



# Counterpoint Tools

Resources to Enhance Practice

## Take Action to Prevent Abuse of Older Adults

# Summary of the Law in Each Province and Territory

## *Responding to Elder Abuse and Neglect*

Law	Where	When	Who
<b>B.C.</b> <i>Adult Guardianship Act</i> , R.S.B.C. 1996, c. 6.	Adult is living anywhere (except in a prison).	An adult is being abused or neglected and is unable to seek support or assistance.	<b>Any person</b> may notify a designated agency.
		A report of abuse or neglect has been received; there are reasons to believe an adult is abused or neglected; or a representative, decision maker, guardian or monitor is hindered from visiting or speaking with the older adult.	An <b>employee of a designated agency</b> must: refer to health care, social, legal, accommodation, or other services; assist older adult in obtaining services; inform public guardian and trustee; investigate abuse or neglect; or report criminal offence to police.
<i>Community Care and Assisted Living Act</i> , R.S.B.C. 2002, c. 75.	Adult is residing in a community care facility or assisted living residence.	A person in care witnesses or experiences abuse or neglect.	<b>Licensee of the facility</b> must notify: the parent or representative, or contact person of the person in care; medical practitioner or nurse practitioner responsible for the care of the person in care; medical health officer; and funding program.
<b>Alta.</b> <i>Protection for Persons in Care Act</i> , S.A. 2009, c. P-29.1.	Adult receives care or support services from a lodge accommodation, hospital, mental health facility, nursing home, social care facility, or other service provider.	An adult who receives care or support services is being abused, or has been abused.	<b>Every person</b> must report to a complaints officer, a police service, or a committee, body or person authorized under another enactment to investigate abuse.

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<b>Sask.</b>	<i>Victims of Domestic Violence Act, S.S. 1994, c. V-6.02.</i>	Adult is living in the community (i.e. not in care).	Domestic violence has occurred.	A <b>victim</b> , a <b>person on behalf of the victim</b> who has the victim's consent, or a person on behalf of the victim with leave of the court or designated justice of the peace may apply for an <i>ex parte</i> order or restraining order from the court.
	<i>Personal Care Homes Regulations, R.R.S. c. P-6.01 Reg. 2.</i>	Adult is a resident in a personal care home.	Serious incident has occurred.	<b>Licensee</b> must inform the resident's supporter or a member of the resident's family, resident's personal physician, the department and the regional health authority.
<b>Man.</b>	<i>Protection for Persons in Care Act, C.C.S.M. c. P144.</i>	Adult is a resident, in-patient or person receiving respite care in a health facility.	A resident, in-patient or person receiving respite care in a health facility is being abused, or is likely to be abused.	<b>Employee or service provider at a health facility</b> must promptly report to the Minister.
<b>Ont.</b>	<i>Vulnerable Persons Living with a Mental Disability Act, C.C.S.M. c. V90.</i>	Adult has had a mental disability since childhood and is in need of assistance.	An adult who has had a mental disability since childhood is being abused or neglected, or is likely to be abused or neglected.	<b>A person who provides care, support services or related assistance, a substitute decision maker, or a committee</b> must report to the executive director appointed by the Minister.
	<i>Long-Term Care Homes Act 2007, S.O. 2007, c. 8.</i>	Adult is residing in a long-term care home.	Harm, abuse or neglect has occurred or may occur.	A <b>staff member, any person who provides professional services</b> (i.e. health, social services) and <b>licensee</b> must report to the director appointed by the Minister.

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<b>Que.</b> <i>Charte des droits et libertés de la personne</i> , L.R.Q., c. C-12.	Adult is living anywhere.	Older adult is the victim of exploitation.	<b>Victims</b> , group of victims, or <b>advocacy organization</b> may apply to human rights commission. Commission may initiate investigation.
<b>N.B.</b> <i>Family Services Act</i> , S.N.B. 1980, c. F-2.2.	Adult is living anywhere.	Adult is being abused or is at risk of abuse.	<b>Professional person</b> (i.e. care worker, physician, nurse, or other health or mental health professional, social worker, etc.) may report to the Minister.
<b>N.S.</b> <i>Protection for Persons in Care Act</i> , S.N.S. 2004, c. 33.	Adult is a patient of a hospital or a resident of a health facility (i.e. special care home).	Adult is being abused or is likely to be abused.	<b>Employees and service providers of a health facility</b> must promptly report to the Minister.
	<i>Adult Protection Act</i> , R.S., c. 2.	Adult is living anywhere.	<b>Any person</b> must report to the Minister of Community Services.
<b>P.E.I.</b> <i>Adult Protection Act</i> , R.S.P.E.I. 1988, c. A-5.	Adult is living anywhere.	Adult is in need of assistance or protection, or is at serious risk.	<b>Any person</b> may report to the Minister.

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<b>N.L.</b> <i>Neglected Adults Welfare Act</i> , R.S.N.L. 1990, c. N-3.	Adult is living anywhere (except a mental health facility).	An adult is incapable of caring properly for himself or herself, not suitable to be in a mental health facility, not receiving proper care and attention and refuses, delays or is unable to make provision for proper care and attention for himself or herself.	<b>Any person</b> must give information to Director of Neglected Adults, or to a social worker (who must report the matter to the Director).
<b>NU</b> <i>Family Abuse Intervention Act</i> , S.Nu. 2006, c. 18.	Adult is living in the community (i.e. not in care).	Family abuse has occurred.	A <b>victim</b> , a <b>person on behalf of the victim</b> who has the victim's consent, or a person on behalf of the victim with leave of the court or designated justice of the peace may apply for an <i>ex parte</i> or restraining order from the court.
<b>N.W.T.</b> <i>Protection Against Family Violence Act</i> , S.N.W.T. 2003, c. 24.	Adult is living in the community (i.e. not in care).	Family violence has occurred.	A <b>victim</b> , a <b>person on behalf of the victim</b> who has the victim's consent, or a person on behalf of the victim with leave of the court or designated justice of the peace may apply for an <i>ex parte</i> or restraining order from the court.
<b>Y.T.</b> <i>Adult Protection and Decision-Making Act</i> , S.Y. 2003, c. 21, Sch. A.	Adult is living anywhere (except in a prison).	An adult is abused or neglected and unable to seek support or assistance.	<b>Any person</b> may report to the Seniors' Services/ Adult Protection Unit, currently the only designated agency in the Yukon.

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