

Financial Literacy 102

A KNOWLEDGE BASED APPROACH TO
PREVENTING FINANCIAL ABUSE OF OLDER ADULTS:
A GUIDE FOR PROFESSIONALS



This manual is a companion piece to "Protect Yourself" (Financial Literacy 101): A Facilitator's Guide." Financial literacy 101 is a manual that volunteer seniors can use to present Financial Literacy material. This manual is for professionals to use. Financial Literacy 101 and Financial Literacy 101 were published by the BC Centre on Elder Advocacy and Support.

This project was made possible because of funding provided by the New Horizons for Seniors Program, Human Resources and Skill Development, Government of Canada.



Human Resources and
Skills Development Canada

Ressources humaines et
Développement des compétences Canada

Canada

The Financial Literacy 102 materials also include a series of videos on the topics covered in this manual. These videos can be downloaded individually from www.bcceas.ca or are available on the disc that accompanies this manual. The materials also include two power point presentations which also accompany this manual.

These materials were developed by the BC Centre on Elder Advocacy and Support in partnership with the Canadian Centre on Elder Law. The BC Centre for Elder Advocacy and Support provided overall management and direction to the project.

We would like to thank the contractors, staff and volunteers who worked long and hard on this project. This includes the film crew and actors, the web designer who made changes to our web site to make the videos easier to download and access, and professionals and colleagues who provided ideas and expertise on content questions.

COPYRIGHT

This material is copyrighted by the BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law. We encourage the use of these materials by professionals. However, we ask that other groups obtain our written permission before using these materials in presentations, before modifying the materials or before making more than one copy for personal use.

We can be reached at:
Financial Literacy 102
c/o BC CEAS,
411 Dunsmuir Street
Vancouver BC V6B 1X4

PREAMBLE

This publication has been created as a general overview for professionals who work with older adults.

The purpose of this guidebook is to enhance your own knowledge in relation to financial abuse of older adults as well as financial literacy and financial planning for older adults. This publication is also intended to serve as a tool for in-house teaching of staff and volunteers.

It is important that all professionals who deliver services to older adults learn to recognize elder abuse and neglect and identify how they should respond to concerns regarding abuse and neglect in the context of their own practice. However, specific competency based educational modules need to be developed for each professional group. This is especially true for all levels of responsibility within the financial sector, ranging from consumer-facing staff to internal management positions.

Your organization may have policies or procedures in place regarding elder abuse and neglect. We encourage you to become familiar with those documents.

This publication reflects the law on June 1, 2010.

Financial Literacy For Professionals

| | |
|--------------|--|
| pg 7 | – Introduction |
| pg 8 | – Glossary |
| pg 12 | – Elder Abuse and Financial Abuse |
| pg 16 | – Financial Literacy and Advance Financial Planning |
| pg 17 | – Ageism |
| pg 19 | – Capacity |
| pg 22 | – Substitute Decision-makers |
| pg 24 | – Power of Attorney |
| pg 34 | – Joint Bank Accounts |
| pg 35 | – Frauds and Scams |
| pg 40 | – Identity Theft |
| pg 41 | – Indicators of Abuse |
| pg 44 | – Making a Report |
| pg 47 | – Practice Tips |
| pg 66 | – Resources |

This guidebook provides information on financial abuse of older adults.

- The following pages will:
- Introduce the concept of financial literacy
- Discuss some advance financial planning options
- Highlight common frauds and scams
- Provide ways to identify when an older adult is at risk of abuse
- Identify what to do when you think an older adult is being abused

This material also includes sample practice tips for professionals who work with older adults, a series of videos, and two power point presentations: one presentation deals with powers of attorney and joint accounts; the other covers frauds and scams.

This guidebook is a reference tool to assist you in protecting older adults from financial abuse. Feel free to read the sections in any order or read only sections of immediate relevance.

This publication contains information and guidance for practice. This guidebook does not provide legal advice. Financial abuse can have serious consequences. In many instances it will be your obligation to ensure that an older adult gets legal advice as soon as possible. Legal advice will help protect your client. It can also protect you and your organization or employer from a lawsuit.

A list of organizations that may be able to provide legal advice can be found in section 15 of this guidebook.

This guidebook was prepared by the BC Centre for Elder Advocacy and Support (BC CEAS) with the assistance of the Canadian Centre for Elder Law (CCEL). BC CEAS is a non-profit organization that works to provide support to older adults and advocate for their rights. Existing services include:

- Outreach services (community workshops, a toll-free help and information line and a support service); and
- Legal services (a legal advocacy program and legal clinic).

Financial Literacy 102 for Professionals

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

Abuse means the deliberate mistreatment of an adult that causes the adult physical, mental or emotional harm, or damage to or loss of assets, and includes intimidation, humiliation, physical assault, sexual assault, overmedication, withholding needed medication, censoring mail, invasion or denial of privacy or denial of access to visitors.¹

Advance directive is a legal document that is put in place before a person becomes incapable. A power of attorney and a representation agreement are two different types of advance directives.

Advance financial planning means planning for events that could impact on financial decision-making in the future. An advance financial plan usually involves setting up a power of attorney, which allows another person to take care of finances under specific circumstances.

Ageism is behaving in a negative, discriminatory or dismissive way toward a person because of her age.

Attorney is a person who is specifically named in a power of attorney as a substitute decision-maker for financial decisions.

Capacity (also called **capability, competency or mental capacity**) is the ability to make reasoned decisions. Everyone is presumed to have capacity, unless it is legally proven otherwise by the court or by medical professionals. A person who is not capable might have a legal guardian, power of attorney, or other substitute decision-maker.

Committee is a person who successfully applies to the court to become the substitute decision-maker for an older adult who is incapable and did not designate a substitute decision-maker in a power of attorney or representation agreement.

Designated agency is an organization that is legally responsible under the *BC Adult Guardianship Act* to investigate reports of suspected abuse or neglect.

¹ *Adult Guardianship Act*, R.S.B.C. 1996, c. 6, s. 1.

Donor is a person who signs a power of attorney, which designates an attorney to make financial decisions on her behalf.

Fiduciary Duty is the highest legal level of responsibility that one individual can have towards another. A power of attorney creates a fiduciary relationship, meaning that an attorney has a fiduciary duty towards a donor.

Financial Literacy means having the knowledge, skills and confidence to make responsible financial decisions.²

Fraud is when someone tries to obtain another person's property, money, valuable security or service by deceit, falsehood or other fraudulent means.³

Incapability (also called **incapacity**) means that a person is not able to make legal decisions. For the purposes of financial decisions, such as appointing a power of attorney, incapacity is determined when a judge has designated a person incapable, or when a triggering event set out in a power of attorney occurs (e.g. a doctor writing a medical-legal opinion stating a person is incapable).

Independent Legal Advice (ILA) means a confidential consultation with a lawyer, in which a person is able to discuss the nature and consequences of a legal document. A lawyer will normally explain the purpose and content of the document, while ensuring that a person understands her rights and the legal implications of signing the document. For the advice to be independent, the lawyer must not also be providing services to any other individual or agency involved in the matter that could have differing interests. ILA requires the people involved to speak separately with different lawyers.

² Task Force on Financial Literacy, "About Financial Literacy," online: <<http://www.financialliteracyincanada.com/eng/about-financial-literacy/definition.php>>.

³ *Criminal Code*, R.S.C. 1985, c. C-46, s.380.

Neglect means any failure to provide necessary care, assistance, guidance, or attention to an adult that causes, or is reasonably likely to cause within a short period of time, the adult serious physical, mental or emotional harm or substantial damage to or loss of assets and includes self-neglect.⁴

Power of Attorney is the legal document that allows a person to appoint a substitute decision-maker to handle financial transactions. There are four different types of power of attorney: regular, springing, enduring and limited.

Representation agreement is a legal document that allows an adult to appoint a substitute decision-maker to make personal care decisions or conduct routine management of financial affairs on the adult's behalf, or assist with the above decisions.⁵

Representative means a person authorized by a representation agreement to make health care decisions on behalf of another.

Scam is a casual term for a consumer rip-off. A scam occurs when a person is tricked into giving money, property, or personal information to another person.

Self-neglect means any failure of an adult to take care of himself or herself that causes, or is reasonably likely to cause within a short period of time, serious physical or mental harm or substantial damage to or loss of assets, and includes: a) living in grossly unsanitary conditions; b) suffering from an untreated illness, disease or injury; c) suffering from malnutrition to such an extent that, without intervention, the adult's physical or mental health is likely to be severely impaired; d) creating a hazardous situation that

⁴ *Adult Guardianship Act*, R.S.B.C. 1996, c. 6, s. 1.

⁵ *Representation Agreement Act*, R.S.B.C. 1996, c. 405, s. 5.

will likely cause serious physical harm to the adult or others or cause substantial damage to or loss of assets; and e) suffering from an illness, disease or injury that results in the adult dealing with his or her assets in a manner that is likely to cause substantial damage to or loss of the assets.⁶

Substitute decision-maker means a person who is designated to make certain decisions on behalf of another. A person can be appointed as a substitute decision-maker either by legal document (e.g. power of attorney or representation agreement), by default, or by the court.

⁶ *Adult Guardianship Act*, R.S.B.C. 1996, c. 6, s. 1.

WHAT IS ELDER ABUSE?

This guidebook focuses on financial abuse. Financial abuse often occurs hand-in-hand with other forms of elder abuse or neglect.

Elder abuse is a broad term that includes actions and omissions that cause physical, emotional, financial or sexual harm to an older adult. The following is a list of examples of abusive actions:

- withholding medication
- over-medicating a person
- invading privacy
- misusing funds
- physical assault
- non-consensual sexual contact
- harassment
- degrading comments
- causing social isolation
- threats of harm
- neglecting a person's basic needs
- preventing an older person from practicing her faith
- fraudulently gaining access to a person's money.

In British Columbia, the *Adult Guardianship Act*, which applies to abused or neglected adults who are unable to seek support or assistance, contains the only definition of abuse or neglect in BC law. This law states:

1. **abuse** means “the deliberate mistreatment of an adult that causes the adult physical, mental or emotional harm, or damage to or loss of assets, and includes intimidation, humiliation, physical assault, sexual assault, overmedication, withholding needed medication, censoring mail, invasion or denial of privacy or denial of access to visitors”

2. **neglect** means “any failure to provide necessary care, assistance, guidance or attention to an adult that causes, or is reasonably likely to cause within a short period of time, the adult serious physical, mental or emotional harm or substantial damage to or loss of assets, and includes self neglect”
3. **self-neglect** means “any failure of an adult to take care of himself or herself that causes, or is reasonably likely to cause within a short period of time, serious physical or mental harm or substantial damage to or loss of assets, and includes:
 - (a) living in grossly unsanitary conditions,
 - (b) suffering from an untreated illness, disease or injury,
 - (c) suffering from malnutrition to such an extent that, without intervention, the adult’s physical or mental health is likely to be severely impaired,
 - (d) creating a hazardous situation that will likely cause serious physical harm to the adult or others or cause substantial damage to or loss of assets, and
 - (e) suffering from an illness, disease or injury that results in the adult dealing with his or her assets in a manner that is likely to cause substantial damage to or loss of the assets.”⁷

Elder abuse may involve certain crimes set out in the *Criminal Code*⁸, such as physical assault, sexual assault, harassment, fraud, theft, unlawful confinement, robbery, and failing to provide the necessities of life (criminal neglect). Abuse can also occur without breaking the law. Incidents of elder abuse can occur in a wide variety of social contexts.

Incidents of elder abuse can occur in a wide variety of social contexts. Sometimes older adults are abused by strangers. More often, older adults are victimized by people they know – family members, friends, volunteer caregivers, health care providers, and professionals.

⁷ *Adult Guardianship Act*, R.S.B.C. 1996, c. 6, s. 1.

⁸ *Criminal Code*, R.S.C. 1985, c. C-46.

WHAT IS FINANCIAL ABUSE?

Financial abuse is mistreatment that causes damage or loss to another person's assets. Financial abuse includes manipulation, exploitation and dishonest activity. It also includes the actions of well-meaning people who fail to fulfill their legal obligations. For example, financial abuse includes circumstances where an appointed financial decision-maker uses an older adult's assets for something other than the older person's welfare, or spends the older adult's money in a manner that disregards previously expressed wishes.

Here are some circumstances that could indicate financial abuse:

- pressuring a person to sign a power of attorney
- pressuring a person to open a joint bank account
- pressuring a person to sell property, especially her home
- forging a signature
- preventing a person from attending social activities (e.g. refusing to pay travel expenses or membership fees)
- removing valuable possessions (e.g. artwork, jewelry, silverware)
- stealing money or personal belongings
- impersonating a person or a business to get money or assets
- withdrawing money from accounts (without notice or explanation)
- using money, property or possessions without authorization
- not paying for essentials, such as food, appropriate clothing, glasses, or assistance devices (hearing aid, cane)
- misplacing signed documents that grant financial decision-making authority (e.g. power of attorney)
- not paying bills, rent or mortgage (particularly if paying these bills is the responsibility of the alleged abuser)
- withholding a pension cheque or cashing it without authorization

Older adults who fall victim to financial abuse often suffer not only financial losses but also a decline in health and significant distress. Many financial abuse situations involve emotional abuse, such as

lies, threats, harassment, or intimidation. In addition, a loss of assets can precipitate a loss of proper housing, good nutrition, medication, and access to recreational activities, causing social isolation and increasing vulnerability to further abuse.

Often the source of elder abuse is a person the older adult trusts or loves, or someone on whom the older adult is dependent for assistance. Such a breach of trust can be shocking and painful.

The following stories illustrate how older adults can become victims of various forms of financial abuse:

- *Eloise Smith was 87 years old when her son, Frank, insisted that she sign a power of attorney. Frank transferred all of Eloise's savings into his own bank account and left town. Eloise was left without any money, except her small government pension. Eloise was so distraught that her health suffered significantly, and she sank into a deep depression from which she has never recovered.*
- *Li Leung was 79 years old. His English was poor. He relied on his nephew, Yin, to help manage his finances. Yin often 'translated' Li's financial documents and assisted with his banking. Yin asked Li to sign a document, telling his uncle that a signature was required to sign up for a secure investment. In reality, the paper that Li signed was a guarantee for Yin's new computer business. When Yin went out of business six months later, Li lost his home.*
- *Parminder Singh was 92 years old when his private home care worker, Leilani, started blocking his mail and keeping the phone out of Parminder's reach. Leilani convinced Parminder to give her some personal information. Leilani used this information to apply for several credit cards and ran up more than \$60,000 in debt at 18% interest.*

WHAT IS FINANCIAL LITERACY?

Financial Literacy means having the knowledge, skills and confidence to make responsible financial decisions.⁹

Financial literacy includes having the knowledge to:

1. **Prevent** financial abuse;
2. **Recognize** financial abuse; and
3. **Respond** promptly and effectively.

The ideal is to prevent abuse. This is not always possible. Abusers can be sophisticated, covert, manipulative, and determined. In situations where you cannot prevent abuse, you should at least be able to recognize when an adult is being financially abused and respond appropriately to minimize damage.

WHAT IS ADVANCE FINANCIAL PLANNING?

Advance financial planning means planning for events that could impact on financial decision-making in the future. This includes preparing legal documents that designate a substitute decision-maker before a person experiences a change in circumstances that impacts his or her ability to make financial decisions. An advance financial plan usually involves setting up a power of attorney, which allows another person to take care of financial affairs under specific circumstances.

Having in place a plan that is legally enforceable allows a person to clearly state wishes and to choose the ideal person to make financial decisions on her behalf. By planning in advance, a person is able to select an attorney based on careful consideration – not on pressure, panic or urgency. Advance planning also means having some control over who gets appointed substitute decision-maker.

This guidebook focuses on advance financial planning to protect an older adult's assets during her lifetime. It does not cover estate

⁹ Task Force on Financial Literacy, *supra* note 2.

planning, which involves the preparation of a Will. It also does not cover health care planning, which involves the preparation of a representation agreement.

WHAT IS AGEISM?

Ageism is behaving in a negative, discriminatory or dismissive way toward a person because of age. The following situations illustrate how an older adult might experience age discrimination.

Anna would often ask her granddaughter to accompany her on errands. She lived in a rural community and found it difficult to travel downtown on her own. During an appointment about financial planning, the financial planner turned to the granddaughter and asked, “So, what would your grandmother like to do today?” Anna’s granddaughter appropriately replied, “Why don’t you ask my grandmother?”

The bank clerk had wrongly assumed that Anna’s granddaughter was there to make decisions on Anna’s behalf. The underlying ageist assumption here is that Anna was too old to make financial decisions for herself.

George has a power of attorney for his grandmother, Ellen. Ellen as always been a social butterfly and belonged to many clubs and volunteer groups. George refuses to give Ellen money for taxis, event admissions and group memberships. He insists, “Granny is too old. It isn’t safe for her to go out so much. What is the point anyway? She is hardly with it.” Now Ellen stays home all the time, mostly alone.

George’s attitude is ageist. His behaviour is abuse of a power of attorney. His conduct has negative consequences for Ellen’s emotional wellbeing and denies her dignity.

These kinds of assumptions are common. Different forms of discrimination – based on disability, race and ethnicity, gender, and age – may threaten the independence, health and emotional wellbeing of older adults.

Financial Literacy 102 for Professionals

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

WHAT DOES THE LAW SAY ABOUT AGEISM?

It is illegal for a person to discriminate against another person because of her age. The B.C. *Human Rights Code* states that it is illegal to deny a person any “accommodation, service or facility customarily available to the public” because of her age.¹⁰ The *Canadian Human Rights Act* states that it is illegal to deny a person good, service, facility or accommodation because of her age.¹¹ Likewise, the *Canadian Charter of Rights and Freedoms* states that:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.¹²

In British Columbia, a person who experiences ageism may file a complaint about ageism with the B.C. Human Rights Tribunal. In some situations, a person may be able to file a complaint of discrimination with the Canadian Human Rights Commission. If the incident of ageism involves the practices of a government-regulated agency, then a person might be able to bring a Charter application to the court. A person who needs assistance filing a human rights complaint or commencing a legal action should contact a lawyer.

For more information, refer to “Making a Report” in section 13 of this guidebook.

¹⁰ *Human Rights Code*, RSBC 1996, c. 210, s. 8.

¹¹ *Canadian Human Rights Act*, R.S.C. 1985, C. H-6, s.3 and s. 5.

¹² *Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (U.K.)*, 1982, c. 11, s. 15.

WHAT IS INCAPACITY OR INCAPABILITY?

Incapacity, also called incapability, means that a person is not able to make legal decisions. For the purposes of financial decisions, such as appointing a power of attorney, incapacity is legally determined when:

- a judge designates a person incapable and appoints a substitute decision-maker; or
- a triggering event set out in a power of attorney occurs (e.g. a doctor writes a medical-legal opinion stating that a person is incapable).

A person may either be born incapable or become incapable due to illness, disability or accident. Older adults may be at risk of becoming incapable due to particular illnesses that are more common in older adults, such as Alzheimer's. However, most people never become legally incapable.

When assisting a person who appears to have difficulty with certain tasks or choices, it is important to remember that a person may still be capable of making legal decisions while incapable of other tasks.

HOW SHOULD YOU ADDRESS CAPACITY IN PRACTICE?

It is not your job to assess a person's legal capacity. Your role is to assume that the older person is capable until something clearly indicates incapability to make a decision that must be addressed. If you have concerns about a client's capacity, talk to a supervisor. Seek direction from existing internal policies regarding the protocol for responding to capacity concerns.

Be aware that capacity occurs on a continuum. A person's ability to make decisions can be influenced by particular circumstances, and can improve, decrease, or fluctuate. For example, with some health conditions, capacity can vary or fluctuate due to factors like:

- side-effects of medication and/or forgetting to take it
- diabetes and fluctuating blood sugar levels

- exhaustion or fatigue and time of day
- alcohol and drug use mixing with illness or medication

Ageism can result in false assumptions of incapacity. Remember that a mentally capable older adults in need of protection still have the right to make their own decisions, even unwise or risky decisions.

WHAT HAPPENS WHEN A PERSON LOSES CAPACITY?

The benefit of having a power of attorney or representation agreement in place, prior to a loss of capacity, is that a person is able to choose someone known and trusted to be her substitute financial decision-maker. If an incapable person has set up an enduring or springing power of attorney, then the person named in the power of attorney will assume responsibility for financial decisions.

If no substitute decision-maker can be identified among the adult's family and friends, the Public Guardian and Trustee (PGT) may act as the substitute decision-maker. Alternatively, another person may apply to the court to be appointed.

A person who becomes incapable needs someone else to make financial, personal and health care decisions on his or her behalf. This proxy is called a substitute decision-maker. There are two ways that a person can become appointed as a substitute decision-maker:

1. **They could be chosen:** a mentally capable person can designate another person substitute decision-maker in a power of attorney or representation agreement.
2. **They could be appointed by the court:** a person may apply to the court to be appointed as substitute decision-maker (legally known as a “committee”, pronounced KAW-mi-TEE) for an incapable adult.

In the province of BC, the Public Guardian and Trustee (PGT) will help find an appropriate substitute decision-maker if neither options 1 or 2 are in place. If no one is available, then the PGT may accept the role of substitute decision-maker on an ongoing basis.

ADVANCE PLANNING DOCUMENTS

A power of attorney allows a person to designate who will carry out financial transactions.¹⁴ For personal care decisions, a person will need to complete a representation agreement.¹⁵ A representation agreement can also cover basic financial transactions. A power of attorney and a representation agreement are separate legal documents. The substitute decision-makers for personal care and financial matters can be different people.¹⁶

For more information, refer to “Power of Attorney” in section 8 of this guidebook.

APPOINTMENT OF COMMITTEE

If a person needs a financial substitute decision maker and there is no power of attorney, then a committee may be required. If there

¹⁴ *Power of Attorney Act*, RSBC 1996, c. 370.

¹⁵ *Representation Agreement Act*, RSBC 1996, c. 405.

¹⁶ Health care decision-making is a complex matter not addressed in this guidebook. However, you should be aware that another substitute decision-maker may have authority to make an incapable person's health care decisions.

are no family or friends who step forward to take on this role, then the matter may be referred to the PGT. The PGT may try to locate someone to take on the financial substitute decision-making role. However, the PGT will not necessarily identify a family member

WHO MAKES DECISIONS?

| Capable | Incapable |
|------------|---|
| You decide | <ul style="list-style-type: none"> • Court appointed substitute decision-maker (committee) • Substitute decision-maker chosen by you: <ol style="list-style-type: none"> 1. Attorney 2. Representative (routine financial management) • PGT will try to locate • PGT – ongoing |

WHAT IS THE ROLE OF THE PGT?

The PGT has the power to:

- investigate allegations of financial abuse by anyone, including substitute decision-makers;
- freeze accounts or register a caveat on real estate to prevent sale of property if assets are at immediate risk and an investigation is underway;
- assist and provide resources for substitute decision-makers;
- oversee private committees by reviewing their accounts; and
- accept appointment as committee or attorney in order to make decisions on behalf of an incapable adult who does not have a designated substitute decision-maker.

The PGT charges a fee for the various services it provides as substitute decision-maker.¹⁷ However, the office also provides information free of charge to substitute decision-makers and financial institutions.

For information about how to contact the PGT, refer to “Resources” in section 15 of this guidebook.

¹⁷ *Public Guardian and Trustee Fees Regulation* B.C. Reg 312/2000.

A power of attorney is a legal document that gives a person the authority to make financial decisions for another person. A power of attorney only applies to financial, business, banking and property transactions. It does not apply to important decisions about a person's health care or decisions about writing a will.

The attorney is someone who receives the authority to manage a donor's finances. In this context, an attorney does not mean a lawyer. The word "attorney" is the term that is used for the person who is appointed to act on behalf of the donor.

An attorney must act according to what the donor wants. This means that an attorney should not make decisions based on her or his own personal opinion or good intentions. Instead, the attorney must make decisions based on the values and desires of the donor. For example, if a donor is a fashion-conscious person who likes to spend a lot of money on shoes, the attorney must respect that choice. It would be wrong for the attorney to buy plain, cheap shoes and spend the donor's money on unwanted home renovations instead.

WHAT ARE THE TYPES OF POWER OF ATTORNEY?

There are four types of power of attorney:

- regular
- enduring
- springing
- limited

A **regular** power of attorney is activated immediately but stops being active when a donor loses capacity. This type of power of attorney allows a donor to supervise the attorney's actions. For example, a donor can check bank balances to make sure that funds from a bank account are not being misspent.

An **enduring** power of attorney is active immediately and continues if and when a donor loses capacity. This is the most common type of power of attorney. Like a regular power of attorney, the enduring power of attorney allows the donor to supervise the attorney's actions. When the donor loses capacity, the attorney is able to continue fulfilling duties and responsibilities.

A **springing** power of attorney only becomes active upon the occurrence of a triggering event. For example, a springing power of attorney could become active when a donor loses capacity. This type of power of attorney will usually specify how to determine the donor's loss of capacity. For example, the power of attorney might say that whether the donor has lost capacity is to be determined by a family member and two medical doctors.

A **limited** power of attorney has specific parameters, or restrictions, imposed on the attorney's authority. The limit could be to the scope of power or the duration of power or both. For example, if a donor is going to be out of the country for three months, the donor might create a limited power of attorney that gives another person the authority to renew insurance policies and pay monthly expenses for three months.

The following table summarizes the four types of power of attorney.

| | |
|----------|---|
| Regular | <ul style="list-style-type: none"> • active immediately • no longer active when donor loses capacity • attorney can respond to day-to-day financial issues • donor can supervise attorney's actions |
| Enduring | <ul style="list-style-type: none"> • active immediately • continues indefinitely (even if donor loses capacity) • most common type of power of attorney |

| | |
|-----------|--|
| Springing | <ul style="list-style-type: none"> • not active until the donor loses capacity • advance planning instrument (will only be used if donor loses capacity) • donor can decide how capacity will be determined (e.g. agreement of a family member and two doctors) |
| Limited | <ul style="list-style-type: none"> • limits the attorney's authority (either limits the duration of the attorney's decision making power or limits what kinds of decisions the attorney can make) • can be very specific |

WHAT ARE THE LEGAL DUTIES OF AN ATTORNEY?

An attorney holds a **fiduciary duty** to the donor. A fiduciary duty is the highest legal level of responsibility that one individual can have towards another.

An attorney must:

- act according to decisions and values of the donor
- use care, skill and diligence
- avoid conflicts of interest
- report and make full disclosure of any conflicts of interest
- keep proper accounts
- deliver a record of accounts upon request to the donor
- act only within the legal authority provided by the donor
- respect a person's individual beliefs and instructions
- make sure that fiscal obligations are fulfilled (e.g. pay bills,
- complete ongoing accounting duties, file taxes, etc).

An attorney must **not**:

- override the donor's decisions as a result of a difference in values
- do anything that would inappropriately jeopardize the donor's property, assets, or title
- use information gained in the capacity as attorney for private or personal benefit

Financial Literacy 102 for Professionals

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

- delegate powers and authorities to others, unless:
 - expressly empowered to do so in a power of attorney,
 - can be inferred as permitted under the circumstances, or
 - authorized by legislation.

While an attorney is usually compensated for expenses and disbursements, it is highly unusual for an attorney to be paid.

WHO SHOULD A DONOR CHOOSE AS ATTORNEY?

The best way to reduce the risk of financial abuse involving a power of attorney is to appoint someone who will respect the older adult's unique values and interests. It is also important to make sure that the attorney understands the duties and limitations of the role.

The older adult will need to consider who would be the best person to carry out the responsibility of handling her or his financial matters. Encourage the older adult to choose a person who is familiar with the duties or who will take the initiative to become educated about them.

This is a practical decision. Consider factors like:

- Does the person live nearby?
- Is the person easy to communicate with?
- Does the person like to deal with finances and money?

Consider the story of Anil:

Anil lives in Surrey with his wife. He has good relationships with all of his eight children. However, five of Anil's children live in India and have never been to Canada. These children would not be ideal attorneys given the distance. One of Anil's sons lives in Canada but has a serious drug problem. This might not be the best person to manage his finances. Another child who lives in Canada is rarely home because she is a flight attendant. Anil's youngest daughter is a bookkeeper who lives ten minutes away. This child might be the best choice for an attorney given her proximity to Anil, her experience with keeping accounting records, and her life circumstances.

A spouse is not always the best choice. A partner could be in a situation of crisis when the older adult becomes incapable. The older adult will need to consider whether it is best for a spouse to take on an additional responsibility in such a difficult time.

More than one person can be appointed in a power of attorney. But this could create some practical problems. For example, appointing all of your children as attorneys can create a situation wrought with conflict. A joint power of attorney means that, unless the document states otherwise, all of the attorneys must be in agreement in order for decisions to be made. It may be challenging for adult children to be in agreement, especially at a time when their parent may be ill and they are under emotional stress. Having two attorneys can also make it harder for the substitute decision-maker to respond quickly. Consultation and discussion will be required to make any decision.

HOW CAN A POWER OF ATTORNEY BE ABUSED OR MISUSED?

If an attorney fails to fulfill the responsibility to act in the best interest of the donor, then this is financial abuse. Misuse of a person's funds by an attorney can bankrupt the donor.

Financial abuse may also occur where undue influence or coercive measures are used to pressure someone to set up a power of attorney.

In other cases, financial abuse occurs because of misinformation or a lack of understanding of the responsibilities of an attorney. A power of attorney might be legitimately set up, with good intentions to protect the interests of the donor, but the attorney fails to act according to the donor's values or desires.

The following story illustrates how financial abuse can happen.

Frank and Magda had been married for twenty years. Since Frank was an accountant and Magda hated going to the bank, it made sense for Magda to give her husband power of attorney.

Apart from the house she had bought with Frank, Magda's only asset was a piece of property her father had left her. For years, Frank tried to persuade Magda to sell this lot. Shortly before Frank died, Magda finally agreed to sell her property, thinking this would allow her to help her grandchildren go to university. The property sold for close to \$300,000.

After Frank died and the power of attorney dissolved, Magda went to the bank to transfer some funds to her grandson. However, it turned out there was nothing in the account. Frank had used all the funds in Magda's account to pay off his own debts. Since Frank had already passed away, there was not much Magda could do to get her money back.

WHAT IF A PERSON IS FINANCIALLY ABUSED?

If you suspect that an older adult might be a victim of financial abuse, you should refer the person to support services or a legal advocate. You can also report the abuse to the police or another authority.

Refer to "Making a Report" in section 13 of this guidebook.

HOW DOES A PERSON REVOKE A POWER OF ATTORNEY?

A donor revokes a power of attorney by destroying the original document. The donor should also notify people in possession of copies of the power of attorney that the power of attorney was revoked. This is ideally done by writing a letter. The letter could say something like:

As of [insert date], I have revoked my power of attorney that was signed on [insert date]. Please return or shred your copy. Please confirm that you have received this letter and followed these instructions.

In the case where the donor wants to replace an existing power of attorney with a new power of attorney, the donor should send the new copy to each person who needs to be notified.

It is important to make sure that there are dates on all of the documents. It can be difficult to ascertain which power of attorney is the most recent in the absence of dates.

A new power of attorney may revoke an earlier document – even if this was not a person’s intention. The following story illustrates how signing a new power of attorney can create problems.

Barbara had started thinking about planning for the future. She went to a lawyer and set up an enduring power of attorney. She appointed her son Thomas, who lived close by, as her attorney for routine financial matters. Thomas had struggled with an addiction to drugs several years before. However, he was “there for her,” lived close by, and had a “good heart.” Thomas was given the power to manage Barbara’s chequing account and pension.

Barbara knew, however, that Thomas would never be her best choice to oversee larger amounts of money. Instead, she appointed a long-time friend and accountant, Raj Sundal, to be her attorney for her savings account, investments and property.

Barbara asked her bank to put Thomas’ power of attorney “on her file.” The bank teller was unfamiliar with Barbara’s document and said, “We have our own form that you need to sign if you want to give someone permission to access your accounts.” Barbara filled out the bank’s form, and wrote down Thomas’ name.

The bank’s form was broadly written. It gave Thomas full power of attorney rights over all of Barbara’s finances. By signing the bank’s form, Barbara unintentionally revoked her previous powers of attorney, Thomas gained control over all of his mother’s assets, unbeknownst to Barbara.

In this example, the bank teller was incorrect. Barbara did not need to use a bank’s power of attorney form. Unfortunately, by signing the form, she revoked the original power of attorney.

COMMON MYTHS OF A POWER OF ATTORNEY

To help clarify how a power of attorney works, the following two tables summarize the common mistaken beliefs of a donor or an attorney.

COMMON MYTHS THAT DONORS BELIEVE:

| Myth | Truth |
|---|---|
| 1. My attorney knows what I'd want. | An attorney will not always know what the donor wants. Believing that someone already knows exactly what you want leads to misunderstandings. The donor must tell the attorney what she wants. A donor can also write down what she or he wants in a notebook or in an email. The "what I want" document should be kept in a safe place and the attorney should know its location. |
| 2. She'd never do anything to hurt me. | It tends to be the people closest to a donor, the family and friends, those we trust most, who are abusers. Hidden family dynamics and old resentments can precipitate abuse. Unresolved conflicts can surface in a family when stressful decisions are involved. |
| 3. I want to be fair to my kids – appoint all of them equally and this will make it all "even." | Appointing all of a donor's children will probably create a difficult situation. A person appointing more than one attorney must consider what happens if they don't agree. Usually when there are decisions being made with a power of attorney, it's at a point of crisis. That's not usually when the best decisions are going to be made. Joint decision-making can be challenging for attorneys. |

Financial Literacy 102 for Professionals

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

| Myth | Truth |
|---|---|
| 4. I can't take it back! | A person with mental capacity can revoke a power of attorney. |
| 5. My power of attorney from Ontario is just fine. I've already taken care of things. | If you are living in a new province now, you should consider making a new power of attorney. The laws of powers of attorney are provincial, and they're not the same in every jurisdiction. |

COMMON MYTHS THAT ATTORNEYS BELIEVE:

| Myth | Truth |
|---|--|
| 1. She isn't using the money anyway. | If you're the attorney, it's not your money. In fact, you have a very high obligation to use the money only for the benefit of the donor. |
| 2. It isn't really her money – Dad earned it for me. | The attorney must make decisions on the basis of the values, wishes and beliefs of the person who appointed them. |
| 3. I'm just going to inherit it anyway – it's my money she's spending. | If you're the attorney, it's not your money. Just because you think that you are going to eventually inherit the money, does not mean that it is yours to spend. A donor is entitled to choose who will inherit his or her money, personal belongings and other assets. |
| 4. I don't care what she says – she gave me power of attorney and I know what's best for her. | The attorney's role is to do what the donor would want. The attorney must make decisions based on the donor's desires, regardless of the attorney's personal opinion. |
| 5. She's so out of it, she'll never even miss it. | This misconception assumes that the donor, who may be struggling with capacity issues, would not be negatively impacted by the misuse of money. In fact, financial abuse can have a very negative impact on the health of an older adult. Misuse of an older adult's money can also negatively impact many other people, including: family members, friends, and anyone who is genuinely concerned for the person's wellbeing. |

Be cautious about setting up a joint bank account. Joint bank accounts can render a person vulnerable to financial abuse.

Sometimes, when regular banking and household duties become a burden, an older adult will consider opening a joint bank account with a family member or a trusted friend. Joint accounts are viewed as a convenient way to manage funds or avoid probate taxes.

HOW CAN A JOINT BANK ACCOUNT BE MISUSED OR ABUSED?

A joint bank account transfers ownership of the funds. In other words, a co-signed owner of a bank account has the ability to freely spend the assets, without consideration of the other person's best interests. Everything is entirely owned by both parties. For example, if a joint account has \$10,000, either person could spend all of that money. Joint ownership does not mean that each person has access to \$5,000.

HOW CAN YOU REDUCE FINANCIAL RISK?

If an older adult is thinking about opening a joint bank account, it is a good idea to refer the person for independent legal advice (ILA). ILA is a confidential consultation with a lawyer, in which a person is able to discuss the nature and consequences of a legal document. A lawyer will explain the purpose and content of the legal document, while ensuring that a person understands her or his rights and the effect of signing the document. For the advice to be independent, the lawyer must not also be providing services to any other individual or agency involved in the matter that could have differing interests. ILA requires the people involved to speak separately with different lawyers.

Refer to section 15 of this guidebook: "Resources"

Always inform the older adult of the high risk involved in having a joint bank account (i.e. that the joint account owner can spend all the funds). Engaging in a conversation about why a person needs a joint account will help you to identify the risks involved. If someone wants a joint account in order to pay bills or run household chores, then a power of attorney might be more appropriate.

Financial Literacy 102 for Professionals

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

If an abusive person is trying to gain access to an older adult's accounts, there may be signs that the older adult is being victimized. Look for indicators of emotional abuse, physical abuse or neglect.

Refer to section 12 of this guidebook: "Indicators of Abuse or Neglect."

WHAT ARE FRAUDS AND SCAMS?

Fraud is a criminal offense.¹⁸ A fraud is when a person obtains another person's money, property, valuable security or service by deceit or falsehood. A scam is the more casual popular expression for a consumer rip-off. A scam is used to describe situations where a person is tricked into giving money, property or personal information to another person. Both of these terms mean that a consumer is being cheated somehow – through misrepresentation, overpricing, paying for a service or product that is not actually delivered, or other means.

The Royal Canadian Mounted Police ("RCMP") have identified a number of scams that seem to target older adults.¹⁹ Some common scams include:

- **New best friend:** someone befriends an older adult and then isolates her from her network of friends and family in order to gain control over her finances.
- **Home renovations:** someone offers to do repair work for a special price, paid in advance. The scammer appears to do some work but does not complete the job.
- **Grandparents:** someone calls an older adult, claiming to be a grandchild, or calling on behalf of a grandchild. The scammer says the grandchild is in trouble and needs money. The older adult is asked to wire money.

¹⁸ *Criminal Code of Canada*, R.S.C. 1945, c. 46, s. 380.

¹⁹ Royal Canadian Mounted Police (RCMP), *Seniors Guidebook to Safety and Security* (Legal guidebook), (Ottawa: RCMP). Online: RCMP Publications, <http://www.rcmpgrc.ca.ca/pubs/index-eng.htm>

- **Phishing:** someone sends an email that misleads you into providing personal information. Often, people will be directed to a fraudulent copy of a legitimate website and told that they will be at risk of being a victim of identity theft if they do not follow the link. The information you provide will be used to gain financial advantages and hide criminal activities of others in your name.
- **Public utility:** two people knock on the door claiming to be utility inspectors. While one inspects the utility services, the other asks to use the washroom. Theft of money or valuables often occurs.
- **Sweepstakes/Lottery:** someone calls and wants you to be part of a special group that is buying lottery tickets. They sometimes claim to decrease the odds from millions to one. These are usually foreign lotteries.
- **Prize:** someone calls and says that you have won a valuable prize or prizes but first you must submit a payment to cover such thing as taxes, transportation, customer's insurance, legal fees, etc.

It is important to be alert for new types of scams, as fraudulent people can always find innovative ways to steal money. The following stories illustrate how three common scams might occur.

NEW BEST FRIEND:

Agnes was befriended by a man who said he was her nephew. He needed a temporary place to stay and convinced his "aunt" to invite him into her home. Agnes lived alone and was pleased with the potential short-term companionship.

The "nephew" started systematically isolating Agnes. He screened her calls and censored her mail. He discouraged visitors by claiming that his "aunt" couldn't come to the phone: she was taking a nap, not feeling well, or out with friends. It got to the point that neighbours did not see Agnes leave the house for months.

Financial Literacy 102 for Professionals

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

By the time Agnes' daughter came to town to visit, Agnes' assets and health had suffered significantly. She had been persuaded to stop taking certain medications and to skip regular medical appointments. The "nephew" had sold her car and was selling items out of her house. The house could easily have been next if Agnes' daughter had not intervened. Claiming that he wanted to help Agnes pay bills and pick up groceries, the "nephew" convinced Agnes to add him to her bank account. Sadly, once the nephew became a joint bank account owner, Agnes' funds were depleted and many bills unpaid.

HOME RENOVATIONS:

Keren was retired and living alone in her own home when she was approached by a man from a renovating company. The man stated that he had noticed that Keren's roof needed significant repairs. He offered to do the work for a special low price.

The man seemed to be a legitimate contractor: he was wearing work clothes, including a tool belt, and his truck, loaded with impressive-looking equipment and labeled with a business logo and telephone number, was parked out front. He left Keren his business card and offered to drop by the next day to save her the trouble of contacting him.

The man worked on Keren's roof for a number of weeks. Many times he asked her to pay up front to cover the cost of supplies. He eventually persuaded her to allow him to fix her deck as well.

One day he simply stopped coming back, leaving a pile of garbage in the back yard, her deck torn apart, and the shingles partly removed from her roof. Keren hired another contractor to look at her roof and deck and learned that neither had been repaired in any way. In the end, on top of giving hundreds of dollars to the first "contractor," she was forced to pay a second contractor to repair the damage.

GRANDPARENTS:

Linda received a phone call one day from someone who said “I am calling about your granddaughter”. Linda was alarmed, so she asked, “Is this about Kim?”. It had been a few years since Linda had seen Kim, who was a busy 23 year old, working and living on her own. The woman said “Yes, it is about Kim”.

The woman on the phone explained that Kim had “gotten into some trouble” and needed help. She said that Kim had been in a car accident and needed a lawyer to help her with a pending lawsuit about the accident. Kim had extensive injuries and could not represent herself.

Linda quickly wired \$5,000 to help with the lawsuit. A little while later, Linda spoke with Kim’s father. Linda realized that Kim had not been in a car accident. Linda had been scammed. The woman on the phone had scammed her. She filed a report with the police. She learned that wire transfers are difficult to track, and never got her \$5,000 back.

If you suspect that a person might be a victim of a fraud or scam, you can refer her to support services or legal advocates and report the incident to the police.

Refer to section 13 of this guidebook: “Making a Report”.

TIPS FOR FRAUD AND SCAM PREVENTION A HANDOUT FOR CLIENTS

1. Stay connected with your community.

Be wary of anybody who appears in your life and quickly becomes your main social contact. Part of protecting yourself from abuse is staying connected to a network of people who care about you.

2. Do your research.

Beware of contractors who come to your door seeking work. Ask for referrals from friends and others you trust before arranging home renovations. You may also want to check the prices offered by competing businesses.

3. Don't cave under pressure.

If you are thinking of buying an item or paying for some repairs to your home, it is best not to make a decision on the spot. Instead, get the contact information for the business, then look it up on the Better Business Bureau to check whether it is a legitimate business. You may also want to check the prices offered by similar businesses.

4. Protect your confidential information.

Do not give out personal information unless you know the person you are talking to.

5. Send money only through secure routes.

Don't send money through wire transfers. These funds are hard to track and are usually not recoverable by law enforcement or banking officials. Contact your financial institution for additional information on better ways to send money.

Identity theft is when someone uses another person's personal information (e.g. name, address, date of birth, social insurance number, mother's maiden name, etc.) in order to impersonate that person and steal her money. Technological advances have made it easier for a thief to gain access to other people's personal information. Identity theft has become an increasingly prevalent crime.

Once a thief has access to a person's identity, bank and credit accounts can be used, new accounts can be opened, debts can be incurred, and assets can be sold. It can be a very difficult for victim to clear their name and recover financial losses.

HOW DO YOU PREVENT IDENTITY THEFT?

A person can take the following steps to avoid identity theft:

- Sign all credit cards when you receive them
- Never loan your credit cards to anyone
- Cancel credit cards you do not use
- Keep a list of the credit cards you use regularly
- Immediately report lost or stolen credit cards
- Immediately report any discrepancies in your bank or credit card monthly statements
- Never leave receipts at bank machines, bank counters, in trash cans, or at unattended gasoline pumps
- Ensure you destroy paperwork you no longer need
- Never provide personal information such as Social Insurance Number (SIN), date of birth, credit card numbers, or Personal Identification Number (PIN) over the telephone
- Promptly remove mail from your mailbox after delivery and do not leave pieces of mail lying around your residence or work site
- Shred or otherwise destroy pre-approved credit card applications, credit card receipts, bills and related information when no longer needed

- Avoid keeping a written record of your bank account numbers, PIN and SIN, and computer passwords, and never keep this information in your wallet or handbag
- Be cautious about mail or telephone solicitations, disguised as promotions or surveys, offering instant prizes or awards designed for the purpose of obtaining your personal details, including credit card numbers.²⁰

If you suspect that a person might be a victim of a fraud or scam, you can make a referral to a legal advocate, who may be able to help. You can also report the incident to the police.

Refer to section 13 of this guidebook: “Making a Report”

Financial abuse often occurs with other forms of elder abuse. There may be signs that a person is suffering from emotional abuse, physical abuse, neglect, or self-neglect.

Increasing your knowledge and awareness of elder abuse will allow you to become more skilled at recognizing when an older adult is at risk of being victimized or harmed. It will also allow you to deliver better services to a client or member of the public.

Below are some signs that a person may be abused or neglected.²¹ Signs must be interpreted in the context of other factors. For example, poor nutrition, a failure to pay bills and a lack of appropriate medical assistive devices can indicate poverty; if a person has a power of attorney and moderate wealth, the same facts may suggest financial abuse. Agitation and fearfulness may be a reasonable response to stress and (in extreme cases) a sign of mental health issues; if the same person has a number of physical injuries and demonstrates fear of a caregiver, the anxiety may be connected to abuse and neglect.

²⁰ Royal Canadian Mounted Police (RCMP), *Seniors Guidebook to Safety and Security (Legal guidebook)*, (Ottawa: RCMP), at p. 18. Online: RCMP Publications, <http://www.rcmp-grc.ca.ca/pubs/index-eng.htm>

²¹ For a more comprehensive list of indicators of abuse and neglect, refer to VCH Re: Act, online at http://www.vchreact.ca/recognize_abuse.htm.

| | |
|---------------------|---|
| Financial | <ul style="list-style-type: none"> • unpaid bills • no money/food/clothes • absence of aids and services • refusal to spend money without agreement of caregiver • sudden appearance of previously uninvolved relatives • abrupt changes in will or bank accounts • forged signature • sudden debt accrual • restricted access to telephone, food or bathroom facilities |
| Physical | <ul style="list-style-type: none"> • bruises, welts, swelling, lacerations, broken teeth and other signs of assault • history of unexplained accidents or injuries • fearful, anxious or feels guilty without reason • avoids physical, verbal, eye contact • appears to recoil (flinching, cringing) |
| Neglect/Self Neglct | <ul style="list-style-type: none"> • malnourished or emaciated • confused • inappropriate clothing • squalor • under/over medicated • absence of required hearing, visual and mobility aides • malodorous • no follow through on medical services |

| | |
|---------------|---|
| Psychological | <ul style="list-style-type: none">• agitation• fearfulness (especially in presence of caregiver)• gives information reluctantly, or waits for caregiver to answer• appears ashamed, withdrawn or passive• isolation and exclusion from family• not permitted to have friends and family visit• not attending social outings |
|---------------|---|

The breakdown according to type of abuse is to some extent arbitrary and obscures the reality that the same behaviour may be a sign of different kinds of mistreatment.

If you suspect that a person is being abused or neglected, there are a number of things you can do. You should always try to speak directly to the older adult about your concerns for his or her wellbeing. Make a referral to support services before taking any further steps. If the older adult seems unable to access appropriate support or assistance independently, you may want to report your concerns to a designated agency. If you have evidence of a crime, a report to the police may be necessary.

It is also a good practice to consult with a supervisor if you have concerns regarding abuse or neglect. Your institution may have in place internal protocols for responding to concerns of abuse and neglect.

The contact information for all agencies discussed below is located in section 15 of this guidebook.

SPEAK DIRECTLY TO THE OLDER ADULT

Try to meet alone with the older adult. At the very least hold a meeting where the person you believe may be the source of abuse is absent. This practice will help you to discern whether or not the abused or neglected person is at risk and whether the person is able to access support and assistance independently.

REFER TO SUPPORT SERVICES

It is a good practice to refer the abused or neglected person to support services. Older adults who have been abused or neglected may contact the **BC CEAS Seniors Help & Information Line** and ask to be referred to a **legal advocate** or to the **Victim Services Program**.

A victim services worker can provide:

- emotional support
- assistance with accessing support programs
- information about the justice system

- a listening ear to help someone decide whether or not to report the abuse or neglect
- assistance telling police, doctors, or other professionals about what has happened.

You can also provide the victimized adult with contact information for 24-hour crisis telephone lines, counseling, and translation services.

CONTACT THE PUBLIC GUARDIAN & TRUSTEE

The PGT may be able to provide assistance in relation to issues involving a substitute decision-maker, including investigating allegations of abuse. If you have concerns about how an older adult's finances are being handled, or concerns about a representative's health care decisions, then contact the PGT.

If there is a concern regarding imminent financial loss, make a referral to the PGT as the PGT has powers to freeze assets if necessary to protect the adult's finances until an investigation is complete.

REPORT TO A DESIGNATED AGENCY

If you think that an older adult may be at risk of abuse or neglect, and is not able to access appropriate support or assistance, you may report your concerns to a designated health agency.²² A designated agency is an organization that is authorized by law to investigate reports of abuse or neglect. When investigating your report, the designated agency will try to provide the least intrusive solution, working with the older adult to ensure that a plan for support is in place.

The designated agency must keep your report confidential. Also, no action for damages or disciplinary action can be brought against you for filing a report of suspected abuse or neglect to a designated agency.

²² *Adult Guardianship Act*, R.S.B.C. 1996, c. 6.

REPORT TO THE POLICE

If you have information about a crime, then you may need to contact the police. If enough evidence of illegal activity is found, the police can press criminal charges against an abuser.

Remember that a person who is being victimized will usually need practical help. In many cases, the abuser and victim are financially and emotionally dependent on each other. For this reason, it is always a good idea to connect a victim with support services before taking any other steps.

FILE A HUMAN RIGHTS COMPLAINT ABOUT AGEISM

A person who is discriminated against because of age can make a complaint to the BC Human Rights Tribunal (BCHRT). In some situations, a person may be able to file a complaint of discrimination with the Canadian Human Rights Commission (CHRC).

If a person needs assistance filing a human rights complaint or is commencing a legal action, she or he should contact a lawyer for advice.

PRACTICES TIPS FOR IDENTIFYING, PREVENTING AND RESPONDING TO FINANCIAL ABUSE OF OLDER ADULTS

Overview

Best Practices should be developed in every professional sector and within every organization to provide guidance on how to work most effectively with older adult clients where abuse or neglect is a concern. The following Practice Tips were created to serve as a starting point, to assist organizations and professionals that are exploring how to develop their own policies and procedures. These lists offer ideas and themes for consideration. They have not benefited from significant consultation with various professional sectors.

We offer separate lists for the financial, justice and health care sectors on the following pages.

FOR PROFESSIONALS IN THE FINANCIAL SECTOR

1. Speak Directly to the Older Adult

Try to meet with the older adult alone. Supportive family members or other caregivers will often accompany an older adult to a meeting with you. These well meaning loved ones can sometimes dominate important conversations. In some situations, the support person is also the abuser.

Speaking about the adult to another person is generally poor practice. When you meet with an adult who is accompanied by another person, make sure that the older person gets to communicate her or his wishes and concerns to you as directly as possible. It is important to identify an individual's desires and concerns.

It will not always be possible to speak with an older person alone. For example, a person who requires communication assistance, translation, or other support to be able to convey concerns or wishes, may not be able to have a conversation alone with you.

Financial Literacy 102 for Professionals

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

In this case, ensure the translator is neither the person to whom the older adult is considering giving the power to make financial decisions nor a person who may be an abuser.

Questions to ask include:

- What does the older adult want to do?
- Does the older adult have any reservations or concerns?
- What are the reasons for giving decision-making authority to a particular person?

2. Communicate to Build Trust

Your relationship with an older person – especially a person who has experienced abuse or neglect – requires a certain level of trust. Building trust requires clear communication.

The following strategies may help your communication:

- schedule appointments at the time of day when the adult is “at his or her best”
- schedule short, multiple appointments instead of lengthy interviews
- consider using a language interpreter
- minimize background noise and other distractions
- look at the client while speaking
- speak slowly and distinctly (particularly if there is hearing impairment)
- arrange seating to encourage easy conversation
- allow time for responses
- start with simple questions
- discuss one issue at a time
- check for comprehension (repeat, paraphrase, summarize) allow for rest and breaks in conversation
- provide written materials with a large font and
- go slowly.²³

Questions to ask include:

- Does the older adult need a language interpreter?
- Does the older adult have difficulty with hearing or sight?
- Does the meeting space allow for good communication?
- Is the written material in a large enough font?

3. Assume that the Older Adult has Capacity

Assume that the older adult has the ability to make the decision. Do not assume that an adult is incapable of making a decision simply because of age, disability or illness.

If a person has communication challenges or problems focusing, that does not mean that the person is incapable. Consider whether the older adult is feeling too tired or overwhelmed at the meeting, or be “not with it” because of nervousness, fatigue, not having taken medication, or being over-medicated. If there is any indication that the person is not at her best, you may need to reschedule a non-urgent meeting.

In relatively few cases, there may be evidence that an older adult is incapable. This is usually determined either by the courts or by a formal medical assessment.

Questions to ask include:

- Are there certain times of the day when an older adult is “at her or his best” and able to meet with you?
- Does the older adult take medications that cause anxiety or drowsiness?
- Is there a better place to meet?
- What are your company’s protocols for dealing with capacity concerns?

²³ American Bar Association Commission on Law and Aging and American Psychological Association, “Judicial Determination of Capacity of Older Adults in Guardianship Proceedings” (2006), online: <http://www.abanet.org>; American Bar Association Commission on Law and Aging and American Psychological Association. (2005). “Assessment of older adults with diminished capacity: A handbook for lawyers”, online: <http://www.abanet.org>.

4. Respect the Older Adult's Beliefs and Values

Look for solutions that respect a person's unique values. For example, a person who highly values independence will need you to offer solutions that respect autonomy.

Recognize cultural values and spiritual beliefs. It is important to openly discuss any differences of belief or practice that might become a contentious issue between the older adult and the substitute decision-maker. For example, if a person regularly donates money to a faith-based charity, then the attorney will need to respect that decision. The attorney will need to maintain this practice, regardless of whether the attorney believes that the money is being given to a worthwhile cause.

Questions to ask include:

- What are the older adult's beliefs and values?
- Are beliefs and values written down?
- Is this information stored in a safe, accessible place?
- Is the substitute decision-maker aware of these beliefs and values?
- Will the substitute decision-maker be able to respect decisions that are based on these beliefs and values?

5. Watch for Indicators of Abuse or Neglect

Be aware of the possibility that a family member, friend, neighbour, or caregiver might be pressuring an older person into making a financial or legal decision.

If you suspect that a person is being abused or neglected you should try to speak with directly with the person and make a referral to support services. You may also suggest that the older adult ask another person to help monitor the attorney or joint bank account owner. This would mean that someone else could be asked to check bank and credit card statements and keep track of whether or not the older adult's wishes are being respected.

Questions to ask include:

- Does the older adult show signs of being abused or neglected?
- Are there other people in the older adult's life who would be better to appoint as a decision maker?
- Is there another person to help the older adult monitor the substitute decision-maker?

Refer to section 12 of this guidebook: "Indicators of Abuse or Neglect"

6. Offer Non-Intrusive Forms of Support

Offer the least intrusive form of support. Promote an older adult's safety and financial security by providing:

- information about the risks of financial abuse
- referral to independent legal advice
- access to support services.

Like everyone, mentally capable older adults have a right to make their own decisions. Any assistance offered to an older person should be informative and remain respectful of the older adult's ability to make decisions. Always be as diligent as possible to recognize, address and prevent ageism.

Questions include:

- How can you provide the most effective but least intrusive support?
- Has the older adult been given correct and adequate information to make a decision?
- Have you provided an opportunity to ask questions and raise important concerns?

7. Refer for Independent Legal Advice

Always give the older adult the opportunity to seek independent legal advice (ILA) before signing a legal document (e.g. signing a power of attorney) and before making a financial decision with legal implications (e.g. opening a joint bank account or taking out a mortgage). ILA means a confidential consultation with a lawyer, in which a person is able to discuss the nature and consequences of a legal document. A lawyer will normally explain the purpose and content of the document, while ensuring that a person understands individual rights and the legal implications of signing the document.

Referring an older adult to a lawyer for ILA helps to ensure that the older adult is able to make informed decisions based on a complete understanding of the benefits and legal risks involved. If you are a professional, a referral for ILA also provides you with some legal protection.

Resources for older adults who need to find a lawyer are listed in section 15 of this guidebook: “Resources”.

8. Refer to Support Services

If you have reasons to believe that an older adult may be the victim of abuse or neglect, make a referral to support services.

It is best to provide this information directly to the older adult. Do not discuss your concerns with the potential abuser. A discussion with an abusive friend or family member who accompanied the adult to your meeting could cause the older adult to be further victimized.

Refer to section 13 of this guidebook: “Making a Report”.

9. Report Abuse or Neglect

Financial abuse is often connected to other forms of abuse or neglect, many of which are often difficult to discuss with a stranger. If there is evidence of financial abuse, then explore whether there are also other forms of abuse and neglect. If the older adult is in a situation where she or he is not able to access appropriate assistance or support, make a report to a designated agency. If there is evidence of criminal activity, make a report to the police.

Refer to section 13 of this guidebook: “Making a Report”.

FOR PROFESSIONALS IN THE JUSTICE SYSTEM

1. Speak Directly to the Older Adult

Try to meet with the older adult alone. Supportive family members or other caregivers will often accompany an older adult to a meeting with you. These well meaning loved ones can sometimes dominate important conversations. In some situations, the support person is also the abuser.

Speaking about the adult to another person is generally poor practice. When you meet with an adult who is accompanied by another person, make sure that the older person gets to communicate her or his wishes and concerns to you as directly as possible. It is important to identify an individual’s desires and concerns.

It will not always be possible to speak with an older person alone. For example, a person who requires communication assistance, translation, or other support to be able to convey concerns or wishes, may not be able to have a conversation alone with you. In this case, ensure the translator is neither the person to whom the older adult is considering giving the power to make financial decisions nor a person who may be an abuser.

Questions to ask include:

- What does the older adult want to do?
- Does the older adult have any reservations or concerns?
- What are the reasons for giving decision-making authority to a particular person?

2. Communicate to Build Trust

Your relationship with an older person – especially a person who has experienced abuse or neglect – requires a certain level of trust. Building trust requires clear communication.

The following strategies may help your communication:

- schedule appointments at the time of day when the adult is “at his or her best”
- schedule short, multiple appointments instead of lengthy interviews
- consider using a language interpreter
- minimize background noise and other distractions
- look at the client while speaking
- speak slowly and distinctly (particularly if there is hearing impairment)
- arrange seating to encourage easy conversation
- allow time for responses
- start with simple questions
- discuss one issue at a time
- check for comprehension (repeat, paraphrase, summarize)
allow for rest and breaks in conversation
- provide written materials with a large font and
- go slowly.²⁴

²⁴ American Bar Association Commission on Law and Aging and American Psychological Association, “Judicial Determination of Capacity of Older Adults in Guardianship Proceedings” (2006), online: <http://www.abanet.org>; American Bar Association Commission on Law and Aging and American Psychological Association. (2005). “Assessment of older adults with diminished capacity: A handbook for lawyers”, online: <http://www.abanet.org>.

Questions to ask include:

- Does the older adult need a language interpreter?
- Does the older adult have difficulty with hearing or sight?
- Does the meeting space allow for good communication?
- Is the written material in a large enough font?

3. Assume that the Older Adult has Capacity

Assume that the older adult has the ability to make the decision. Do not assume that an adult is incapable of making a decision simply because of age, disability or illness.

If a person has communication challenges or problems focusing, that does not mean that the person is incapable. Consider whether the older adult is feeling too tired or overwhelmed at the meeting, or be “not with it” because of nervousness, fatigue, not having taken medication, or being over-medicated. If there is any indication that the person is not at her best, you may need to reschedule a non-urgent meeting.

In relatively few cases, there may be evidence that an older adult is incapable. This is usually determined either by the courts or by a formal medical assessment.

Questions to ask include:

- Are there certain times of the day when an older adult is “at her or his best” and able to meet with you?
- Does the older adult take medications that cause anxiety or drowsiness?
- Is there a better place to meet?
- What are your company’s protocols for dealing with capacity concerns?

4. Respect the Older Adult's Beliefs and Values

Look for solutions that respect a person's unique values. For example, a person who highly values independence will need you to offer solutions that respect autonomy.

Recognize cultural values and spiritual beliefs. It is important to openly discuss any differences of belief or practice that might become a contentious issue between the older adult and the substitute decision-maker. For example, if a person regularly donates money to a faith-based charity, then the attorney will need to respect that decision. The attorney will need to maintain this practice, regardless of whether the attorney believes that the money is being given to a worthwhile cause.

Questions to ask include:

- What are the older adult's beliefs and values?
- Are beliefs and values written down?
- Is this information stored in a safe, accessible place?
- Is the substitute decision-maker aware of these beliefs and values?
- Will the substitute decision-maker be able to respect decisions that are based on these beliefs and values?

5. Watch for Indicators of Abuse or Neglect

Be aware of the possibility that a family member, friend, neighbour, or caregiver might be pressuring an older person into making a financial or legal decision.

If you suspect that a person is being abused or neglected you should try to speak with directly with the person and make a referral to support services. You may also suggest that the older adult ask another person to help monitor the attorney or joint bank account owner. This would mean that someone else could be asked to check bank and credit card statements and keep track of whether or not the older adult's wishes are being respected.

Questions to ask include:

- Does the older adult show signs of being abused or neglected?
- Are there other people in the older adult's life who would be better to appoint as a decision maker?
- Is there another person to help the older adult monitor the substitute decision-maker?

Refer to section 12 of this guidebook: "Indicators of Abuse or Neglect"

6. Identify the Abuser-Victim Relationship

In order to identify whether or not an incident is financial abuse, you will need to look at the broader context of the incident and the nature of the relationship between the older adult and the abuser. For example, a family member might be socially isolating or manipulating the older adult in order to access money or property.

If you have concerns about the actions of a substitute decision-maker, contact the PGT.

Refer to section 12 of this guidebook: "Indicators of Abuse or Neglect"

7. Offer Non-Intrusive Forms of Support

Offer the least intrusive form of support. Promote an older adult's safety and financial security by providing:

- information about the risks of financial abuse
- referral to independent legal advice
- access to support services.

Like everyone, mentally capable older adults have a right to make their own decisions. Any assistance offered to an older person should be informative and remain respectful of the older adult's ability to make decisions. Always be as diligent as possible to recognize, address and prevent ageism.

Questions include:

- How can you provide the most effective but least intrusive support?
- Has the older adult been given correct and adequate information to make a decision?
- Have you provided an opportunity to ask questions and raise important concerns?

8. Refer to Support Services

If you have reasons to believe that an older adult may be the victim of abuse or neglect, make a referral to support services.

It is best to provide this information directly to the older adult. Do not discuss your concerns with the potential abuser. A discussion with an abusive friend or family member who accompanied the adult to your meeting could cause the older adult to be further victimized.

Refer to section 13 of this guidebook: “Making a Report”.

9. Report Abuse or Neglect

Financial abuse is often connected to other forms of abuse or neglect, many of which are often difficult to discuss with a stranger. If there is evidence of financial abuse, then explore whether there are also other forms of abuse and neglect. If the older adult is in a situation where she or he is not able to access appropriate assistance or support, make a report to a designated agency. If there is evidence of criminal activity, make a report to the police.

Refer to section 13 of this guidebook: “Making a Report”.

FOR HEALTH CARE/SOCIAL WORK PROFESSIONALS

1. Speak Directly to the Older Adult

Try to meet with the older adult alone. Supportive family members or other caregivers will often accompany an older adult to a meeting with you. These well meaning loved ones can sometimes dominate important conversations. In some situations, the support person is also the abuser.

Speaking about the adult to another person is generally poor practice. When you meet with an adult who is accompanied by another person, make sure that the older person gets to communicate her or his wishes and concerns to you as directly as possible. It is important to identify an individual's desires and concerns.

It will not always be possible to speak with an older person alone. For example, a person who requires communication assistance, translation, or other support to be able to convey concerns or wishes, may not be able to have a conversation alone with you. In this case, ensure the translator is neither the person to whom the older adult is considering giving the power to make financial decisions nor a person who may be an abuser.

Questions to ask include:

- What does the older adult want to do?
- Does the older adult have any reservations or concerns?
- What are the reasons for giving decision-making authority to a particular person?

2. Communicate to Build Trust

Your relationship with an older person – especially a person who has experienced abuse or neglect – requires a certain level of trust. Building trust requires clear communication.

The following strategies may help your communication:

- schedule appointments at the time of day when the adult is “at his or her best”
- schedule short, multiple appointments instead of lengthy interviews
- consider using a language interpreter
- minimize background noise and other distractions
- look at the client while speaking
- speak slowly and distinctly (particularly if there is hearing impairment)
- arrange seating to encourage easy conversation
- allow time for responses
- start with simple questions
- discuss one issue at a time
- check for comprehension (repeat, paraphrase, summarize) allow for rest and breaks in conversation
- provide written materials with a large font and
- go slowly.²⁵

Questions to ask include:

- Does the older adult need a language interpreter?
- Does the older adult have difficulty with hearing or sight?
- Does the meeting space allow for good communication?
- Is the written material in a large enough font?

3. Assume that the Older Adult has Capacity

Assume that the older adult has the ability to make the decision. Do not assume that an adult is incapable of making a decision simply because of age, disability or illness.

²⁵ American Bar Association Commission on Law and Aging and American Psychological Association, “Judicial Determination of Capacity of Older Adults in Guardianship Proceedings” (2006), online: <http://www.abanet.org>; American Bar Association Commission on Law and Aging and American Psychological Association. (2005). “Assessment of older adults with diminished capacity: A handbook for lawyers”, online: <http://www.abanet.org>.

If a person has communication challenges or problems focusing, that does not mean that the person is incapable. Consider whether the older adult is feeling too tired or overwhelmed at the meeting, or be “not with it” because of nervousness, fatigue, not having taken medication, or being over-medicated. If there is any indication that the person is not at her best, you may need to reschedule a non-urgent meeting.

In relatively few cases, there may be evidence that an older adult is incapable. This is usually determined either by the courts or by a formal medical assessment.

Questions to ask include:

- Are there certain times of the day when an older adult is “at her or his best” and able to meet with you?
- Does the older adult take medications that cause anxiety or drowsiness?
- Is there a better place to meet?
- What are your company’s protocols for dealing with capacity concerns?

4. Respect the Older Adult’s Beliefs and Values

Look for solutions that respect a person’s unique values. For example, a person who highly values independence will need you to offer solutions that respect autonomy.

Recognize cultural values and spiritual beliefs. It is important to openly discuss any differences of belief or practice that might become a contentious issue between the older adult and the substitute decision-maker. For example, if a person regularly donates money to a faith-based charity, then the attorney will need to respect that decision. The attorney will need to maintain this practice, regardless of whether the attorney believes that the money is being given to a worthwhile cause.

Questions to ask include:

- What are the older adult's beliefs and values?
- Are beliefs and values written down?
- Is this information stored in a safe, accessible place?
- Is the substitute decision-maker aware of these beliefs and values?
- Will the substitute decision-maker be able to respect decisions that are based on these beliefs and values?

5. Watch for Indicators of Abuse or Neglect

Be aware of the possibility that a family member, friend, neighbour, or caregiver might be pressuring an older person into making a financial or legal decision.

If you suspect that a person is being abused or neglected you should try to speak with directly with the person and make a referral to support services. You may also suggest that the older adult ask another person to help monitor the attorney or joint bank account owner. This would mean that someone else could be asked to check bank and credit card statements and keep track of whether or not the older adult's wishes are being respected.

Questions to ask include:

- Does the older adult show signs of being abused or neglected?
- Are there other people in the older adult's life who would be better to appoint as a decision maker?
- Is there another person to help the older adult monitor the substitute decision-maker?

Refer to section 12 of this guidebook: "Indicators of Abuse or Neglect"

6. Tell the Financial Substitute Decision-Maker About the Older Adult's Health Care Needs

Make sure that a person's health care needs are communicated to the financial decision-maker. If a person who has financial substitute decision-making power is neglecting or refusing to make health care related purchases (e.g. a cane, hearing aid, medication, etc), then it could be a sign of financial abuse.

If you have concerns about the financial decision-maker's behaviour, you can contact the PGT. If appropriate, you may also need to make a report to the designated agency. You should always discuss the situation with the older adult and make a referral to support services before making a report.

Be careful to make sure that a person has the legal authority to make financial decisions on behalf of your patient. You might be dealing with a representative who is a substitute decision-maker for health or personal care decisions only. If no financial substitute decision-maker is in place and the person is mentally incapable, contact the PGT.

Refer to section 12 of this guidebook: "Indicators of Abuse or Neglect"

7. Offer Non-Intrusive Forms of Support

Offer the least intrusive form of support. Promote an older adult's safety and financial security by providing:

- information about the risks of financial abuse
- referral to independent legal advice
- access to support services.

Like everyone, mentally capable older adults have a right to make their own decisions. Any assistance offered to an older person should be informative and remain respectful of the older adult's ability to make decisions. Always be as diligent as possible to recognize, address and prevent ageism.

Questions include:

- How can you provide the most effective but least intrusive support?
- Has the older adult been given correct and adequate information to make a decision?
- Have you provided an opportunity to ask questions and raise important concerns?

8. Refer to Support Services

If you have reasons to believe that an older adult may be the victim of abuse or neglect, make a referral to support services.

It is best to provide this information directly to the older adult. Do not discuss your concerns with the potential abuser. A discussion with an abusive friend or family member who accompanied the adult to your meeting could cause the older adult to be further victimized.

Refer to section 13 of this guidebook: “Making a Report”.

9. Report Abuse or Neglect

Financial abuse is often connected to other forms of abuse or neglect, many of which are often difficult to discuss with a stranger. If there is evidence of financial abuse, then explore whether there are also other forms of abuse and neglect. If the older adult is in a situation where she or he is not able to access appropriate assistance or support, make a report to a designated agency. If there is evidence of criminal activity, make a report to the police.

Refer to section 13 of this guidebook: “Making a Report”.

QUICK SUMMARY OF PRACTICE TIPS

1. Speak Directly to the Older Adult
2. Communicate to Build Trust
3. Assume that the Older Adult has Capacity
4. Respect the Older Adult's Beliefs and Values
5. Watch for Indicators of Abuse or Neglect
6. Offer Non-Intrusive Forms of Support
7. Refer for Independent Legal Advice
8. Refer to Support Services
9. Report Abuse or Neglect

BC CEAS SENIORS HELP AND INFORMATION LINE**604-437-1940**

Toll-Free: 1-866-437-1940

Monday-Friday, 10 am-3 pm

Email: info@bcceas.caWebsite: www.bcceas.ca

BC CEAS provides legal advocacy and support for older adults.

CANADIAN CENTER FOR ELDER LAW (CCEL)**604-822-0633**Website: www.bcli.org/ccel

CCEL focuses on research, law reform and education relating to issues affecting older adults. It does not provide direct legal services or representation.

PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA**604-660-4444**

700-808 West Hastings Street

Vancouver, BC V6C 3L3

Toll-Free: 1-800-663-7867

Email: mail@trustee.bc.caWebsite: www.trustee.bc.ca

The Public Guardian and Trustee (PGT) is an organization established under the Public Guardian and Trustee Act. The PGT serves adults who require assistance in decision-making through protection of their legal rights, financial interests and personal care interests. Services include assessments and investigations, healthcare decision making, financial and personal care management, and review and monitoring of private committees.

CRISIS LINES AND VICTIM SERVICES

VICTIMLINK

TOLL-FREE: 1-800-563-0808

TTY: 604-875-0885

VictimLINK is a province-wide telephone help line for victims of family and sexual violence, and all other crimes. Service is multilingual and available 24 hours a day.

CRIME VICTIM ASSISTANCE PROGRAM

TOLL-FREE: 1-866-660-3888

Website: www.pssg.gov.bc.ca/victim_services/cva/index.htm

This government program may provide benefits to certain crime victims, witnesses or immediate family members of crime victims.

CRISIS INTERVENTION AND SUICIDE PREVENTION CENTRE OF BC

TOLL-FREE: 1-800-SUICIDE (784-2433)

TTY: 1-866-872-0113

The Crisis Centre is a volunteer-based organization that helps people deal with crisis. Service is available 24 hours a day.

WOMAN AGAINST VIOLENCE AGAINST WOMEN (WAVAW)

RAPE CRISIS CENTER

TOLL-FREE: CRISIS LINE: 1-877-392-7583

WAVAW provides sexual assault support services to women 14 years of age and older. The crisis line is open 24 hours a day.

VANCOUVER RAPE RELIEF AND WOMEN'S SHELTER

CRISIS LINE: 604-872-8212

TTY: 604-877-0958 (9 am-9 pm)

Rape Relief operates a transition house for women and their children and a 24 hour crisis line for women who are trying to prevent or escape male violence.

Financial Literacy 102 for Professionals

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

MOSAIC MULTICULTURAL VICTIM SERVICES PROGRAM**604-254-9626**

Monday-Friday, 9 am-5 pm

Website: www.mosaicbc.com

The MOSAIC Victim Services Program offers support, information, advocacy, accompaniments, and referrals to multicultural victims of crime in Vancouver.

VICTIM SERVICES DIRECTORY – PROVINCE OF BCWebsite: www.pssg.gov.bc.ca/victim_services/directory/index.htm

This website, updated in 2010, lists contact information for victim services programs in 145 communities in British Columbia.

LEGAL SERVICES/ADVOCACY SERVICES**ACCESS PRO BONO SOCIETY OF BC****604-878-7400**

Outside Greater Vancouver: 1-877-762-6664

Email: help@accessjustice.caWebsite: www.accessjustice.ca

Access Pro Bono provides free-of-charge legal advice clinics in community centres, social agencies, churches and courthouses located throughout the province. A province-wide roster program providing representation services to individuals and non-profit organizations with limited means is also available.

COMMUNITY LEGAL ASSISTANCE SOCIETY (CLAS)**TOLL-FREE: 1-888-685-6222**

Suite 300 – 1140 West Pender Street

Vancouver, BC V6E 4G1

Phone: 604-685-3425

Website: www.clasbc.net

CLAS provides legal assistance to economically disadvantaged clients. Areas of focus include Community & Disability, Mental Health, and Human Rights.

Financial Literacy 102 for Professionals

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

LAW STUDENTS' LEGAL ADVICE PROGRAM (LSLAP)**604-822-5791**Website: www.lslap.bc.ca

LSLAP is run by volunteer law students at the University of British Columbia. It provides legal information and support to low-income clients. Clinics are located throughout the Lower Mainland.

LAWYER REFERRAL SERVICE**TOLL-FREE: 1-800-663-1919**

Monday-Friday, 8:30 am-4:30 pm

The service provides referrals to lawyers who provide a half-hour consultation for \$25.00 plus tax. Fees after the first 30 minutes are between the lawyer and client.

SALVATION ARMY PRO BONO PROGRAM**604-694-6647**

The Salvation Army Pro Bono Program provides legal services to people who are not eligible for legal aid and who meet specific income requirements.

NEWTON ADVOCACY GROUP SOCIETY – SURREY**604-596-2311**Website: www.newtonadvocacygroup.ca

Services include advocacy on issues of housing, income assistance and mental health; a pro bono legal clinic; a tax clinic; an employment support group for homeless people; and the Women's Empowerment Program for survivors of abuse and women in recovery from addiction.

SOCIETY OF NOTARIES PUBLIC OF BC**TOLL-FREE: 1-800- 663-0343**Website: www.notaries.bc.ca

Notaries can provide many legal services, including powers of attorney, representation agreements and wills preparation.

Financial Literacy 102 for Professionals

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

NON-CRISIS COUNSELING SERVICES

BURNABY SENIORS OUTREACH SERVICES SOCIETY (BSOSS)

604-291-2258

Website: www.bsoss.org

Email: bsoss@telus.net

Volunteer peer counselors are available to provide support to older adults in Burnaby who are experiencing life difficulties. BSOSS also offers a program to help older adults reconnect to the community.

QMUNITY, BC'S QUEER RESOURCE CENTRE

TOLL-FREE: PRIDE LINE 1-800-566-1170 (7PM-10PM)

Generations Project (Older Adults): 604-684-8449

Office: 604-684-5307

Website: www.qmunity.ca

QMunity offers social, coming out and support groups for older adults; a gay/lesbian/bi/trans/queer lending library; free professional counseling; legal clinics; referrals; and workshops for LGBTQ older adults.

DESIGNATED AGENCIES

COMMUNITY LIVING BC

TOLL FREE AT 1-877-660-2522

VANCOUVER COASTAL HEALTH AUTHORITY

TOLL FREE 1-866-884-0888

11th Floor - 601 West Broadway

Vancouver, B.C. V5Z 4C2

Local: 604-736-2033

Website: <http://vchreact.ca/report.htm>

FRASER HEALTH AUTHORITY**604-587-4600**

300 - 10334 152A Street

Surrey, B.C. V3R 7P8

Website: http://www.fraserhealth.ca/your_care/adult_abuse_and_neglect**VANCOUVER ISLAND HEALTH AUTHORITY****250-370-8699**

1952 Bay Street

Victoria, B.C. V8R 1J8

Website: <http://www.viha.ca/>**INTERIOR HEALTH AUTHORITY****250-862-4200**

220 - 1815 Kirschner Road

Kelowna, B.C. V1Y 4N7

Website: <http://www.interiorhealth.ca/>**NORTHERN HEALTH AUTHORITY****250-565-2649**

Suite 600 - 299 Victoria St

Prince George, B.C. V2L 5B8

Website: <http://www.northernhealth.ca/>**POLICE****Contact your local police force to report a crime.****For emergency situations, call 9-1-1.****ROYAL CANADIAN MOUNTED POLICE – BRITISH COLUMBIA****GENERAL INQUIRIES: 604-264-3111**Website: www.bc.rcmp.ca

For Victims of Fraud:

<http://www.rcmp-grc.gc.ca/scams-fraudes/victims-guide-victimes-eng.htm>*Financial Literacy 102 for Professionals*

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

CRIMESTOPPERS**TOLL-FREE: 1-800-222-8477**Website: www.bccrimestoppers.com**PHONE BUSTERS****TOLL-FREE: 1-888-495-8501**Website: www.phonebusters.com

Phone line operated by the RCMP and the Ontario Provincial Police to provide information about frauds and scams and take reports from people who believe they are victims of fraud.

REPORTING ECONOMIC CRIME ONLINE (RECOL)Website: www.recol.ca

RECOL allows privacy-protected online reporting of frauds through an electronic complaints form.

HUMAN RIGHTS**BC HUMAN RIGHTS TRIBUNAL (BCHRT)****TOLL-FREE (IN BC) : 1-888-440-8844**

1170 - 605 Robson Street

Vancouver, B.C. V6B 5J3

Phone: 604-775-2000

TTY: 604-775-2021

Email: BCHumanRightsTribunal@gov.bc.caWebsite: <http://www.bchrt.gov.bc.ca/>**CANADIAN HUMAN RIGHTS COMMISSION (CHRC)****TOLL-FREE: 1-888-214-1090**

344 Slater Street, 8th Floor,

Ottawa, ON, K1A 1E1

Telephone: (613) 995-1151

TTY: 1-888-643-3304

Website: <http://www.chrc-ccdp.ca/>*Financial Literacy 102 for Professionals*

© BC Centre for Elder Advocacy and Support and the Canadian Centre on Elder Law, 2010. The use of these materials is encouraged, however written permission must be obtained from at least one of these organizations in advance. Materials may not be modified without obtaining written permission from both organizations.

OTHER RESOURCES

ALZHEIMER SOCIETY OF BRITISH COLUMBIA

TOLL-FREE: 1-800-616-8816

Email: info@alzheimer.ca

Website: <http://www.alzheimer.ca>

BETTER BUSINESS BUREAU OF MAINLAND BC (BBB)

604-682-2711

Website: www.mbc.bbb.org

The Better Business Bureau lists accredited businesses that meet particular standards for business practices. You can contact the Better Business Bureau to look up a business or charity or to file a complaint about a business or charity.

BRITISH COLUMBIA SECURITIES COMMISSION – INVESTOR EDUCATION

TOLL-FREE: 1-800-373-6393 (INQUIRIES & COMPLAINTS)

Monday-Friday, 8:00 am-4:30 pm

Website: www.investright.org

The BC Securities Commission is an independent provincial government agency that regulates securities trading. It educates market participants and investors, enforces regulations, and provides guidance and monitoring.

OMBUDSMAN FOR BANKING SERVICES AND INVESTMENTS (OBSI)

TOLL-FREE: 1-888-451-4519

Website: www.obsi.ca

Email: ombudsman@obsi.ca

OBSI works to resolve disputes between participating banking services and investment firms and their customers if they can't solve them on their own. Services are free to customers.

NIDUS-PERSONAL PLANNING RESOURCE CENTER
604-408-7414

Website: www.nidus.ca

NIDUS is a non-profit organization that provides information and education on representation agreements and other personal planning documents. It also offers a registry for certain personal planning documents.

REGISTERED CHARITIES LIST (CANADA REVENUE AGENCY)
TOLL-FREE: 1-800-267-2384

Website: www.cra-arc.gc.ca/charities/

This phone line and website allow you to check whether a charity is registered and to access information for donors, including fraud prevention information.

SOCIETY OF NOTARIES PUBLIC OF BC
TOLL-FREE: 1-800-663-0343

Website: www.notaries.bc.ca

Notaries can provide many legal services, including powers of attorney, representation agreements and wills preparation.