



Financial Abuse: Prevention and Response

BCCRN Provincial Learning Event
September 19, 2023

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Learning Outline

1. Seniors First BC
2. What is Financial Abuse
3. Preventing Financial Abuse
4. Responding to Financial Abuse



Introduction to Seniors First BC

- Charitable, non-profit society
- Provides information, advocacy, and support to older adults across BC with issues affecting their well-being, and those who care for them.



Seniors Abuse and Information Line (SAIL)

A safe place for older adults and those who care about them to talk to someone about situations of abuse and mistreatment.

Victim Services

Provides the following supports to **adults aged 50+** who have been victims of abuse, family and/or sexual violence:



Safety
planning



Liaison with
justice system
personnel



Assistance with
CVAP
applications



Information and
referrals
e.g. criminal
justice system

Public Education and Outreach

We raise awareness about key issues affecting older adults through:



Workshops



Publications



Digital Content
seniorsfirstbc.ca

Legal Services

Assist **older adults age 55+** who have **low-income** with select legal issues:



Legal
information
and referrals



Summary
advice



Drafting of
legal documents



Full
representation

Legal Services

Some of the legal issues we assist with:



Housing

(Residential tenancy, assisted living, long term care)



Debt



Gov. benefits

(OAS/GIS; SAFER)



Financial exploitation



Family law



Adult Guardianship



Age discrimination



Advance Planning

(Will, Power of Attorney, Representation Agreement)



Elder abuse



Criminal law



Types of Elder Abuse



Physical



Psychological /
Emotional



Financial



Self-Neglect



Neglect



Sexual

Risk Factors of Elder Abuse



Abuse can happen to anyone; factors include:

- Social isolation
- Dependency
- Family conflict
- History of trauma/abuse
- Mental health and/or substance use issues
- Cultural/socio-economic factors
- Language/communication barriers
- Disability/health issues
- Caregiver/Personal Support Worker stress

Types of Harm (2019-2023)

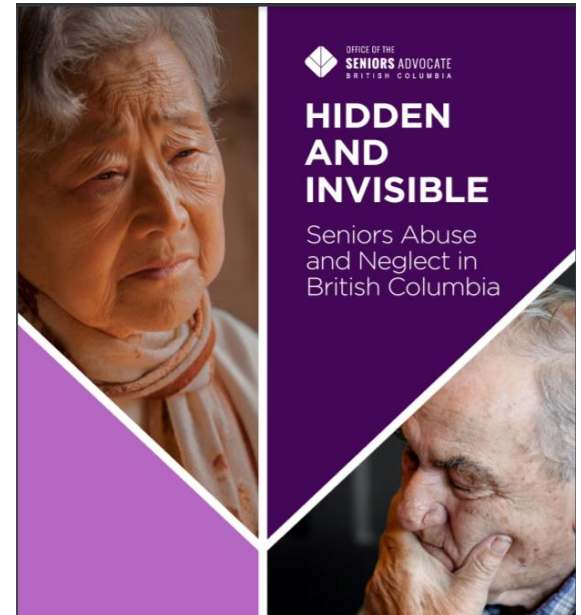
Type of Harm	2019-2020	2020-2021	2021-2022	2022-2023	% inc./Dec. 2019-2020 and 2022-2023
Emotional/Psychological	1,134	1,428	1,291	1,430	26%
Financial Abuse	995	909	1,311	1,397	40%
Neglect	321	288	468	403	26%
Physical Abuse	145	205	272	224	54%
Self-Neglect	56	34	350	335	498%
Medication-Related Abuse	52	35	76	56	8%
Sexual Abuse	29	7	20	22	-24%
Spiritual/Religious	12	3	2	5	-58%
Total:	2,744	2,909	3,790	3,872	41%

** More than one type of harm and/or abuse may be occurring at the same time.*

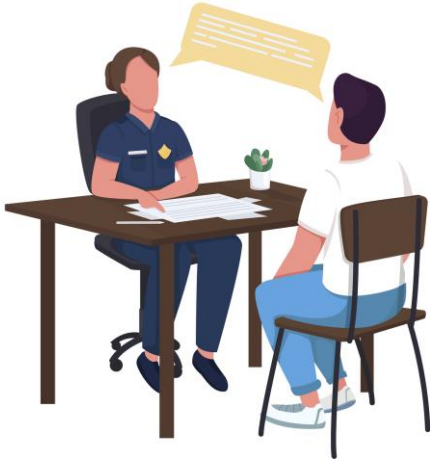
Trends in Elder Abuse/Neglect

In a 5 year survey:

- a 49% increase in reports of abuse, neglect, and self-neglect to Health Authorities;
- a 69% increase in reports of victims of violent crime to the RCMP;
- a 30% increase in reports of abuse to BC 211;
- a 95% increase in reports to SAIL



Is Elder Abuse a Crime?



- No crime called “elder abuse”, crimes are age-neutral
- Criminal abuse: assault, failure to provide necessities, stalking, theft, forgery
- Non-criminal abuse: humiliation, insults, ignoring, infantilization, gaslighting

Financial Crimes

- Theft
- Theft by person holding power of attorney
- Misappropriation of money held under direction
- Taking motor vehicle or vessel without consent
- Criminal breach of trust
- Fraudulent concealment
- Theft of credit card
- Unauthorized use of computer
- Robbery
- Stopping mail with intent
- Extortion
- Being unlawfully in house
- Forgery
- Using mails to defraud
- Fraudulent registration of title
- Fraudulent sale of real property
- Mischief
- Identity theft

Barriers to Accessing Justice

- Some unaware of their rights;
- Many areas are complex;
- Physical barriers, lack of accessibility;
- Transportation/services;
- Financial barriers;
- Lengthy court proceedings;
- Language/communication barriers



Reluctance to Report

Potential reasons:



- Embarrassment/Guilt/Self-Blame
- Belief in family loyalty
- May not know the action is unlawful
- Accessibility or technological barriers

Financial Abuse



The misuse of an older adult's money, assets or property without their knowledge or consent, often through pressuring or deceit.

Signs of Financial Abuse

- Sudden changes in Powers of Attorney/Will
- Inadequate living environments
- Unexplained or sudden withdrawal of money from accounts
- Unexplained inability to pay bills or essentials, including rent or mortgage
- Papers signed but unclear for what reasons



Types of Financial Abuse



- Misuse of Power of Attorney
- Misuse of joint account
- Undue influence regarding wills
- Stealing money or property
- Using another person's credit card
- Loans not repaid
- Selling property without consent
- Scams and frauds

Joint Ownership



- E.g. Accounts, Investments, Real Property, Vehicles
- Two people own 100% - not divided 50/50.
- Once it is jointly owned, it is shared property

Powers of Attorney



- A written legal document signed by you (the “Adult”)
- Appoints one or more people (the “Attorney” or "Joint Attorneys") to make decisions on your behalf
- Financial, business, banking, property, and limited legal decisions
- Can be revoked as long as Adult is capable

Misuses of Powers of Attorney

Despite legal obligations:

⚠️ Attorneys do not always act in the older adult's best interests or follow prior instructions.

⚠️ Attorney uses funds for personal use.

⚠️ Attorney sells older adult's property.



Undue Influence



Undue influence is applying pressure to someone to do a legal action they do not want to.

This pressure is more than persuasion, it must overcome the person's free will.

Preventing Financial Abuse



What are some ways we can **protect** ourselves or our loved ones from abuse?

Staying Connected with Others



- **Being connected**
 - Helps to stop abuse
 - Helps abuse to get noticed
 - Helps people affected by abuse to get necessary support and assistance

Community Services

- Housing or shelter
- Financial aid
- Home care
- Mental health services
- Social and recreational programs



Encourage Reporting



- “See something say something”
- Be educated on signs of abuse and how to respond
- Share with others

How to Choose an Attorney



Choose someone you TRUST who:

- Understands and respects your values, wishes and beliefs
- Understands and respects their duties as an Attorney
- Makes good decisions on your behalf
- Is good with details and record-keeping
- Can be available to assist you

Consider:

Are there any trusted alternates you can name?
When would you like them to help?

Responding to Financial Abuse



- Legal System
- Victim Services
- Designated Agencies
- Public Guardian & Trustee of BC
- Community Supports

Capacity



- All adults are presumed capable
- If an adult is capable, they have the right to make their own decisions, including living at risk
- Even if not capable, involve them in the decision-making

Police



- Call 9-1-1 for emergencies, where someone is in immediate danger
- Non-Emergency Numbers:
www.ecomm911.ca

Protection Orders and Peace Bonds



- If at risk of violence from a family member
- Family member includes spouse, person living with that related to, parent of your child
- Violence includes physical, psychological, and sexual abuse
- Valid for up to one year in BC
- Do NOT need to have criminal charges laid

Civil Remedies



- Return of funds
- Return of property
- Restitution
- Order for accounting by attorney

- Committee application

Designated Agencies

- Mandated under the Adult Guardianship Act to respond to reports of adult abuse and neglect
- These organizations include:
 - **Regional Health Authorities**
 - **Community Living BC**
1-877-660-2522



Public Guardian and Trustee of BC

- Investigates allegations of financial abuse
- Manages health care/financial decisions for adults who are mentally incapable
- Assists and provides resources to substitute decision-makers



604-660-4444

or toll-free

1-800-663-7867

www.trustee.bc.ca

Community Supports

- Learn about the different support resources available
- Call the Seniors Abuse and Information Line (SAIL) for support and resources
- Contact your local BCCRN



Victim Services

- Phone/text: **1-800-563-0808**
- A confidential hotline for victims of family/sexual violence across BC/Yukon
- Available 24/7
with language interpretation available



VictimLinkBC

INFORMATION AND SUPPORT
FOR ALL VICTIMS OF CRIME

Call **1.800.563.0808** or
go to **victimlinkbc.ca**

seniors first BC

Seniors Abuse and Information Line (SAIL)

604-437-1940 or **1-866-437-1940** (toll free)

- Available 8am to 8pm weekdays and
- 10am to 5:30pm weekends, excluding holidays
- Language interpretation available

Email: **info@seniorsfirstbc.ca**

Thank you!

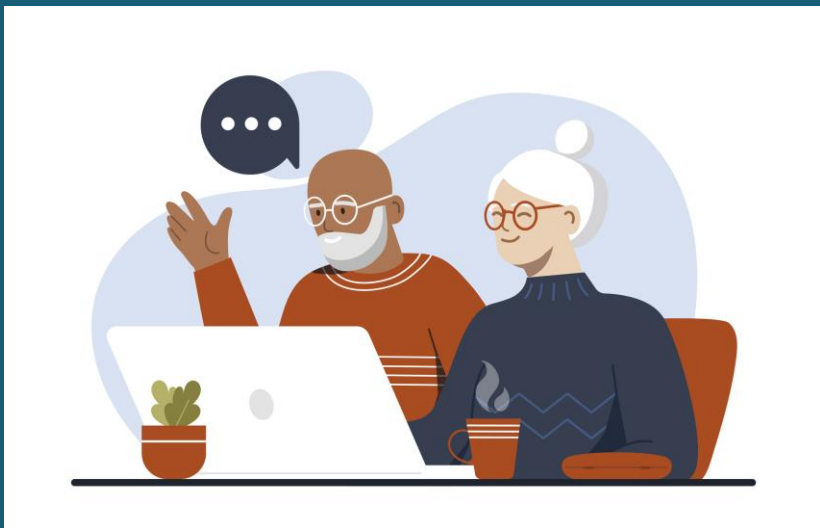
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Language interpretation available

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