Responding to Elder Abuse: A Jurisdictional Perspective

Kathleen Cunningham, BComm, LLB, MPS, TEP
Executive Director, British Columbia Law Institute and Canadian Centre for Elder Law
Outline

• Elements of jurisdictional responses to elder abuse
• Highlights of British Columbia, Canada’s legislative framework
• Comments on international comparisons
Components of Elder Abuse Responses

• Definition of scope:
  – Abuse, neglect, self-neglect? (A/N/SN)
  – Who: by age or type of vulnerability? Type of A/N/SN?

• Reporting:
  – Who? Mandatory reporting and/or mandatory response?

• Responder:
  – Who? One agency or multiple? Criteria to trigger response?

• Outcomes:
  – Protective actions (with or without adult consent); social services
  – Appoint/replace guardian; appoint enduring/lasting POA
The British Columbia model

• *Adult Guardianship Act* (part 3); *Public Guardian & Trustee Act*
  – Mandatory response from designated agencies (+ PGT for financial)
  – See “decision tree” handout

• Criteria for response
  – Designated Agency (DA) offers support and assistance
    • Court application if adult not capable of deciding to refuse support & assistance
  – DA emergency powers: remove for safety
  – PGT emergency powers: freeze accounts; stop sales
Resources

• Public Guardian and Trustee for British Columbia:
  – Publications/Adult Guardianship
  – Decision Tree: Assisting an Adult Who is Abused, Neglected or Self Neglecting

• See post conference materials

Contact: Kathleen Cunningham at kcunningham@bcli.org