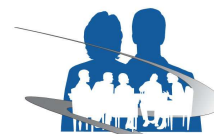


PROTOCOL

ON ELDER ABUSE PREVENTION AND INTERVENTION

COUNCIL OF SENIORS OF MRC MEMPHRÉMAGOG



COUNCIL of SENIORS
of MRC MEMPHRÉMAGOG

Third edition
November 2003

**“Abuse is a disgrace to all;
preventing it is everyone’s responsibility”**

The Voice, Canada’s Network for Seniors

Canada 

Québec 

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COUNCIL OF SENIORS OF MRC MEMPHREMAGOG

Composition of the elder abuse committee in 2009

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INTRODUCTION

This protocol came out of an initiative of the Memphrémagog MRC Council of Seniors which was created in 1991 and is being supported by the community organization service of the Centre de santé Memphrémagog (health care centre).

After two training programs were given by the Eastern Townships Table of Concertation on Elder Violence and the René-Cassin CLSC, the abuse prevention committee was set up in 1996. All of the partners wanted a practical intervention tool so they could better intervene with seniors subjected to abuse and bring about an enhanced collaboration and ongoing cooperation amongst the various partners.

The first edition of the protocol was published in 1996 and an update was issued in 2000. What you are now looking at is the improved third edition which has taken into account the comments raised during the protocol's round of evaluation before 36 service providers from some 14 community-based organizations of the Memphrémagog MRC in the early fall of 2003.

It is our wish that this document be passed around and discussed by all of you within your respective areas so that care givers and volunteers alike are well equipped for their work which is to offer help and support to seniors subjected to various forms of abuse. Still, we are open to any commentary or information likely to further improve or update the present protocol.

1.0 PROTOCOL FUNDAMENTALS

1.1 General Objectives

- To **support the different caregivers** involved with elders in the Memphrémagog MRC in order to provide quality services and care adapted to the specific needs of this clientele, potential victims of abuse;
- To ensure a **better concertation and cooperation** among organizations and caregivers involved in the case, with the aim of **improving accessibility and continuity of services**, irrespective of where the request is received.

1.2 Specific Objectives

- To **synthesize the information** leading to an intervention (definitions, detection methods, principles guiding intervention,...) found in the literature.
- To create a **practical intervention guide** for the use of different caregivers in order to ensure:
 - Better **detection** of abuse situations;
 - A **basic intervention procedure** adapted to the needs of elder victims of abuse;
 - A definition of the **roles of the different partners** when faced with situations of abuse;
 - A definition of the role of the 'central provider of care services' taken on by the Centre de santé Memphrémagog;
 - Awareness of the different **legal options** available to justify an intervention;
 - **Practical advice for the prevention/intervention** in situations of abuse.

1.3 Target clientele

The target group of this protocol is that of people **aged 65 and up, living at home** or people **under 65 who fit the geriatric profile**.

1.4 Common values

- **The elderly person is at the centre of attention in all interventions**, this person must remain **in charge** throughout any such plan.
- **Abuse** (violence, injustice or neglect) towards the elderly **is unacceptable**.
- An approach which encourages **keeping elders in their usual environment** by involving the people close to them is preferred.
- **Informal caregivers** are **allies** who should be offered assistance.

1.5 Definition of the role of the central provider of care services

In the Memphrémagog MRC, the Centre de santé is assuming the role of the central provider of care services on two levels of intervention (details on page 23):

- **The Psychosocial Intervention:**
 - **To welcome, inform, evaluate, refer, develop and follow-up on intervention plans** for elderly abuse victims
 - To offer **advice and support to other partners** in the MRC who may be involved in cases of abuse.
 - To ensure a **follow-up of referrals** made by other partners
 - To agree **on who is to be in charge of coordinating the services** when there are more than two caregivers and, ideally, on a service plan once a file has been opened.
 - **To collect information about the cases** of abuse being dealt with at the Centre de santé Memphrémagog
- **Community Action**
 - To **update the prevention and intervention protocol** and to **follow-up on its adoption** by each partner
 - To establish a **knowledge bank** by collecting information on interventions and projects aimed at countering situations of abuse
 - To give support to the Abuse Prevention Committee
 - To **coordinate the annual review** of interventions by partners in the prevention committee against abuse in the Memphrémagog MRC
 - To initiate different **projects of sensitization and prevention** of situations of abuse

2.0 THE NATURE AND SCOPE OF THE PROBLEM

2.1 Definitions¹ and forms of abuse²

Elder abuse is a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.

Physical Violence:

This refers to assault, rough physical treatment, sexual exploitation, or failure to provide an elder with food, personal hygienic or medical care.

Psychological Violence:

This refers to verbal abuse towards older persons, socially isolating them, failing to provide them with affection, or denying them the opportunity to make or take part in decisions concerning their own life.

Financial Exploitation:

This refers to mishandling an older person's money or property and includes resorting to fraud, or using this person's money to ends contrary to his/her needs, interests or wishes.

Sexual Violence:

This refers to non-consensual sexual contact with an older person.

Neglect:

This refers to the intentional failure to provide the necessities of life to an elder under one's care (**active neglect**) or the failure to fulfill a caretaking obligation without malicious intent (**passive neglect**).

Overall, research studies generally indicate five types of abuse described as follows³:

1. WHO definition
2. Definitions of forms of abuse according to Health Canada
3. BEAULIEU, Marie. *L'intervention auprès des aînés victimisés*

FORMS OF ABUSE	
Abuse	Manifestations
Physical	Physical pain or deliberately inflicted wounds
Psychological or emotional	Verbal assault, threats, infantilization and humiliation, isolation, deprivation of companionship and social contact
Material or financial	Theft, embezzlement or misappropriation of goods, breach of trust, exploitation or fraud
Violation of the right to liberty	Preventing an elder from exercising normal control of his/her life, imposing medical treatment and/or physical or chemical restraints
Social or collective	Ageism, social indifference, age discrimination

2.2 Highlighting the problem

Various studies have pointed out that **4% to 10% of the elder population could be victims of abuse** (Vézina).

Rarely does elder abuse cease on its own.

Elder abuse, like family violence, tends to become more frequent and more serious with time (**escalation of violence**).

In 25% to 75% of cases, the victims or their families refuse to report the problem or reject exterior help. The main for this reasons could be:

- not having another place to live
- fear of being abandoned or institutionalized
- lack of auxiliary services
- fear of reprisals, of being threatened
- a desire to avoid humiliation and trouble
- the shame of having brought up an abusive child
- fear of losing more by reporting the situation

2.3 The risk factors for abuse

- **Situational factors in a domestic setting**
 - Isolation
 - Lack of money
 - Lack of services to provide supplementary care
 - Bad living conditions

- **Situational factors in an institutional setting**
 - Shortage of beds
 - Too many patients, exhausted personnel
 - Low educational level of personnel
 - Limited resources and organizational deficiencies (CDPDJ)

- **Characteristics of the victim**
 - Is most often a woman, widowed or unmarried
 - Is physically or emotionally dependent on the caregiver
 - Is socially isolated
 - Has a history of family violence
 - Is over 75 years old
 - Has recently experienced deteriorating health
 - Is falling into an attitude of resignation, with little or no capacity for self-affirmation
 - Is often from an underprivileged socio-economic background
 - Is often a person with cognitive deficiencies
 - Feels that he/she deserves the abuse of which he/she is a victim
 - ...

- **Characteristics of the perpetrator of abuse**
 - Is the elder person's main caregiver
 - Is a member of the victim's family or a close acquaintance
 - Is under stress generated by financial, family, conjugal or professional problems
 - Has deteriorating health
 - Was a victim of abuse himself or herself
 - Is a substance abuser
 - Has psychopathological problems
 - Lives with the victim
 - Has a long-term relationship with the victim (on average 9.5 years)
 - Does not get the necessary support

These are **general profiles** of the victim and of the perpetrator of abuse. **These characteristics can be used as a guideline** for shedding light on situations of abuse. Remember, the perpetrator could be a family

member, a spouse, a friend, a neighbour, or even a person who is paid to take care of the victim. **It may also be the perpetrator who is in a situation of dependency or loss of autonomy.**

2.4 Profiles of the victim and of the perpetrator by type of abuse ⁴

Types of abuse	Characteristics
<p style="text-align: center;">Financial exploitation</p>	<p>Victim: Without a spouse, man or woman (both sexes equally affected), bad state of health, social isolation, depression</p> <p>Perpetrator: 40% friends, neighbours, acquaintances 29% sons or daughters 24% distant relatives 4% unknown persons 2% spouses</p>
<p style="text-align: center;">Prolonged verbal violence</p>	<p>Victim: Usually married, a man or a woman (both sexes equally affected), usually a spouse</p> <p>Perpetrator: Usually the spouse</p>
<p style="text-align: center;">Physical violence</p>	<p>Victim: Woman (majority of cases)</p> <p>Perpetrator: Usually the spouse, alcoholic, has physical problems or emotional disturbances (sometimes both), is financially dependent upon the victim</p>
<p style="text-align: center;">Neglect</p>	<p>Victim: Usually a woman, has health problems which restrict activity</p> <p>Perpetrator: Spouse or children</p>

4. PODNIEKS, Élizabeth et al.

Spousal abuse in older age⁵:

- **Psychological violence** constitutes the most common form of abuse inflicted by a spouse and typically manifests itself **by verbal violence**;
- The **majority of victims are women**;
- A major **proportion of spouses abusing their partners are not completely autonomous** in activities of daily living ;
- Abuse is **not always one-way**: Some elders use psychological or physical violence **towards the persons looking after them**;
- **Elements influencing the dynamics of a relationship**: A situation of violence that has grown with the couple, both the abuser and the abused are experiencing a loss of autonomy.

2.5 The Causes of Abuse

Numerous research studies have been carried out on elder abuse without identifying the specific underlying causes. As for most social problems, situations of elder abuse may be explained by an array of interrelated factors.

- **Factors related to the person**
 - **Victim:**
 - ▲ A physically or intellectually impaired person dependent on others for care. Problems which are the least tolerated: Incontinence, nausea, vomiting, insomnia, wandering and cognitive impairment
 - ▲ Adopts a defeatist attitude and behaviour of “letting go”
 - ▲ Behavioural, emotional or psychological problems
 - **Perpetrator:**
 - ▲ Personality pathology (substance abuse, mental health problems, affective disorder, relationship problems)
 - ▲ Stress of having to care for a non-autonomous person and not being able to devote oneself to other activities. Caregiving — marked by resentment, stress, frustration, particularly so when the caregiver’s function is performed out of guilt and obligation — could induce abuse situations

⁵. GRAVEL, Sylvie et al.

- **Factors related to family dynamics**
 - Repeating a pattern of violence from experience
 - Behavioural model considered normal
 - Unresolved family conflicts

- **Factors related to the environment**
 - Social vulnerability: death of spouse or friends, the end of a very active period in life and, with it, the disintegration of a social environment, diminishing income, indifference on the part of children
 - Socio-economic problems: Bad economic conditions, bad housing
 - Lack of support and services for primary caregivers

- **Factors related to older generation**
 - Not used to asserting their rights and turning to existing services, feeling too embarrassed and ashamed to complain
 - Religious influences extolling self-sacrifice
 - Education that has not encouraged self-assertion
 - Low educational level contributing to a reduced ability to access different sources of information about legal rights

- **Factors related to stereotypes**
 - Ageism (elders held in disparagement and contempt). Referring to elders in negative terms: “They’re sick and frail, they forget, they’re disoriented, they’re helpless, they’re a burden on society” ...

Even though one should not consider seniors as a group to be potential victims of abuse, admittedly seniors are prone to similar vulnerabilities:

1. **Deteriorating state of health** with flagging energy when it comes to asserting their rights, because — even though seniors live increasingly longer — their last years are not always spent in good health;
2. **Physical vulnerability** which increases the risk of serious consequences of various types of injuries and leads to becoming dependent on family and friends;
3. **Psychological vulnerability** which is an obstacle to standing up for one's rights and also leads to becoming dependent on family and friends;
4. **Social vulnerability** which is characterized by isolation and ignorance of the various mechanisms that could help the senior.

Note: One needs to remain open-minded about these vulnerabilities. A person without any of these vulnerabilities might still be a victim of abuse.

2.6 The Consequences of Criminal Victimization ⁶

- Physical wounds that heal slowly (e.g. hip fracture from a fall)
- Material losses of considerable importance, given the low income of many seniors
- Material losses with an incalculable sentimental value (e.g. theft of a ring given by a loved one who passed away 50 years before, antiques ...)
- Psychological trauma (e.g. isolation, loss of self-esteem, insomnia, difficulty to trust again, to feel secure ...)

⁶. BEAULIEU, Marie

3.0 THE INTERVENTION

3.1 General principles guiding intervention

Principles guiding intervention for able persons

- The elder person has the **right to decide about the degree of intervention and, especially, about the agenda**, i.e. how, when and at what pace the problem of violence is to be treated. **Without that person's explicit consent the intervention cannot be implemented.** Let us remember **not be too quick about attempting to resolve** the problem as it is often a matter of long-term dynamics, and it is not because the problem is identified, that it must be corrected the same day.
- The elder person is to be **in charge of his/her intervention plan**. That person has to have received all the information necessary to **make a free and informed choice** without being pressured in any way.
- The issue of abuse is a multifaceted one with many complex situations that concern various organizations and sometimes call for numerous interventions, which is why a **concerted, coordinated and community-based approach** is justified.
- Every person is entitled to an **intervention in the least restrictive and least invasive way** possible, in accordance with his/her **rights to non-disclosure of confidential information and to respect for his/her private life**. It is very important to **carefully evaluate the implications of interventions**.
- When a caseworker is **unable to meet with the victim in person** because of the victim's or a third person's refusal to do so, or when the victim is against the intervention, the caseworker should, in any such situation, attempt to **enlist the help of one or several significant persons around the victim** (relatives, friends, neighbours) to arrange a meeting with the victim and to encourage the victim to accept services.
- Every person has the **right to live as he/she chooses**, provided these choices **do not adversely affect the rights** of others and **do not threaten his/her security or the security of others**.
- **Breaking through isolation and providing support** often helps to reduce the frequency of violent behaviour.
- The caseworker must ensure that the **victim is protected at all times** and that the **intervention does not create an additional risk to the victim**.
- It may be necessary to **involve a second caseworker** to provide the counselling and the intervention needed by the **person inflicting the abuse** and to find out the reasons behind the abuser's actions as well as to check if he/she is in need of help.

Principles guiding an intervention when inability is suspected

(Kinnon, adapted from *Personnes âgées victimes d'abus et négligence – protocole et guide d'intervention*, CLSC René Cassin)

- Make sure the older adult is safe throughout the helping process;
- Have the elder person formally assessed for mental competence by a
- qualified professional;
- Look at his/her legal options;
- Explore other options if taking care of the person at home is too demanding;
- Determine who can help from within the elder person's support network;
- Discuss intervention options with the family;
- Consult with specialists in the field.

Deciding to assess an elder person's competency is usually based on the need to determine if the individual is capable of making decisions concerning his/her care or personal affairs, or whether a substitute decision maker is needed. In situations of abuse, the substitute decision maker must not be the abuser.

- **Assumptions about an elder person's ability** (competence/incompetence) **should not be based solely on a first encounter**, as the person may appear disoriented when disclosing the abuse.⁷
- **Attempt to enlist the help of one or more significant persons around the victim** (relatives, friends, neighbours).

The general principle guiding an intervention

- This protocol is meant to be a comprehensive tool to be used with flexibility and adapted according to expertise.

3.2 Early recognition

All the partners sitting on the Seniors Council agree they **should be alert and look out for indications likely to be of help in the early recognition** of abuse situations.

The **abuse inflicted on seniors is often subtle and difficult to detect**, especially as both victims and perpetrators of abuse tend to deny the facts. Also, caution is advised as some signs may be attributable to aging, the person's health problems or to a brief lack of patience on the part of the natural caregiver.

One must **consider the whole context and follow one's professional judgment**. **An openness to respect other ways of valuing, believing and practicing**, which may all differ from ours, is also required. As often happens, the wishes of elder persons may go against what one thinks is in their best interest.

⁷. KINNON, Diane

3.2.1 Indicators of neglect

- lacks clothes, clothing inappropriate for the season, dirty, shabby-looking;
- is in a dangerous environment (cluttered premises, unsafe stairs, lack of heating, fire hazards, bad upkeep);
- lacks the necessities for daily living;
- is in unsanitary living conditions;
- shows malnutrition, dehydration, weight loss;
- lacks personal hygiene;
- lacks appropriate medical and/or dental care;
- lacks dentures, hearing aids, glasses (if needed);
- does not receive his/her medication, or medication is incorrectly administered;
- lacks adequate supervision;
- is left helpless and without friends;
- lacks means of transportation;
- has reduced physical/mental activity;
- ...

3.2.2 Indicators of financial or material abuse (exploitation)

- large sums of money suddenly removed from the senior's bank account;
- suspicious signatures on cheques or other documents;
- older person is asked to sign legal documents without understanding the significance;
- older person, for reasons unknown, appears unable to pay his/her bills, or buy food or personal care items;
- economic hardship even though older person has sufficient means (has no television, wears old clothes);
- older person feels afraid or worried when discussing finances;
- friend or relative takes a growing interest in older person's possessions or visits only when pension cheques arrive;
- older person does not know his/her financial situation well or does not know it at all;
- older person suddenly makes a new will or decides to sell property;
- older person complains about missing personal items, clothes, jewellery and/or works of art;
- older person is not paid enough for certain items sold;
- older person is forced to do babysitting or housework;
- rent is excessive;
- ...

In some instances, these factors are not really indications of abuse and further investigation is required to determine if financial abuse is occurring. Financial abuse rarely manifests itself in a

single occurrence. Frequently, it occurs over a long period of time, and the victim of financial abuse can be subject to psychological abuse as well.

3.2.3 Indicators of psychosocial abuse

Clues which allow us to identify psychosocial abuse can be observed in the behaviour of the older person and those around him/her, as well as in the interaction between them.

- fear, withdrawal (the elder seems nervous when the abuser is around, allows the abuser to answer in his/her stead, is afraid to face an intervention, jumps at the slightest sound, has a worried look, avoids eye contact, responds timidly, is in a hurry to leave, has limited availability);
- state of uncertainty, helplessness and confusion, or a submissive attitude (a possible clue that the person no longer has the chance to take his/her own decisions);
- has trouble sleeping;
- infantilizing language or demeaning activity;
- verbal abuse, swearing, scolding;
- excluded from family meetings, not allowed to go out, to see friends, or have activities, denied access to grandchildren;
- withdrawn, apathetic, depressed (a possible clue that he/she has been subject to verbal abuse, insults, intimidation or humiliation), tendency to play down the violence;
- not allowed to keep personal effects;
- potential or suspected abuser takes over speaking for the elder, does not let him/her consult a social worker, doctor, etc. or see them alone;
- ...

The elder is being denied :

- the right to privacy, to have his/her own life;
- the right to vote;
- the right to lodge a complaint or ask for compensation;
- the right to practice his/her religion;
- the right to express his/her opinions and beliefs;
- the right to receive visitors;
- the use of his/her driver's licence, without justification
- ...

3.2.4 Indicators of physical abuse

- unusual bruise marks;
- burns;
- unexplained cuts or scratches;
- wounds to the head;
- weight loss;
- facts as related and the actual wounds do not jive;
- limping, grip marks, swelling and loss of mobility together with weakness possible indications of the use of restraints;
- confusion and drowsiness caused by an overdose of medicines given to make the older person more docile;
- treatable medical problem not improving, accompanied by constant pain, possible indication of older person not receiving the medication required by his/her condition;
- pain, bruising and bleeding in the genital area possibly signalling the occurrence of sexual abuse
- ...

3.3 Basic intervention procedure

This basic intervention model can be **used by all service providers and volunteers working with elders**. An older person may confide in you. It may also be that you suspect abuse and would like to approach the subject with the person. Here are some guidelines and discussion points which may help you give support to the person by strengthening his/her capability to act. (This procedure is based on the method in place for the seniors' information line at the René-Cassin CLSC).

3.3.1 Intervention objectives

- to lend an ear to the person in order to sum up his/her situation of abuse
- to help formulate the solutions contemplated by the person
- to give information on available resources
- to help define the steps the person is ready to undertake
- to refer the person to the various resources as required

3.3.2 Points to be discussed

- description of the situation of abuse
- steps taken by the person so far to put a stop to the abuse
- solutions anticipated by the person
- steps the person is ready to take
- referral and follow-up

In annex A there is a table which you can use if need be, which recaps the intervention objectives and the points to be discussed.

3.3.3 Procedure for ensuring confidentiality and the authenticity of a partner's identity

When we are called and asked for information about a person and we are not sure about the caller's identity, it is a good idea to take note of the caller's name and telephone number and then to call him/her back.

This procedure should also be followed if we are the ones requesting information from others.

4.0 FINANCIAL ABUSE

“With age our worth increases; so do our assets...”

Most of the abuse reported by victims is financial or material. There are several types of financial abuse: Misappropriation of funds or of any other type of property, fraud (telephone canvassing, door-to-door sales, telemarketing scams), misuse of the elder’s possessions and money, acting without proper power of attorney, misuse of power of attorney, especially when it is general, such misuse is more difficult when it is specific.

Here is some general as well as specific advice for seniors to prevent these different types of abuse.

4.1 General Advice:

- Stay informed about your finances;
- Make and take your own decisions, and if you are unsure, take the time to consult a competent person you trust;
- Be well organized. Keep track of your personal possessions. Let those around you know that you are keeping an eye on your things;
- Avoid isolating yourself and stay in touch with your family and friends;
- Ask that your income be deposited directly into your bank account;
- Only keep a minimum amount of money at home;
- Be discreet about your projects, your possessions, your valuables;
- Before signing any document, read it carefully and make sure you understand it well;
- Write postdated cheques or arrange for preauthorized payments;
- If you can help it, do not lend money to family or friends, because you might have trouble getting your money back. If you do so, put the repayment terms in writing (interest rate and repayment schedule);
- Make an annual budget. Organizations such as ‘Solution Budget Plus’ (819-563-0355) and ‘ACEF Estrie’ (819-563-8144) can help you with this.
- Draw up a ‘Mandate in case of incapacity’. You can get a free ‘Mandate in case of incapacity’ form at the Legal Aid Bureau.
- Do not accept personal care in exchange for signing over your possessions or your holdings;
- Never sign a blank cheque;
- If you do give out a sum of money, do so by cheque and not in cash, as there will be a paper trail that way.

Prevention is the best way to protect yourself against financial abuse, so to avoid trouble...

- Learn to **recognize the signs of fraud**;
- Know what to expect and **how to avoid traps**;
- **Do not fall for extravagant promises which are “too good to be true”**: Do not let your emotions dictate how to handle your savings.

4.2 Specific Advice:

4.2.1 Avoiding abuse from door-to-door sales people:

You are quietly sitting at home when the doorbell rings. A well dressed and very polite sales person has come to offer you the “bargain of the century”, a miracle cure, calling you by your first name and asking you details about your personal life... The sales person talks about a neighbour who has bought the product...

If at all possible avoid doing business with door-to-door sales people. Frequently, the price of the goods or services offered is inflated and, moreover, the sales people often come from outside the area.

- Look **who is at the door before opening**;
- Do not get into a conversation with a sales person if you do not feel up to it or if you just do not need anything;
- Ask to see the permit issued by the Consumer Protection Bureau of the sales person at your door and remember that this is not a guarantee of quality, but just proof that the door-to-door sales person has deposited a certain amount as a guarantee;
- Never sign anything as a result of pressure from a sales person. Take a few days to read the fine print, to shop around and to think it over;
- If you become a victim, do not hesitate to report the abuse to the Consumer Protection Bureau. In the case of door-to-door sales, you can also change your mind within 10 days of signing a contract as long as it was not your initiative to purchase the goods or services.

4.2.2 Preventing telephone scams

You are told on the phone that you have won a contest which you never entered, and you have to buy a product in order to get your prize...

If at all possible, never buy goods or services by telephone. These products are often of inferior quality and overpriced. Furthermore, never hand over money for goods before receiving them.

If you are approached...

- **Have Call Display** on your telephone, if possible;
- **Say that you want to think it over before making a decision;**
- **If you are not interested, do not hesitate to hang up.**
- **Do not give out personal financial information or your credit card number on the telephone unless it is a well-known business which you yourself have contacted;**
- **If abuse is occurring, contact the Consumer Protection Bureau. You can also contact free of charge PhoneBusters, a nationwide call centre to stop fraud at 1-888-495-8501.**

4.2.3 Preventing Home Renovation Fraud:

Someone rings your doorbell and tells you that your roof needs to be redone or you need new windows... They get a large sum out of you for renovations that are shoddy, unfinished or unneeded...

If you can help it, do not do business with a home renovator who comes to your door.

These renovators often come from outside the area. If you give the job to somebody you do not know, you run the risk that the job may never get finished or that the money you paid in advance is gone for good. It is better to deal with local renovators known for their good work.

- Check with the **Régie du bâtiment** if the person is really in good standing;
- **Refuse to pay 'under the table', that is without a bill or taxes;**
- **Do not make hurried decisions under pressure** from an overly insistent person;
- **Whatever you decide, do not pay any deposits before checking all necessary details;**
- **Never pay the full amount in advance. Make a deposit and reserve payment until after the contract is satisfactorily completed;**
- If abuse is occurring, **do not hesitate to lodge a complaint** with the police in your municipality or at the Sûreté du Québec (provincial police) or the Régie du logement (rental board) or the Consumer Protection Bureau.

4.2.4 Preventing Power of Attorney Misuse/Abuse:

You have been forced to sign a power of attorney... Someone misuses the power of attorney you have given him/her by unusual withdrawals, restricting access to the bank- book or the statement of transactions...

- **Contact the manager of your financial institution** who will be able to suggest ways to protect your assets;
- Give a specific **power of attorney** rather than a general one, so that the authority that you give an individual is limited and easily definable. **A power of attorney must contain the following:** date the document was written, name of the person or the persons giving power of attorney (principal), name or names of the mandatory (person acting as your proxy), description of the task entrusted to the mandatory, time frame, signature of the principal.
- **Ideally, you should name two people of trust (two co-signers);**
- **Ask for an annual financial report;**
- **Do not sign any document unless a person you trust has reviewed it;**
- **Pay by pre-authorized payments whenever possible to avoid handling cash and to save you problems if you are hospitalized or convalescent;**
- **Make the monthly budget to be managed by the proxy and transfer only this amount from your bank account into another bank account to be used exclusively for the purposes of the power of attorney;**
- **If you notice any abuse, do not hesitate to find another person and remember that a power of attorney can be cancelled at any time by advising your financial institution in writing.**

4.2.5 Preventing Credit Card Fraud:

Your ATM card is used excessively... You notice unusual deductions in your account...

Warning: Be careful, because there are various sophisticated technologies used by defrauders that increase the risk of falling victim to a debit card fraud. To reduce the risk, never lose sight of your card during a transaction and be discreet: hide the keyboard with your body or your hand while you are punching in your PIN, especially when you are at a place other than your financial institution.⁸

- **Periodically verify your statements and balances** to be sure that all the transactions were properly documented;
- If you lose your card, have it stolen, or held by an automated teller, **immediately notify the help centre of your financial institution;**
- **Never reveal your personal identification number (PIN)** to anyone under any pretext. If necessary, give the exact amount to the person who does your errands;
- **Never lend your card** to anyone;
- **Memorize your PIN and do not write it down anywhere;**

⁸. Caisse populaire Desjardins leaflet, *StopPINg card fraud before it starts*

- **Never compose your PIN a second time without first verifying that the previous transaction has been voided;**
- **If you notice any abuse, contact your financial institution right away;**
- **If you have lost your debit card and someone calls you to ask for your PIN in order to reactivate your card, you should know that this is a fraud.**

4.2.6 Advisory: Reverse Mortgages – Think twice before using this kind of financing!

There is a lot of advertising with the slogan, “Reverse mortgages reduce taxes and conserve seniors’ assets” with the Canadian Home Income Plan. This advertising pushes reversed mortgages as a means of getting cash while remaining homeowners.

- With reversed mortgages, homeowners aged 62 and over can get between 10% and 40% of the value of their house and can do so without giving up their property.
- This type of mortgage involves numerous costs such as set-up fees which can vary from \$1500 to \$2000, notary fees, appraisal fees for the house and fees for the certificate of localization. In addition, interest rates are higher than for a conventional mortgage, as a 1% to 1.5% surcharge applies.
- **Considering all the fees that come with it, a reverse mortgage should only be used as a last resort** once all other possible avenues to obtain income or a loan have been exhausted.

4.2.7 Preventing Investment Fraud ⁹:

Confidential investments, high returns, once in a lifetime deals, tax-sheltered or risk-free investments, local newspaper ads advising how to get your money tax-free, pyramid schemes, promises of a stock going public. All these phrases should get you thinking and raise your suspicions!

⁹. Commission des valeurs mobilières du Québec

When it is too good to be true, one has to be careful! Do not fall for extravagant promises!

If you want to protect your money...

- **Never invest over the telephone**, especially if you are not the one who called;
- Before doing business with a brokerage firm or a securities dealer, check to see if they are **registered with the regulating authority, the Commissions des valeurs mobilières du Québec**;
- **Take notes** each time you speak with someone (name, date, time);
- If you are intimidated by a representative, **look for one with whom you are more at ease**;
- **Do not assume the person you are dealing with is an “expert”**;
- Always ask for a **second independent opinion**;
- Always insist that they **give you the documents, never make verbal contracts**;
- **Do not be impressed** by well dressed and self-assured representatives or dealers: con men know that they have to make a good first impression.

If the abuse is occurring, you can try to talk it over with the individual in question. If that is not satisfactory, you can complain to the firm, and if you cannot reach an understanding, you can lodge a complaint with the Commission des valeurs mobilières du Québec (1-800-361-5072).

4.3 Summary

If you are a victim of financial exploitation :

- **Talk over your problem with someone** you trust;
- **Ask for help** from your CLSC, a lawyer or a notary;
- **Use available legal recourses** (Commission des droits de la personne et des droits de la jeunesse – Québec’s human rights and youth rights commission, Québec Consumer Protection Act, Act respecting prearranged funeral services and sepultures, the Rental board act, the Criminal Code).

Here are some ways of helping an older person who is a victim of financial abuse¹⁰ :

- Give him/her information on financial abuse;
- Give him/her information on support services;
- Advocate for the older person;
- Encourage the older person to make new friends or participate in community activities;
- Let the abuser know where he or she can get help;
- Moreover, it is essential to respect the older person's wishes, to be sensitive to his/her needs, to offer realistic choices, to get his/her consent before acting, as well as to respect his/her confidentiality.

¹⁰. National Clearinghouse on Family Violence

5.0 ANNUAL REVIEW OF INTERVENTIONS

With the aim of following up on the interventions made by various partners, the Abuse Prevention Committee makes an annual review of interventions.

The purpose of this annual review is:

- **compiling the interventions** done by the different partners
- identifying the **successes and problems** of intervention
- **steering the Prevention Committee's actions** in prevention and intervention

The review is to be made annually during **April and May**.

Each partner completes the table for the annual review of interventions. (See annex E).

The **confidentiality of the information can be maintained** with this table while ensuring that the same person is not counted more than once, and the table also shows if a person has received help from more than one partner.

The **completed table will be sent to the community organization service** of the program 'Personnes en perte d'autonomie du Centre de Santé Memphrémagog' which will **compile all the information** to be **presented to the Abuse Prevention Committee**.

The Abuse Prevention Committee will hold a **press conference to release the results of the annual review** to **ensure visibility is given to what is being done in terms of joint efforts** within the Memphrémagog MRC **to fight against elder abuse**.

6.0 LEGAL OPTIONS

Since at the present time there is no specific legislation dealing with the protection of seniors in Québec, it is important to know the existing legal options when an intervention plan is being set up.

It should be mentioned that service providers are under **no obligation to resort to these legal options. Using them is often a last resort.**

Here is a **brief look at the main statutory regulations** that may be used to back up interventions aimed at stopping situations of elder abuse.

6.1 The Québec Charter of Human Rights and Freedoms

The Charter provides for measures aimed at protecting aged persons who may be in a state of dependency and vulnerability and in need of special protection against exploitation:

“Every aged person and every handicapped person has a right to protection against any form of exploitation.” [Article 48]

It is the mission of the ‘Commission des droits de la personne et des droits de la jeunesse’ (Québec’s human rights and rights of youth commission) to see that situations jeopardizing human rights and freedoms are corrected.

6.2 The Criminal Code

The many forms of mistreatment constitute indictable offences under **several sections of the Criminal Code** as for situations of physical abuse, psychosocial abuse, sexual abuse, financial or material exploitation and neglect.

Except for situations of family violence, the older persons themselves must report to the police that they are victims of mistreatments. Otherwise, the police will not take any legal action against the abuser.

Anybody can report a crime that belongs to the category of family violence to the police. This is defined as being the use of threats, physical or psychological violence (assault and intimidation) committed by one family member against another. Spouses, ex-spouses and children can be victims as well as aggressors.

Any situation of family violence can be reported to the police by anybody having knowledge of the situation. It is not, therefore, compulsory for the complaint to be made by the victim in person. If, after an investigation the complaint turns out to be well-founded, the police will start legal proceedings as required. The police will encourage the victim, as well as the aggressor, to sign an authorization form for their referral to a social service agency, along with the transmission of all pertinent information.

6.3 Public Curator Act

If, after assessment, a person is judged to be unable to care for himself/herself and/or to administer his/her property, a petition can be filed for one of the following three forms of protective supervision to be set up:

- **an advisor** to assist a person who is generally autonomous, but temporarily in need of help or assistance when performing certain acts
- **a tutor** for the person whose inability is partial or temporary
- **a curator** for the person whose inability is judged to be total or permanent

Level of inability ¹¹	Form of supervision	Position assumed by	In respect of	Task
Generally capable	Advisor	Counsellor	Property	<ul style="list-style-type: none"> • Giving advice or assistance • No guardianship
Partial or temporary	Tutorship	Private or public tutor	Person and/or Property	<ul style="list-style-type: none"> • In charge of looking after and caring for the person • Ensuring the person's moral and material well being • Legally representing the person in the exercise of his/her civil rights • Simple guardianship
Total and permanent	Curatorship	Private curator or Public Curator	Person and Property	<ul style="list-style-type: none"> • In charge of looking after and caring for the person • Ensuring the person's moral and material well being • Legally representing the person in the exercise of his/her civil rights • Full guardianship except where curatorship is assumed by Public Curator

The type of protection required is determined by the person's level of inability. Psychosocial, as well as a medical evaluation reports, have to be completed. This procedure ensures the beneficiary will be correctly evaluated and will receive the appropriate form of protective supervision as provided by law.

¹¹. Guide de participation de Droits et recours en santé mentale

6.4 The court-ordered psychiatric evaluation: Act respecting the protection of persons who present a danger to themselves or to others, and Civil Code

- It could become necessary to petition for a clinical psychiatric examination when...

The family, someone close or a professional has serious grounds to believe that the mental state of a person presents a danger to himself/herself or to others;

AND

That person does not accept the intervention measures necessary for the protection of his own health and/or his security, or if that person refuses to voluntarily submit to a psychiatric evaluation.

- Three courses of action are possible:
 1. Secure the person's cooperation and consent to take him/her to a place where he/she can be evaluated;
 2. Submit a request to the Court of Québec for an order of temporary confinement to have that person submit to the evaluation. A copy of the motion must be served to the individual concerned who is refusing to be evaluated, as well as to a sensible person who has shown a particular interest for the individual in question.
 3. In exceptional cases, the urgency of the situation may be such that there is no time to file for temporary confinement. According to section 8 of the act, a peace officer may, without the authorization of the court, take a person against his/her will to an institution at the request of a member of a crisis intervention unit or, in the absence of such a service, at the request of a relative or person showing a particular interest. If the mental state of the individual concerned presents a serious and immediate danger, the law permits to derogate from the requirement of having the person's consent and the court's authorization and to take the person against his wish to an institution.

6.5 Québec Consumer Protection Act / Act respecting prearranged funeral services and sepultures

Seniors may be victims of numerous fraudulent business practices: deceptive advertising, warranties, door-to-door sales, prearranged funeral services, contracts, repairs or renovation...

Reading through the following pamphlets will give you a good idea of the provisions of the Consumer Protection Law.

- “La publicité: faut en prendre et en laisser” (*≈ Advertising: take it with a grain of salt*)
- “Les commerçants itinérants: de la visite inattendue” (*≈ Door-to-door sales people: Visitors you didn't expect*)
- “Les pratiques de commerce – Gare aux apparences” (*Business practices – Beware, things aren't always what they seem*)

To defend your rights, the Consumer Protection Bureau has published a book with 150 sample letters applicable to a wide array of consumer related situations.

About prearranged funeral services

By law, only holders of a funeral director's permit (issued by the Ministère de la Santé et des Services sociaux — Québec health and social services department) are allowed to negotiate or make a contract for prearranged funeral services.

So as to enable consumers to check and compare prices of different suppliers, funeral service operators are required by law to have a detailed and up to date list of the goods and services offered by them at the disposal of customers.

There must be two distinct contracts containing certain obligatory clauses required by law, in particular with regard to the terms and conditions of payment, the terms and conditions of administration and use of the “funds held in trust” by the seller and the conditions pertaining to cancellations:

- The Funeral Services Contract
- The Sepulture Contract

There are a number of protective measures against high sales pressure tactics.

The pamphlet “Les préarrangements funéraires – Vos droits et vos recours” (*≈ Prearranged funerals – Your rights and recourses*) gives a general idea of the rules and regulations.

The Consumer Protection Bureau was set up to administer these regulations.

6.6 Rental Board Act

Whether it is renting an apartment, a room or a private home, the older person has rights as a tenant. Seniors who are renting can sometimes run into landlords who cause them a lot of trouble (insufficient upkeep, large rental increases...) or neighbours (noise...).

Certain sections of the Québec Civil Code back up the rental board's work: Sections 1851 to 1891 contain general provisions concerning residential lease matters, whereas sections 1892 to 2000 contain special provisions.

6.7 Bill 180, an Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals

This bill, adopted in December 2001, has modified nine laws, among which are: The Professional Code, The Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information, as well as the Act respecting health services and social services.

The Law allows confidential information to be transmitted **without the consent** of the concerned individual in situations where there are **reasonable grounds** to believe there is **imminent danger of death or serious bodily injury** (physical or psychological) to a person or a group of persons.

The transmission of information must remain **limited to such information as is required for the purposes intended** by the transmission and is only allowed to be given to the person or persons likely to provide help.

7.0 DESCRIPTION OF AVAILABLE RESOURCES

7.1 Resources of the Memphrémagog MRC:

CENTRE DE SANTÉ MEMPHRÉMAGOG (MEMPHRÉMAGOG HEALTH CARE CENTRE)

CENTRAL PROVIDER OF CARE SERVICES		
Head office 50, East, St-Patrice Street Magog Québec J1X 3X3 For the cliente (819) 843-AINÉ (2463) For the partners (819) 843-2572 (extension 2186) Fax: (819) 868-3240	Stanstead 435, Dufferin Street Stanstead Québec J0B 3E2 (819) 876-7521 Fax: (819) 876-7215	Mansonville 314, Main Street Mansonville Québec J0E 1X0 (450) 292-3376 Fax: (450) 292-4404

The **Centre de Santé Memphrémagog** (Memphrémagog health care centre) **assumes the role of central provider of care services for the application of the present protocol** as outlined on page 4. Here are, once more, the main tasks:

- **To welcome, inform, evaluate, refer, develop and follow-up on intervention plans** for elderly abuse victims
- To offer **advice and support to other partners** in the MRC who may be involved in cases of abuse.
- To ensure a **follow-up of referrals** made by other partners
- To agree **on who is to be in charge of coordinating the services** when there are more than two caregivers and, ideally, on a service plan once a file has been opened.
- **To collect information about the cases** of abuse being dealt with at the Centre de santé Memphrémagog

The **reception for psychosocial services** of the Centre de Santé Memphrémagog at its main location in Magog is open Monday to Friday from 8:30 am to 8:30 pm. Outside these hours, emergency/crisis services can be accessed by calling Centre de Santé Memphrémagog at (819)843-2572. Please take note that all of the personnel in the program “Personnes en perte d’autonomie” (persons losing their independence) are involved in ensuring the best possible intervention in elder abuse situations.

CAISSES POPULAIRES AND FINANCIAL INSTITUTIONS

INTERVENTION

In order for the Caisse Populaire to intervene, the elder who has been “financially” abused has to come in and meet with Caisse personnel to inform them of the situation.

With the elder’s consent, the Caisse can cancel the power of attorney for the person’s accounts so that the elder may again have control over his finances. Take note, the Caisse never accepts modifying the access to an account or to a safety deposit box... without the consent of the account holder. In case of the account holder’s inability, a court order appointing a private or public curator is required to look after the financial affairs of the unable person

PREVENTION

When coming to the Caisse Populaire to sign a power of attorney for his/her accounts, the elder will receive full information about the implications of giving power of attorney to the person designated by him/her.

Caisse populaire Desjardins Du Lac Memphrémagog		
St-Patrice 230, West, Main Street Magog Québec J1X 2A5 (819) 843.3328 FAax : (819) 843.2892	Magog-Est 75, St-David Street Magog Québec J1X 2Z4 (819) 843-6591 Fax: (819) 843-7335	Caisse populaire Desjardins of Sainte-Catherine 25, De la Montagne Ste-Catherine de Hatley Québec J0B 1W0 (819) 843.5993 Fax : (819) 843.1110
Eastman 12,Lapointe Street, C.P. 240 Eastman Québec J0E 1P0 (450) 297.2194 Fax : (450) 297.2452	Mansonville 342, Main Street Mansonville Québec J0E 1X0 (450) 292.3337 Fax : (450) 292.3630	
Caisse populaire Desjardins of Stanstead		
Stanstead 484, Dufferin Street Stanstead Québec J0B 3E0 (819) 876.7551 Fax : (819) 876.5663	Beebe 74, Main Street Stanstead Québec J0B 3E5 (819) 876.7551 Fax : (819) 876.7031	Rock Island 10, Railroad Street Stanstead Québec J0B 3E2 (819) 876.7551 Fax : (819) 876.7935

MEMPHREMAGOG MRC LIST OF BANKS

<p>BANK OF MONTRÉAL</p>	<p>498, West Main Street Magog Québec J1X 2A9 (819) 843.3317 Fax : (819) 843.0470</p>
<p>NATIONAL BANK OF CANADA</p>	<p>165, West Main Street Magog Québec J1X 2A7 (819) 843.6524 Fax : (819) 843.4255</p>
<p>CANADIAN IMPÉRIAL BANK OF COMMERCE (CIBC)</p>	<p>1110, Main Street, C.P. 156 Ayer's Cliff Québec J0B 1C0 (819) 838.4227 Fax : (819) 838.5351</p>
	<p>431, West Main Street Magog Québec J1X 2B2 (819) 843.6531 Fax : (819) 843.9285</p>
	<p>34, Main Street Stanstead Québec J0B 3E5 (819) 876.2441 Fax : (819) 876.5686</p>
	<p>291, West Main, C.P. 60 Mansonville Québec J0E 1X0 (450) 292-3316 Fax : (450) 292-4284</p>

POLICE

RECEPTION – Information

If the person lodges a complaint	If the person does not lodge a complaint
<p>Conduct an investigation in cases of violence, fraud or any other indictable offence.</p> <p>Within 48 hours, transmit by fax or mail/courrier, a copy of the duly signed consent form to the social workers concerned, avoiding any delay harmful to the victims.</p> <p>Within the same period, contact the other service partners to explain the situation in order to give the necessary help and support (once the victim has given consent).</p> <p>If needed, offer protection and transport to the victim.</p> <p>Do follow up on the different judicial proceedings</p>	<p>Inform and refer.</p>

<p>RÉGIE DE POLICE MEMPHRÉMAGOG 44, SHERBROOKE STREET MAGOG QUÉBEC J1X 2R4 (819) 843.3334 FAX : (819) 843.1550</p>	<p>SÛRETÉ DU QUÉBEC – UNITÉ DES RELATIONS COMMUNAUTAIRES 40, RUE DON BOSCO SHERBROOKE QUÉBEC J1L 1W4 (819) 564.1212 OU (800) 461.2131 FAX : (819) 572.6067</p>
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MUNICIPALITIES SERVED BY THE RÉGIE DE POLICE MEMPHRÉMAGOG	MUNICIPALITIES SERVED BY THE SÛRETÉ DU QUÉBEC	
<p>Magog (Canton de Magog) (Omerville) Ste-Catherine de Hatley Canton d’Orford Austin</p>	<p>Ayer’s Cliff Bolton-Est Canton d’Ogden Canton de Stanstead Eastman Canton de Hatley Hatley</p>	<p>North Hatley Potton Stanstead St-Étienne de Bolton Stukely Stukely-Sud St-Benoît-du-Lac</p>

Volunteer Screening Program:

Those in charge of community organisations can contact the police force in their area to have access to the volunteer screening program.

**CENTRES D'ACTION BÉNÉVOLE (CAB)
- VOLUNTEER CENTRE -**

**WELCOME
LISTENING – SCREENING**

REFERRALS

CAB R.H. Rediker (if the person is not keen on being referred and coming here, CAB offers weekly home visits for a maximum of six months)

CAN BE INVOLVED AS A PARTNER IN AN INTERVENTION PLAN

CITIZEN ADVOCACY 314, MAIN STREET MANSONVILLE QUÉBEC J0E 1X0 (450) 292.3114 FAX : (450) 292.3373	R.H. REDIKER 112, MAIN STREET STANSTEAD QUÉBEC J0B 3E5 (819) 876.7748 / 5611 FAX : (819) 876.2347	CARREFOUR DU PARTAGE DE MAGOG 60, EAST ST-PATRICE STREET MAGOG QUÉBEC J1X 1T4 (819) 843.8138 FAX : (819) 843.8216
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A.Q.D.R. MEMPHRÉMAGOG

**QUEBEC ASSOCIATION FOR THE DEFENSE –OF THE RIGHTS OF THE RETIRED
AND PRE-RETIRED**

**WELCOME
LISTENING - SCREENING**

REFERRALS

ACCOMPANIMENT IN DEALINGS WITH PUBLIC AND PRIVATE ORGANIZATIONS

**AQDR MEMPHRÉMAGOG
50, St-Jean-Bosco Street
C.P. 293
Magog Québec
J1X 2Z3
(819) 868.2342
Fax : (819) 868.2999
www.aqdr.qc.ca**

**BUREAU D'AIDE JURIDIQUE
- LEGAL AID BUREAU -**

WELCOME

(Information by telephone or by appointment at the office)

PROBLEM ASSESSMENT

(Information and advice on legal rights and procedures)

REFERRALS

(Referral to specialized bodies/organizations)

If needed:

CASE MANAGEMENT

INITIATION OF JUDICIAL PROCEEDINGS

ACCOMPANIMENT TO COURT

MAGOG LEGAL AID BUREAU
42, West Main Street
Magog Québec
J1X 2A5
(819) 843.4555
Fax : (819) 843.0602

STANSTEAD LEGAL AID BUREAU
521, Dufferin Street
Stanstead Québec
J0B 3E0
(800) 967.5717
Fax : (819) 849-3061

7.2 Resources available at the regional and provincial levels:

CAVAC DE L'ESTRIE CENTRE D'AIDE AUX VICTIMES D'ACTES CRIMINELS - CRIME VICTIMS ASSISTANCE CENTRE -

Free and confidential services are offered to all persons who are victims of criminal acts and to their loved ones, whether the crimes are against persons or property.

CAVAC's intervention philosophy:

CAVAC offers a short-term service based on the realization that most victims go through a post-event crisis which is temporary and circumstance-related and that with professional help they will eventually get their life back. If long-term help is needed, CAVAC refers these people to agencies in the private or public sector. The intervention personnel subscribe to values that are based on respecting the needs of others. There are three major needs: To be informed, to be comforted, and to find justice.

WELCOME AND PROFESSIONAL SUPPORT

Listening, comforting, support and accompaniment offered to victims and their loved ones

INFORMATION ET REFERAL

Information on their rights, recourses, the judicial system, the consequences of post-traumatic stress, commitments taken on by the accused (CAVAC INFO)
Referrals to legal, medical, social and community

ACCOMPANIMENT

Throughout the judicial process, as well as support and accompaniment in dealings with organizations such as IVAC, SAAQ, the insurers, and with the victim declaration...

CAVAC de l'Estrie
230, rue West King Street, Office 204
SHERBROOKE, Québec, J1H 1P9
(819) 820-2822
1-877-822-2822
(Collect call accepted)
Fax: (819) 820-8469
Email : cavac@netrevolution.com
Monday to Friday from 8:30 am to 4:30 pm without interruption.
A telephone answering service records messages after office hours and on holidays

IVAC

INDEMNISATION DES VICTIMES D'ACTES CRIMINELS COMPENSATION FOR VICTIMS OF CRIMINAL ACTS

Victims of criminal acts may be entitled to compensation whether or not the perpetrator has been arrested, prosecuted, criminally convicted and regardless of whether the victims have laid charges or not.

Compensation requests in accordance with the 'Loi sur l'indemnisation des victimes d'actes criminels' (Crime Victims Compensation Act).

The application of this law is administered by the 'Commission de la santé et de sécurité du travail' (CSST), Québec's commission for occupational health and safety, or to be more precise, the 'Direction de l'indemnisation des victimes d'actes criminels', (crime victims compensation bureau, commonly called IVAC).

Establish proof of post-traumatic stress.

An elder person who is a victim of a crime against the person and who has suffered bodily injuries (physical or psychological wounds) may be entitled to benefits according to the law on IVAC. This law does not apply to cases of crime against property (e.g. break and enter, theft without violence, vandalism, hit and run accident).

Depending on the circumstances, the victim could be compensated for :

- permanent impairment;
- costs related to physical rehabilitation (medical and hospital care, medication, physiotherapy...);
- costs related to social readaptation (psychotherapy, personal help...)

Claims for compensation must be made with IVAC within a year of the date on which the injury or death occurred, by submitting the duly completed form requesting compensation, obtainable from regional CSST offices by calling 1-800-561-4822 or at the CAVAC de l'Estrie.

**QUEBEC'S COMMISSION FOR OCCUPATIONAL HEALTH AND SAFETY
COMPENSATION FOR VICTIMS OF CRIMINAL ACTS**
P. 6056, SUCCURSALE CENTRE-VILLE
MONTREAL, QUEBEC
H3C 4E1
(800) 561-4822
FAX: (514) 906-3029
WWW.IVAC.QC.CA

ATTORNEY GENERAL'S PROSECUTOR

The duty of the Attorney General's Prosecutor is to represent the Attorney General in applying the Criminal Code and related provisions, including laws of the Province.

WELCOME - REFERRAL – INFORMATION

Welcome procedure

THE ABUSER IS INCARCERATED	THE ABUSER IS NOT UNDER ARREST	THE VICTIM TAKES ACTION DIRECTLY
<ul style="list-style-type: none">- Investigating police officer presents a request to institute proceedings and an investigation report.- An exhaustive examination of the case is undertaken.- The victim is given explanations as to the purpose of his/her participating in the judicial process.	<ul style="list-style-type: none">- An investigation report is presented.- The Attorney General's Prosecutor has to decide, if necessary, whether to request an arrest warrant (in accordance with the provisions of the Criminal Code) and to inform the victim accordingly.	<ul style="list-style-type: none">- To get a peace bond issued (under section 810 of the Criminal Code).- Referral to and information on relevant legal services and available psychosocial services.- If the person has been a victim of a criminal offence; referral to the police for an investigation to be conducted.

ATTORNEY GENERAL'S PROSECUTOR OFFICE
375, West King Street, Office 1.16
Sherbrooke Québec
J1H 6B9
(819) 822.6920
Fax : (819) 820.3972

COMMISSION DES DROITS DE LA PERSONNE ET DES DROITS DE LA JEUNESSE

(QUÉBEC'S HUMAN RIGHTS AND YOUTH RIGHTS COMMISSION)

- A complaint may be lodged by a person or a group of people
- An advocacy group devoted to defending rights and freedoms or promoting the Welfare of a group of people, can lodge a complaint with the Commission with or without the injured party's consent.

HOW TO LODGE A COMPLAINT WITH QUÉBEC'S HUMAN RIGHTS COMMISSION

By telephone, by letter or in person

- ✓ The following must be included:
 - ▶ The date of the occurrence;
 - ▶ Names, addresses, telephone numbers of the person, business or organization concerned, as well as witnesses, if any;
 - ▶ Facts, actions, words or pieces of evidence giving grounds to believe that there is an exploitive situation
- ✓ If necessary, a member of the Commission can help clarify the situation to determine if the complaint is admissible.

WHAT CAN THE COMMISSION DO ?

- ✓ The Commission will look for evidence and if reasonable to do so, will suggest a solution by negotiation or arbitration.
- ✓ If reaching a solution is impossible or arbitration is refused, the Commission can propose measures to correct the situation which has led to the complaint.
- ✓ Should these measures not be implemented within a given time, the Commission can refer the matter to a court, in particular the Tribunal des droits de la personne (Québec's human rights tribunal) to obtain any appropriate measure against the person at fault, or to request any corrective measure deemed appropriate by the victim.

PROTECTION AGAINST RETALIATION

If as a victim, plaintiff, witness or other, you are subjected to threats, the Commission can refer the matter to a court, so that steps can be taken against the person at fault.

QUEBEC'S HUMAN RIGHTS AND YOUTH RIGHTS COMMISSION

375, West King Street
Sherbrooke Québec
J1H 6B9
(819) 820.3855
(888) 386.6711
Fax : (819) 820.3860
www.cdpdj.qc.ca

THE PUBLIC CURATOR

PRIVATE TUTORSHIP OR CURATORSHIP	PUBLIC TUTORSHIP OR CURATORSHIP
When there is a family member or a friend who demonstrates an interest for the person and is capable of assuming the responsibilities of protective supervision	When no family member or friend demonstrates an interest or when they are unable to assume the responsibilities of protective supervision

The **REQUEST FOR THE INSTITUTION OF PROTECTIVE SUPERVISION** can be made by:

- A lawyer or a notary hired directly by a family member or a friend of the person of legal age, for the purpose of requesting the institution of protective supervision.
- The Office of the Public Curator of Québec in charge of requesting the institution of protective supervision for public tutorship and curatorship, as well as for private tutorship and curatorship when no family member or friend wants or is able to hire a lawyer or a notary.

THE PROCEDURE TO BE FOLLOWED

Forms prescribed by and available at the Office of the Public Curator of Québec must be completed when the institution of protective supervision is being requested.

PUBLIC CURATOR
200, North Belvedere Street, R.C. 03
Sherbrooke Québec
J1H 4A9
(819) 820.3339
(877) 663.8174
Fax : (819) 820.3781
www.curateur.gouv.qc.ca

CONSUMER PROTECTION BUREAU

THE PROCEDURE FOR LODGING A COMPLAINT
The Bureau sends a form for a complaint, if the latter is within its jurisdiction and well-founded.
The consumer fills out the form and sends: <ul style="list-style-type: none">✓ one copy to the merchant✓ one copy to the Bureau along with all pertinent original documents The consumer describes the problem and the way he/she wishes it to be solved.
A file is routinely opened and the Bureau follow-ups on the case concerning the merchant and explains possible stages ahead to solve the problem.
If the problem is not solved, the Bureau may decide to hold mediation with the merchant, to try one last time to solve the conflict without involving the courts.
If the case cannot be resolved by mediation, the Bureau advises the consumer on how to assert his/her rights in court. The consumer must then take the next steps himself/herself.

CONSUMER PROTECTION BUREAU
200, North Belvedere Street, Office 3.02
Sherbrooke Québec
J1H 4A9
1.888.672.2556
Fax : (819) 820.3650
www.opc.gouv.qc.ca

RÉGIE DU LOGEMENT **(RENTAL BOARD)**

PROCEDURE TO LODGE A COMPLAINT
Give the landlord written notice by registered mail or in person against receipt, specifying the problem and the anticipated solution.
If this attempt has not provided the anticipated results, you may exercise a recourse at the Régie du logement. There are fees to file an application at the Régie du logement. For more information on these fees, contact the Régie. There are no fees for welfare recipients if they are the petitioners.
A hearing before the commissioner is scheduled. Both parties will be sent a written notice indicating the date, time, and place of the hearing. Both parties must be present with their witnesses. The commissioner takes the decision. An information leaflet titled "Comment se préparer à une audience ?" (How do you prepare for a hearing?) is available free of charge at the Régie.

RENTAL BOARD
740, West Galt Street 1er floor office 105
Sherbrooke Québec
J1H 1Z3
1.800.683.2245
Fax : (819) 820.3274
www.rdl.gouv.qc.ca

TELEPHONE HELP LINES

DIRECT LINE

**SERVICES SOCIAUX AUX AINÉS DU CENTRE DE SANTÉ MEMPHRÉMAGOG
(SOCIAL SERVICES FOR SENIORS AT THE MEMPHRÉMAGOG HEALTH CENTRE)**

Magog
(819) 843-AÎNÉ (2463)

- ◆ Welcome, information and referrals
- ◆ Confidential service Monday to Friday 8 :30 am to 4 :30 pm.

QUEBEC'S CONSULTATION CENTRE ON ELDER ABUSE
CLSC RENÉ-CASSIN/INSTITUTE OF SOCIAL GERONTOLOGY OF QUEBEC
5800, BOUL. CAVENDISH, OFFICE 500
MONTRÉAL QUÉBEC
H4W 2T5

ELDER ABUSE- INFO LINE FOR SENIORS
(514) 489.ABUS (2287) 1.888.489.ABUS (2287)

- ◆ A service providing listening, support and information aimed at breaking the wall of silence which surrounds elder abuse (during office opening hours)
- ◆ Qualified volunteers are available to listen

ELDER ABUSE – CONSULTATION SERVICE FOR THE PROFESSIONNALS
(514) 488.9163, POSTE 333

- ◆ Consultation by telephone from Monday to Friday is offered by practitioners with an expertise in abuse intervention
- ◆ Calls are returned within a maximum of 48 hours (during office hours)

S.O.S. SPOUSAL ABUSE
(800) 363.9010

- ◆ Telephone helpline for conjugal violence
- ◆ Welcome, evaluation and referrals.
- ◆ Emergency hotline 24 hours a day, 7 days a week

HEALTH INFORMATION LINE
Magog : (819) 843.2572
Stanstead : (819) 876.7521
Mansonville : (450) 292.3376



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