused. She seems nervous when her son is in the room, her bedroom has a lock on the door, and she has bruises on her arm. When I asked her about the situation she seemed very confused. Why isn’t she reporting this abuse?

There are many reasons why people might not report abuse. They could include:

- shame that a family member treats them badly and a need to keep it in the family;
- fear of making the situation worse, leading to more abuse;
- fear of being placed in an institution;
- fear of losing a caregiver or contact with a family member;
- a belief that they are getting what they deserve, for example: if they feel they were not a good parent;
- a belief that police or social services cannot help them; and
- a belief that they cannot prove the abuse is happening.

If my aunt is not reporting the abuse she appears to be suffering, should I report it for her?

If there is any possibility of immediate danger of physical harm, then you should notify the police or call 911 immediately. Otherwise, it is important to deal with cases of suspected abuse with a degree of care, particularly because the abuser might retaliate against the elderly person. It is also important to respect the dignity of the elderly person who might choose to accept or reject help.

Agreement on the part of the elderly person to any subsequent actions is very important, unless the person is not mentally competent. For this reason, you should speak with your aunt before taking any action and be sure that all possible outcomes of intervention are considered. In order to help her make her decision, you can bring to your aunt’s attention many resources on elder abuse and the names of agencies that can offer assistance.
What would be a good way to approach my aunt to ask her if she is being physically abused?

Depending upon the individual, strategies that you could use include:

- directly and respectfully asking your aunt if any abuse is occurring;
- encouraging your aunt to contact others such as a doctor, lawyer, social worker, public health worker or home care worker;
- describing to your aunt the benefits she might be entitled to which could help her be more independent;
- providing information about counselling services for the abused or the abuser;
- helping to dispel myths about abuse by explaining that protecting the abuser’s reputation will not help the abuser change, there is no “perfect family”, and abuse can exist at any education or income level;
- helping your aunt understand that nobody deserves to be abused;
- encouraging her to get out and use community service programs, such as drop-in centres; and
- encouraging your aunt to get a thorough health assessment from her doctor or a health unit.

I think my brother-in-law is abusing my mother. What will happen if I report abuse?

You can report a criminal matter to the police even if it does not directly involve yourself. If you want the police to investigate the possibility of charging your brother-in-law, you will have to go to the police station and give a statement that describes what you believe your brother-in-law is doing. The police will then investigate the situation, which would likely involve interviewing your mother and your brother-in-law, and any other witnesses. The police will then decide if they have enough evidence to charge your brother-in-law with an offence.
It is important to deal with cases of suspected abuse with a degree of care, particularly because the abuser might retaliate against the elderly person. It is also important to respect the dignity of the elderly person who might choose to accept or reject help.

What kinds of agencies can I contact to get information about abuse?

Agencies that can lead you to information in your location include:

- police;
- health units;
- social service agencies;
- agencies that focus on resources and support for older adults;
- mental health clinics;
- Public Health Agency of Canada;
- family doctors;
- hospitals;
- Office of the Public Trustee and the Public Guardian if the victim of abuse lacks mental capacity.

Also see the list of additional resources at the end of this booklet.
Protection Orders

Emergency Protection Orders

I am really worried about my grandfather who lives with my uncle. I am sure my uncle is hurting him physically. Is there anything I can do to quickly get help for my grandfather?

In Alberta, there is a law called the Protection Against Family Violence Act. This law provides a way for a family member experiencing abuse, the police, or another person acting with the consent of the abused person to apply for an Emergency Protection Order (EPO) from the court. A family member is eligible to ask for such an order if he or she is related to the abuser through blood, marriage or adoption, so this would cover your grandfather.

An emergency order may allow for your grandfather to be removed from the house, if he is being forcibly confined there against his will along with a wide range of other measures to protect him. Emergency measures such as these are available 24 hours a day and are only available if the situation is urgent or serious. Your grandfather can apply for an EPO or you can apply on his behalf, with his consent.

In Alberta, you can contact Legal Aid Alberta’s Emergency Protection Order program for free advice and assistance.

An EPO may be issued in cases of the following types of family violence:

- actions that cause personal injury, property damage, or intimidation. This can include kicking, punching, and breaking personal property and furniture.

- failure to provide food, shelter or medical attention for the purpose of intimidation;

- threats that cause reasonable fear of injury or property damage, or that are meant to intimidate;

- forced confinement;
• sexual contact that is a result of force or threat of force; and

• stalking.

One of the factors that a judge will consider when deciding about making an EPO is the vulnerability of elderly family members. The application for the Order can be made without notice to the abuser, but it does not take effect until a copy of the Order has been served on the abuser. Usually, the Order will be served by the police or a process server. For more information on EPO’s and serving documents on an abusive person see:

www.cplea.ca/servingdocuments.pdf

www.cplea.ca/emergencyprotectionorder.pdf

The Order must be reviewed by the court within nine working days from the time it is granted.

For more information about Emergency Protection Orders in Alberta, call toll-free 1-866-845-3425 or visit:

http://www.legalaid.ab.ca/help/Pages/Emergency-Protection-Orders-Domestic-Violence.aspx

In Alberta, there is a law called the Protection Against Family Violence Act. This law provides a way for a family member experiencing abuse, the police, or another person acting with the consent of the abused person to apply for an Emergency Protection Order (EPO) from the court.
Queen’s Bench Protection Orders

I would like to get my mother away from my sister’s house because I think my brother-in-law may be intimidating and scaring her. What can I do?

As well as providing protection in emergency situations, the Alberta Protection Against Family Violence Act provides for a protection order for an adult experiencing abuse in a non-emergency situation. These are called Queen’s Bench Protection Orders (QBPO). These orders differ from emergency protection orders in that the situation does not have to be as urgent, and the alleged abusive person must be given notice of the application.

If your mother does not live in Alberta, then you can consult with provincial government offices in her province to find out what laws might be able to help her.

For more information see:
www.cplea.ca/queensbenchprotectionorder.pdf

The Alberta Protection Against Family Violence Act provides for a protection order for an adult experiencing abuse in a non-emergency situation. These are called Queen’s Bench Protection Orders (QBPO).
Depending on the severity of your situation, you can apply for either an Emergency Protection Order or a Queen’s Bench Protection Order. Both types of orders can require that your abuser must stop.

My son is abusing me. Is there anything I can do to get my abusive son to stay away from me?

Depending on the severity of your situation, you can apply for either an Emergency Protection Order or a Queen’s Bench Protection Order. Both types of orders can require that your abusive son must stop:

• entering or going near your home and other places where you regularly go;

• contacting or associating with you and other members of your family; and

• communicating with you and other members of your family both directly and indirectly, such as by telephone or email.

The Order can also give you exclusive possession of your family home even if your name is not on the title or lease. It can give the police the authority to remove your abusive son from your family home and give you temporary possession of personal property such as pets, vehicles, passports and banking and health-care cards. The judge hearing your case will write an order that is tailored to your needs. The judge will specifically address your vulnerability as an elderly person. For more information about exclusive possession orders see:

www.cplea.ca/exclusivepossessionorder.pdf
Restraining Orders

What is a Restraining Order?

A Restraining Order (RO) is a type of no-contact order that can be issued by a Justice of the Alberta Court of Queen’s Bench that requires a person or persons to stay away from you. You can apply for a Restraining Order against anyone whose behaviour causes you to fear for your safety. This includes family violence.

A Restraining Order is, in some ways, similar to protective orders granted under provincial legislation, but, in other ways it is very different. If you are not eligible for an EPO or QBPO, then a Restraining Order may be your next best option.

ROs are different from provincially-legislated protective orders in two main ways:

- They are not limited to intimate partners or family members.
  
  **For example**, they can be used to address violence between roommates or between neighbours.

- They only deal with prevention of contact between people.
  
  **For example**, they can’t deal with things like financial compensation and they can’t remove an abusive person from a residence where they have a legal right to live, as an EPO or a QBPO can.

For more information see:

[www.cplea.ca/restrainingorder.pdf](http://www.cplea.ca/restrainingorder.pdf)

How do I get a Restraining Order?

A Restraining Order is granted by a Justice of the Court of Queen’s Bench and can only be requested during normal court hours. In a non-emergency situation, notice of the application for an RO must be given to the alleged abuser, who can then choose to attend the court application and speak about the order being requested from his or her perspective. If you can afford it, it is a good idea to hire a lawyer to help you apply and represent you in court. If you cannot afford a lawyer, call Alberta Resolution and Court Services toll-free at 1-855-738-4747 or visit their website at [www.rcas.alberta.ca](http://www.rcas.alberta.ca) for help.
What kinds of terms can be included in a Restraining Order?

As part of preventing contact, a Restraining Order can include special terms that state how far away the person must stay from you and identify specific locations where the person must not attend or try to contact you, for example, your home or workplace. The judge granting the order will decide in each case what specific terms the order will set out and how long it should remain in effect. If you have a lawyer working for you, you must tell the lawyer all the relevant information so that he or she can make the best case on your behalf. It is very important to include a term that gives the police the power to arrest the respondent if the order is broken.

My aunt is not very wealthy. Is there any financial assistance available to apply for a Restraining Order?

Your aunt may be able to get assistance from Legal Aid. Call toll-free 1-866-845-3425 or visit:

http://www.legalaid.ab.ca/contact/Pages/default.aspx

Some larger centres may also have other agencies that can help. For example, in Edmonton, the Edmonton Community Legal Centre assists low-income individuals with legal problems. See the back of this booklet for other suggestions, such as social service agencies and student law associations that offer legal assistance to those with low incomes.

If your aunt decides to hire a lawyer privately, encourage her to discuss fees at the outset. It might be possible to make an arrangement with a lawyer regarding a lump sum fee or an easy-to-manage fee schedule. For more information about financial options see:

www.cplea.ca/financialsupportOptions.pdf
As part of preventing contact, a Restraining Order can include special terms that state how far away the person must stay from you and identify specific locations where the person must not attend or try to contact you, for example, your home or workplace.
Peace Bonds

What is a Peace Bond?
A Peace Bond (also called a recognizance) is a type of no-contact order that is issued by a criminal court judge. It can be issued when someone has committed a minor criminal offence and could be used in a situation where an older adult has experienced physical abuse. The judge can, among other things, order that the abusive person:

• keep the peace and not be charged with any other criminal offences for up to one year;
• stay away from your home, place of employment and other places where you frequently go;
• stop communicating with you, in person, by mail or email, telephone, etc.;
• stop using alcohol or drugs;
• periodically report to the police or a probation officer; and
• follow a curfew.

A peace bond cannot be used to protect from emotional or financial abuse.

For more information about Peace Bonds see:
www.cplea.ca/peacebond.pdf

How long does a Peace Bond last?
A Peace Bond can be granted for a maximum of twelve months. As with a Restraining Order, you should always carry a copy with you so that, if necessary, a police officer knows that the police have authority to arrest a person in breach of the order. As with Restraining Orders, there are agencies that can assist with obtaining Peace Bonds. Your local police department will be able to tell you what assistance is available in your area.
I would like to help my aunt apply for a Peace Bond against her son. How do I do this?

Applying for a Peace bond requires a court application. If your Aunt can afford it, it would be a good idea for her to hire a lawyer to help her.

**Step one:** If your aunt can’t afford a lawyer, she can ask the police or the Provincial Court of Alberta to arrange for an appointment for her to speak with a Justice of the Peace. The Justice of the Peace (often called a JP) will listen to the details of your aunt’s complaint.

**Step two:** The Justice of the Peace will forward the details of your aunt’s case to the Crown Prosecutor’s office.

**Step three:** The Crown Prosecutor’s office will arrange for a court hearing if they agree that a Peace Bond is needed.

**Step four:** The court hearing will be held.

- The court hearing may not be right away, but the wait can be shortened in emergencies;

- Your aunt must be prepared to appear in court and give her evidence to show that she has reasonable grounds to fear that her abuser might cause her personal injury or damage her property;

- The judge will decide if a Peace Bond is appropriate, even if your aunt’s alleged abuser does not show up for the hearing.

The process may not be exactly the same as set out above. The police may interview the alleged abuser and conduct an investigation. They may lay criminal charges or arrest the alleged abuser. They may ask the alleged abuser to consent to the terms of the Peace Bond.

Once the Peace Bond is issued by the Court, if your aunt’s alleged abuser does not comply with it, he or she could be charged and convicted of an offence.

For more information about Peace Bonds see:

[www.cplea.ca/peacebond.pdf](http://www.cplea.ca/peacebond.pdf)
Where can I get more information?

Canada-wide Resources

Canadian Network for the Prevention of Elder Abuse

The CNPEA is a national non-profit organization focused on elder abuse prevention and response. They connect people and organizations; foster the exchange of reliable information; and advance program and policy development on issues related to preventing abuse of older adults.

cnpea.ca

It’s Not Right - Neighbours, Friends and Families for Older Adults

This website has information about elder abuse, with brochures and videos on these topics: What You Can Do When Abuse or Neglect Is Happening to an Older Adult in Your Life, How You Can Identify Abuse and Help Older Adults at Risk, and What You Can Do to Keep Yourself Safe from Abuse.

itsnotright.ca

Seniors Canada - Resources on elder abuse

This website includes information at a national level on a number of topics including elder abuse. Visit their website at:

seniors.gc.ca
**Canadian Anti-Fraud Centre (CFAC)**
This site deals with all types of mass-marketing fraud. It provides advice on the steps that victims should take to recover lost funds and to protect themselves in the future.
Phone: 1.888.495.8501
antifraudcentre.ca

**Competition Bureau**
Investigates complaints of telemarketing fraud.
Phone: 1.800.348.5358
competitionbureau.gc.ca

**Oaknet (Older Adult Knowledge Network)**
This website of the Centre for Public Legal Education Alberta (CLEA) focuses on how Canadian law protects and affects older adults. Topic areas covered include elder abuse, planning for the future, personal and family relationships, and various other issues (e.g. consumer, travel).

oaknet.ca
Alberta: Province-wide Resources

Alberta Seniors and Housing - Elder Abuse Resources
Provides a list of who to call in various communities for assistance with elder abuse; also includes links to relevant publications.

[link to website]

Alberta Family Violence Info Line
Has information about family violence and the Protection Against Family Violence Act. Also provides materials in many languages.

Phone: 310.1818

[link to website]

Alberta Elder Abuse Awareness Council (AEAAC)
The council works to increase awareness of elder abuse and support a community response. Provides information, resources and connections to help in communities throughout Alberta. AEAAC provides services in Calgary, Edmonton, Grande Prairie and area, Medicine Hat, Lethbridge, Red Deer, and St. Albert and area.

[link to website]

Métis Elder Abuse Awareness Program
The Métis Elder Abuse Awareness program brings awareness of Elder abuse to Métis communities, as well as make connections with the service providers and frontline workers on Métis specific issues and concerns, and to empower Métis Elders with education and knowledge.

[link to website]
Office of the Public Guardian and Trustee (OPGT)

Provide services to help all Albertans plan for the future and make the most of today if decision-making support is needed. The Office of the Public Guardian and Trustee has offices throughout Alberta.

Phone: 1.877.427.4525 (toll-free)

humanservices.alberta.ca/locations

Legal Aid Alberta

Provides legal help to those who qualify, otherwise offers referrals.

Legal Aid Alberta also offers the Emergency Protection Order Program (EPOP). It is available in Edmonton and Calgary and surrounding areas; is free and there are no eligibility requirements. Staff lawyers will help to file documents and represent abused persons in court to obtain an Emergency Protection Order.

Toll free: Phone: 1.866.845.3425

Edmonton phone: 780.422.9222

Calgary phone: 403.355.4868

legalaid.ab.ca

legalaid.ab.ca/help/Pages/Emergency-Protection-Orders-Domestic-Violence.aspx

Willownet: Abuse and the Law in Alberta

Willownet provides legal information that may help you if you are experiencing violence in a relationship. The site has information that is helpful on: facts about abuse, effects of relationship violence, what the law says about abuse, leaving the relationship safely (safety plan), taking your kids with you, pets, Protective Orders (EPOs, QBPOs) and going to court. The site also provides links to other family violence resources.

willownet.ca
Calgary Resources

**Kerby Centre - Information/Advocacy**

Provides information on community and government programs for seniors.

Phone: 403.705.3246  
[kerbycentre.com](http://kerbycentre.com)

**Kerby Rotary House**

A safe place for abused seniors; NO charge to stay. Its phone line for information, support and crisis intervention is available 24 hours a day, 7 days a week.

Phone: 403.705.3250

**Calgary Legal Guidance**

Provides free legal advice for individuals with low income; also provides court support and assistance in obtaining protective orders.

Phone: 403.234.9266  
[clg.ab.ca](http://clg.ab.ca)

**Calgary Police Service - Elder Abuse Response Team**

The Elder Abuse Response Team is a collaboration between the Kerby Centre, Calgary Family Services and the Calgary Police Service. Police, social workers and a nurse working together to investigate cases of physical abuse, sexual abuse, emotional abuse, psychological abuse, financial exploitation, neglect, abandonment, and family domestic and relationship violence that affects older adults and are high risk and/or chronic in nature.

Edmonton Resources

**Seniors Abuse HelpLine**
For seniors or those concerned about a senior; provides information, problem-solving and referrals; available 24 hours a day, 7 days a week.
Phone: 780.454.8888

**Seniors Association of Greater Edmonton (SAGE)**
Safe House - A safe place for abused seniors, NO charge to stay, temporary housing only.
Phone: 780.702.1520
[mysage.ca/help/seniors-safe-house](mysage.ca/help/seniors-safe-house)

**Seniors Protection Partnership**
Provides assessment, information and direct intervention in cases of elder abuse.
Resource and information for victims of elder abuse:

- **Elder Abuse Intake Line (Elder Abuse Resource and Supports/Intake)**
  Family members, professionals or anyone who has a concern about elder abuse can call this number to speak with a social worker from Catholic Social Services EARS.
  780.477.2929

- **Edmonton Police Services**
The Edmonton Police Service accepts reports of sexual assault and abuse and investigates the crimes.
  Emergency situations call 911
  Non-emergency Complaint Line 780.423.4567 or *377 on mobile.
Today Family Violence Help Centre

Today Family Violence Help Centre is an Edmonton based, non-profit organization that offers a safe place for individuals victimized by family violence to access free, confidential, emotional and practical support. Today Centre provides short-term support through risk assessment, safety planning, assessment of immediate needs, and supported referrals.

todaycentre.ca
**Lethbridge Resources**

**Lethbridge Elder Abuse Response Network (LEARN)**

lethseniors.com/support-services/learn

**Medicine Hat Resources**

**Community Response to Abuse and Neglect of Elders (CRANE)**

Community Response to Abuse and Neglect of Elders (CRANE) Medicine Hat works to prevent elder abuse, neglect and self-neglect through EAR-Education, Advocacy and Response. The organization brings almost 30 service providers together to stop elder abuse in Medicine Hat.

Phone: 403.529.4798

Elder Abuse

This booklet is one of many publications produced by the Centre for Public Legal Education Alberta. All publications can be viewed and downloaded for free by visiting www.cplea.ca/publications or www.cplea.ca/store.

Other publications in the series that may interest you include:

- Making a Will
- Making a Personal Directive
- Making an Enduring Power of Attorney
- Being an Attorney Under an Enduring Power of Attorney
- Being a Personal Representative
- Being an Agent
- General Powers of Attorney
- Adult Guardianship and Trustee Act

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You should NOT rely on this booklet for legal advice. It provides general information on Alberta law only. June 2017.