

Abuse, Neglect & Self Neglect A Whole Community Response

Panel Discussion:
 Heather von Ilberg (CRNs)
 Leanne Lange (DA: Fraser Health)
 Kimberly Azyan (PGT)
 Bernie Smandych (Police/RCMP)
 Amanda Brown (DA: VCH)

Dora's Story

- Dora has Alzheimer's
 - Lives in care facility in N Vancouver
 - Uses a wheelchair
 - Son Jason moved into condo when she left
 - Daughter lives in Toronto
 - Jason has EPOA
- Jason took Dora to bank to arrange loan
 - \$50,000 secured with a mortgage
 - Banker noticed Dora seemed nervous, always looking at Jason before answering questions

Dora's Story cont'd

- Jason asks banker to put loan \$\$ in his account
 - money is for condo renovations so he could sell it for her and
 - \$5000 was for a gift she wanted him to send to her only granddaughter in Toronto who is graduating soon
- Dora is found in facility lobby crying
 - Jason is gone
 - Dora tells manager her son is stealing her money & giving it to his friends
 - The day before Jason told manager there was no money to pay facility fees.

Questions to consider

- What might bank lender do if concerned?
- What could facility manager do if concerned?
- How might DA approach situation?
- What role could the PGT play?
- Is there a criminal offence?
- How can the local CRN help?
- What information is needed if Dora's situation is to be reported?

Community Response Networks

Heather von Ilberg

Regional Mentor – East & West Kootenay & Boundary
BC Association of Community Response Networks



BC Association of
Community Response
Networks

Stopping Adult Abuse
and Neglect
...Together

Community Response Networks

- Brief history & overview to CRNs
 - Part 3 AGA
 - Foundation → Association
 - Structure & partnerships
 - Resource development
 - Projects
 - Website

What is a CRN?

- Prevention & education
 - No case management
- Support to legislation
- Support to community partners
- Funding

Prevention & Education

- Who?
- Types of meetings
 - Formats vary
 - Information, discussion, education
- Education includes:
 - Workshops, health fairs, panels etc
- Protocol development
- Reporting on community response
- Participation

For more information

- Open invitation to join
- See website:
 - <http://www.bccrns.ca/index.php>
- Reality is that despite best efforts, situations of abuse & neglect occur
- Dora's scenario is just one example

Role of the Designated Agency

Leanne Lange
Fraser Health Authority



Designated Agencies

- 5 Regional Health Authorities
- Providence Health Care
- Community Living BC (adults with developmental disabilities)

Adult Guardianship Act -Part 3

- Abused or neglected and unable to seek support and assistance because of:
 - Physical restraint,
 - A physical handicap that limits their ability to seek help, or
 - An illness, disease, injury or other condition that affects their ability to make decisions about the abuse or neglect.

Location of the Adult

- Everywhere except a correctional facility
- Adult's Home
- Relative's Home
- Private Care Facility
- First Nations Communities

The Designated Responders

- Social Workers
- Case Managers
- Mental Health Clinicians

What Designated Agency Must Do:

- Look into the situation
- Involve the adult as much as possible
- Determine if the adult needs support & assistance
- Report criminal offences
- Keep the identity of the person who made the report confidential

Two Pivotal Questions

1. Is the adult abused, neglected, or self-neglected?
2. Is the adult able to seek or refuse support and assistance on his or her own?

Guiding Principles

- Self-Determination & Choice
- Most Effective but Least Intrusive Support, Assistance, or Protection
- Adults are Presumed Capable
- Court as the Last Resort

Consider Dora's Situation

- Financial Abuse?
- Emotional Abuse?
- In need of someone to listen to her and offer support ?

Financial Investigations by Designated Agencies

- Power to investigate & obtain Information
- Involve the adult when possible
- Determine if there is financial abuse or assets are at risk due to self-neglect
- Contact the financial institution to verify concerns
- Not expected to carry out a detailed financial review
- Support informal resolutions
- Refer to Public Guardian & Trustee as needed

Designated Responder Process

1. ***Interview the adult***
2. Assess the urgency of the situation
3. Coordinate the collection of collateral information
4. Coordinate the assessment of abuse, neglect, and self-neglect
5. Determine if the adult has a representative, committee, or Power of Attorney
6. Coordinate the development of a care plan to provide support and assistance

Designated Responder Process

7. Advise the most responsible physician of the situation and actions taken
8. Make reports as necessary to the Public Guardian & Trustee to safeguard the adult's assets
9. Report crimes committed against vulnerable adults who are unable to seek support and assistance to the police
10. Keep the identity of the person who make the report confidential

How Can Facility Manager Assist?

- Talk to Dora
- Find out her perspective
- Provide information & options
- Offer emotional support & ensure her safety
- Support Dora to contact the bank
- Support Dora to contact her daughter
- Refer to the Public Guardian & Trustee

How Can Facility Manager Assist?

- Talk to the son
- Determine his perspective
- Find out the reason that there are no funds to pay the facility fees
- Determine if the son is a substitute decision maker
- Ensure son understands his role & responsibilities
- Provide information & options

Role of Public Guardian & Trustee

Kimberly Azyan
Director, Services to Adults



PGT: Services to Adults – Key Roles

- **Investigating** concerns of abuse & neglect (particularly financial)
- **Monitoring** private committees
- Acting as **substitute decision maker**
 - Committee of Estate
 - Committee of Person
 - Temporary Substitute Decision Maker (TSDM) for health care decisions
 - Other roles: litigation guardian, power of attorney, pension trustee, representative

Services to Adults (STA): 4 regional offices

- **Vancouver Office**
 - Vancouver, Richmond, and the north shore
- **Lower Mainland Office**
 - Burnaby, New West, Tri-cities, Surrey, Delta, Whiterock, and up the Fraser Valley to Hope
- **Interior North Office**
 - based in Kelowna
- **Vancouver Island Office**
 - based in Victoria

Role of AIS Regional Consultants

Assessment and Investigation Services (AIS)

- Consult on complex risk situations involving abuse, neglect or self-neglect of vulnerable adults
- Provide information and guidance for formal and informal options to resolve situations
- Investigate actions of trustees, representatives, or attorneys under Power of Attorney when the adult is allegedly incapable and concerns about financial management have been raised.

Role of AIS cont'd

- Exercise protective measures under PGTA, including temporarily freezing bank accounts or preventing property transfers during the investigation process.
- Arrange for assessors under Part 3 AGA (for a support and assistance plan through court)
- Pursue authority for the PGT to act as Committee of Estate if warranted (by certificate through Health Authority, or court order) (approx 45 to 50/mth)

Health Care Decisions

- Act as Temporary Substitute Decision Maker when no higher ranked substitute is available
- Authorize others to act as TSDM
- Extended hours of service
 - available weekends & stat holidays
 - 8:00 am to noon

STA Client Services

- PGT represents approx 3300 clients (~500 new/year)
- For majority we are Committee of Estate
 - rarely Committee of Person (115)
 - rarely Pension Trustee or POA (~ 200)
- Our Role:
 - secure assets, inventory of assets, application for benefits, develop budgets and debt repayment schemes, pay bills, taxes and ensure property management and investment planning where appropriate.
 - Pursue legal interests (WVA, MVA, etc).

STA Client Services cont'd

- Majority of clients receive some form of income subsidy but increasingly higher in asset values
- Majority are seniors (particularly new clients) but also represent adults with mental illnesses, brain injuries or developmental disabilities
- Fees are charged as set by regulation (5% of income/assets)
- Nearly double numbers of new clients over last five years

If Dora's situation is reported to PGT

- Gather information – Sources include:
 - Medical opinion from Dora's GP
 - Consult Designated Agency to relay concerns
 - Contact facility
 - Consider caveat to delay mortgage registration
 - Request bank records
 - Request accounting from Jason
- Determine if other protective steps needed
 - E.g. bank freeze
 - Consider if referral to police is appropriate

Role of Police Services

Sgt Bernie Smandych

Community Strategies
"E" Division Crime Prevention
& Program Support Services
604-264-2230 bernie.smandych@rcmp.grc.gc.ca
www.rcmp.ca Search: **Crime Prevention** Select: **Seniors**
www.bc.rcmp.ca



Role of Police

- No changes in legislation – business as usual
- Role:
 - Investigate potential offences
 - Recommend charge if evidence supports
 - Refer to victim services
 - Consider alternative resolutions
 - Refer to an appropriate community service

Police & Designated Agencies

- AGA gives powers to Designated Agencies
- Police support
 - e.g. when DA exercises power to enter premises
- Police investigate crimes
- Role includes:
 - Collaborating with DA staff
 - Helping minimize effects of crime on the victim
 - Preplanning investigations
 - Keeping the peace & assisting DA to exercise Part 3 authorities

Criminal Code Provisions considered

- Theft
- Theft by person holding POA
- Misappropriation of money held under direction
- Robbery
- Extortion
- Fraud
- False Pretences
- Failing to provide necessities of life

Amanda Brown, Vancouver Coastal Health Authority

- New Curriculum for Adult Protection Workers
- National First Nations re:act

Questions & Discussion

Appendix: Relevant Legislation

- **Provincial:**
 - Public Guardian and Trustee Act
 - Patients Property Act
 - Adult Guardianship Act
 - Health Care (Consent) & Care Facility (Admissions) Act
 - Power of Attorney Act
 - Representation Agreement Act
 - Mental Health Act
- **Federal:**
 - Criminal Code
 - Pension Trustee
