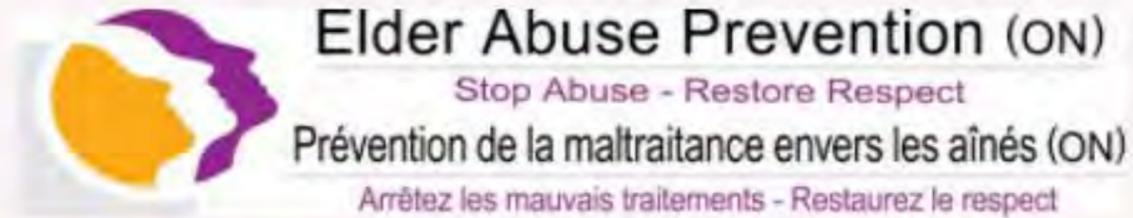


EAPO Knowledge Exchange Event



LEGAL RESPONSES TO ELDER ABUSE

March 31, 2021

1:00 - 2:30 PM





WEBINAR HOUSEKEEPING

Communication

All attendees will be muted during the webinar.

ASL Interpreter:

Image and name of Interpreters will be visible during the webinar.

You can view all speakers by clicking gallery view..

Recording

A recorded version of this webinar will be available on EAPO's website: www.eapon.ca.

Adjusting Speaker Image Size:

Drag the line between the video frame and slides to the left (adjust at beginning of the webinar).



WEBINAR HOUSEKEEPING

Speakers

Will be visible while presenting and for the Question/Answer session.

Chat Box:

Post comments (not questions) during the session.

Questions

Type your questions in **Question / Answer (Q & A) box**. A response will be posted during the webinar or asked to speaker after the presentation.

Evaluation

After the session, a pop-up screen will appear to complete survey. Your feedback and suggestions for future webinars is appreciated.



WEBINAR HOUSEKEEPING

Respecting Privacy and Confidentiality

EAPO appreciates that there may be personal circumstances or issues which participants may wish to address. However, in keeping with our commitment to maintaining your privacy and confidentiality, today we will be answering general questions posed through the Q&A.

If someone wishes to discuss specific circumstances, we invite you to contact EAPO following this webinar to arrange for a confidential conversation so that we may further assist you.

Thank you.

A close-up photograph of two hands clasped together. The hands are weathered and have a reddish-brown complexion. The person is wearing traditional jewelry, including a wide, multi-colored beaded bracelet on the left wrist and several necklaces with red, blue, and green beads. The hands are positioned against a light-colored, fringed fabric, possibly a shawl or blanket. The background is dark and out of focus.

LAND ACKNOWLEDGEMENT



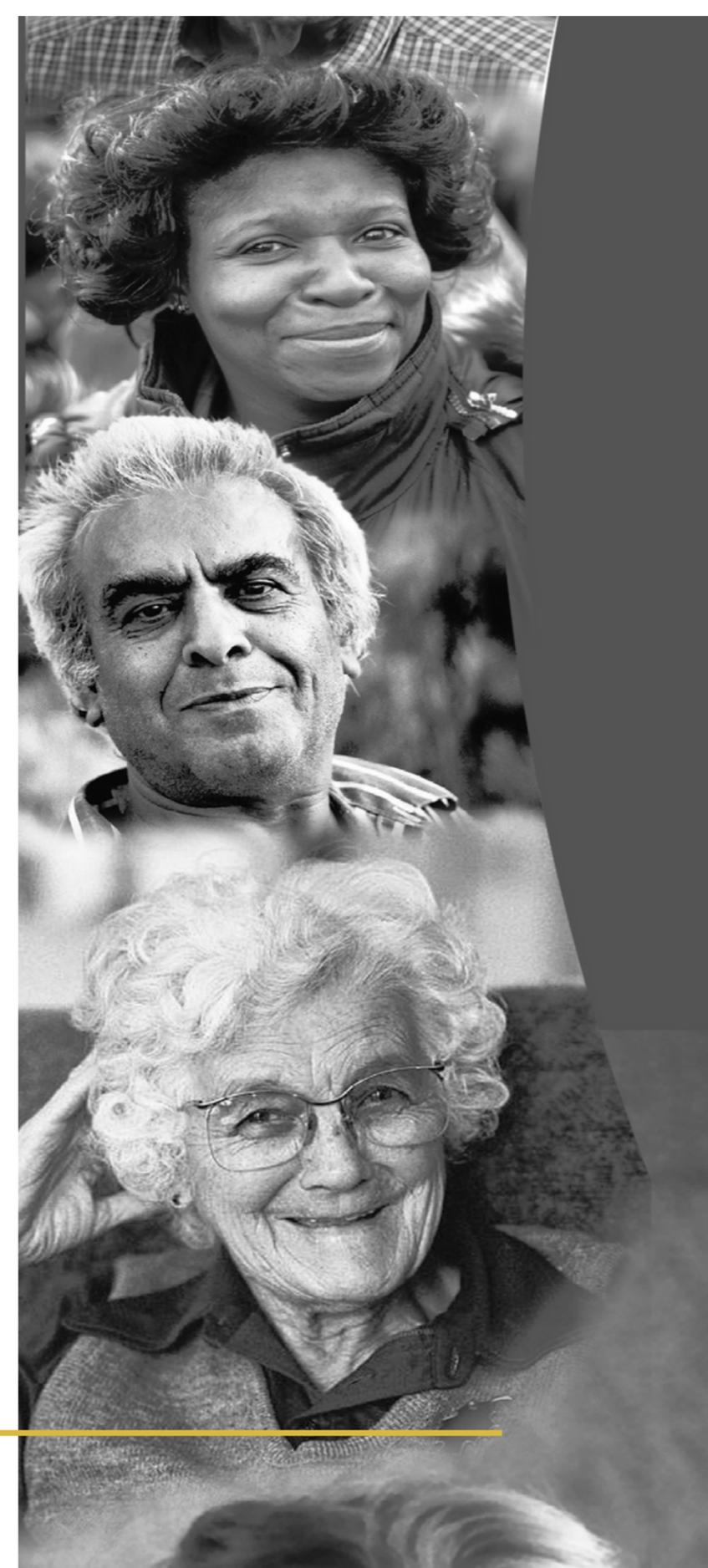
Elder Abuse Prevention Ontario (EAP O)

MISSION

EAPO envisions an Ontario where ALL seniors are free from abuse, have a strong voice, feel safe and respected.

ACTION

Building that requires raising awareness, delivering education and training, working collaboratively with like-minded organizations and assisting with service coordination and advocacy.



Webinar flow

Legal Response to Elder Abuse

 WWW.EAPON.CA  @EAPreventionON

 **Elder Abuse Prevention (ON)**
Stop Abuse - Restore Respect

- Speaker Presentations
(10 minutes each)
- Panel Discussion
(1 hour)
- **Questions & Answer
Period** from participants
who posted in the Q&A box



Moderator
**Lisa Tobio – Executive Director –
York-Fairbank Centre for Seniors, and
Chair – Prevention of Elder Abuse Coalition in
Etobicoke and York (PEACE) Network**



**Sandi Parker
Team Leader of Investigations
Office of the Public Guardian and Trustee (OPGT)**



**Clara McGregor
Staff Litigation Lawyer
Advocacy Centre for the Elderly (ACE)**

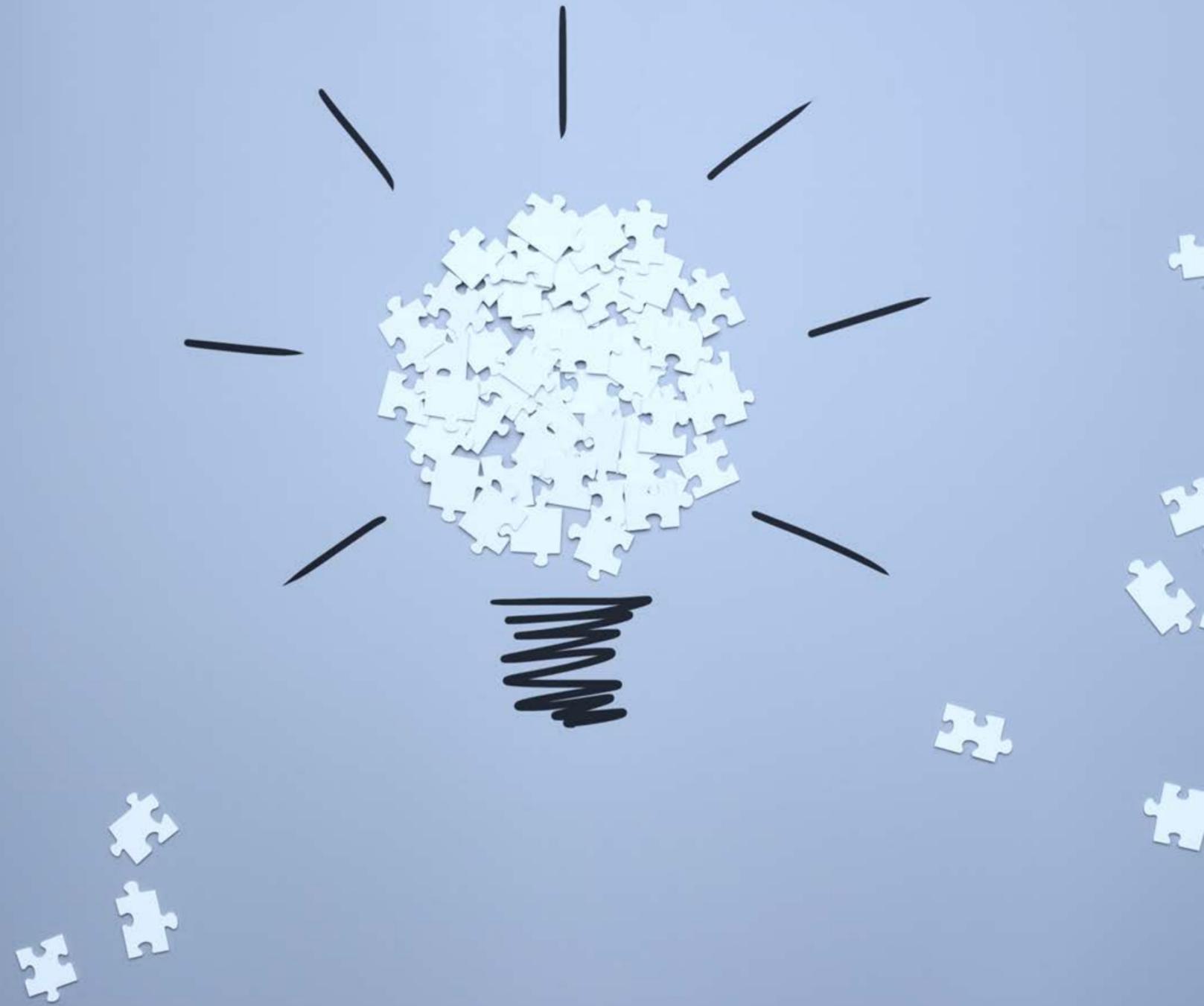


**Constable Ian Dann
Elder Abuse/Vulnerable Person Co-Ordinator
Peel Regional Police**

**GUEST
SPEAKERS**

**WEBINAR
PARTNERS**

Panelist Presentations



PGT INVESTIGATIONS

Panel for Elder Abuse Prevention Ontario
Sandi Parker, Team Leader of Investigations

Date: March 31, 2021

© Public Guardian and Trustee, 2021

ROLES OF THE OPGT

- The PGT covers ALL of Ontario
- PGT Investigations Offices are located in Toronto, Hamilton, London, Ottawa, and Sudbury
- 3,000+ Allegations received each year
- 1,200 Investigations for property guardianship clients and estates



PGT INVESTIGATIONS

CRITERIA FOR AN INVESTIGATION

- Evidence of Incapacity
- Evidence of Serious Risk
- No other options to mitigate risk
- The appointment of the PGT as guardian will benefit the person



WHAT IS INCAPACITY?

- Mental incapacity definition:
 - Person is not able to understand information that is relevant to make a decision
 - Person is not able to appreciate (within reason) the consequences of making (or not making) a decision



INDICATORS OF MENTAL INCAPACITY

(INVESTIGATOR IS NOT A TRAINED ASSESSOR AND DOES NOT CONDUCT A FORMAL ASSESSMENT)

- Possible indicators of incapacity can include:
 - Inability to understand information relevant to making decisions
 - Inability to initiate or complete necessary tasks
 - Changes in lifestyle choices, decisions or behavior (e.g. sudden self-neglect)
 - Changes in hygiene, nutrition, communication
 - Disorientation as to time, place, personal identity, or identity of significant people
 - Impaired thought processes
 - Problems with simple calculations
 - Memory loss
 - Perception difficulties, delusions, or hallucinations

WHAT IS RISK?

The Investigator evaluates available information about 'serious adverse effects to determine risk

- Risk must be significant
- Evaluated on a case-by-case basis
- What may be a risk for one person may not for another

Possible examples:

- Unusual and excessive spending
- Theft, loss or mismanagement of significant assets or income
- Self-neglect of finances impacting the necessities of life (e.g. food, shelter, medical care, etc.)
- Failure to pay bills with serious consequences
- Isolation, deprivation of liberty
- Severe loss of weight, impairment of functions
- Risk of eviction





WHAT OPTIONS COULD MITIGATE RISK?

- Referrals to community agencies (Mental Health agencies, Situation Tables, etc.)
- Contact the bank with concerns & request internal investigation/call to PGT if required
- Contact police for a wellness check
- Consider having the person taken to hospital under the Mental Health Act
- Involvement of family members
- Appointment of a Power of Attorney (if the person is capable to do so)
- Appointment of a Trustee (ODSP or CPP/OAS)
- Arranging a S.16 Capacity Assessment (factors: cost & right to refuse)
- LHIN involvement to coordinate in-home services &/or placement at Long-Term Care
- Consent & Capacity Board (Form C) application by involved party to be appointed Board Representative to make decisions
- Consent & Capacity Board (Form G) application by health care provider if HCCA Substitute Decision Maker is NOT making a best interest decision

FINANCIAL – HOW DOES THE PGT OBTAIN AUTHORITY?

- **Physician's Assessment** while in hospital (S.15 of the SDA)
- **Capacity Assessor's Assessment** (S.16 of SDA)
- **Court Appointment**
- **Statutory Trustee** (limited authority to manage OAS, CPP, ODSP, OW, etc.)
 - Only if we have investigated
- **Continuing Power of Attorney for Property**
 - On consent in rare cases

WHAT ARE PERSONAL CARE DECISIONS?

- Personal care = health care, nutrition, shelter, clothing, hygiene, and/or safety.
- Examples:
 - Medication
 - Immunization
 - Surgery
 - Housing (e.g. Admission to Long term care home)
 - Palliative care



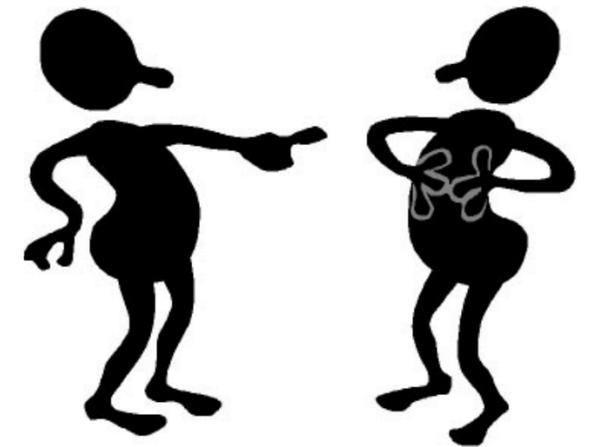
PERSONAL CARE – HOW DOES THE PGT OBTAIN AUTHORITY?

- Court Appointment
 - Very few people need personal care guardianship
 - PGT as guardian makes decisions – third parties propose the plan/decision (e.g. the PGT does not locate housing)
 - A designated Capacity Assessor can assess a person's capacity relating to personal care for court purposes. This assessment does NOT appoint the PGT.

[Treatment Decisions - Treatment decisions can be made by the PGT under the *Health Care Consent Act (HCCA)*, if others named (guardian, POA, family) are unwilling, unavailable, incapable or equally ranked substitute decision makers disagree.]

WHAT HAPPENS WHEN AN ALLEGATION IS RECEIVED BY THE PGT

- **Discussion with PGT Investigator to obtain information**
 - What evidence is available re: incapacity and risk?
 - What less intrusive alternatives are available?
 - Is guardianship by the PGT required and is the PGT last resort?
- **Often, Investigator will provide the caller with suggestions to resolve risk**
 - The caller can call back if the matter is not resolved.
- **Alternatively, an allegation may be assigned to an investigator.**
- **If the allegation can't be resolved, it may be promoted to an investigation.**



WHAT PGT MAY CONSIDER IN OPENING AN INVESTIGATION?

- PGT as last resort
- Alternatives to guardianship are often preferable
- **Guardianship should not be sought unless effective/beneficial**
- Presumption of capacity – unless reasonable grounds to suggest otherwise.
- Incapacity should not be concluded solely as a result of risky behavior or poor decision making.
- Lifestyle choices and cultural diversity should be considered.
- Recognition that guardianship necessarily entails a significant loss of personal autonomy.
- Consider prior capable and current wishes of person.
- Could an application to court be required? (purpose of investigation)

POSSIBLE OUTCOMES OF AN INVESTIGATION

- Insufficient evidence of incapacity and/or risk or guardianship not appropriate
- Informal supports are put in place to help alleviate risk
- Treatment decision made under the Health Care Consent Act (HCCA)
- Power of Attorney
 - E.g. the person may be capable of appointing a power of attorney
- Assessment at a Schedule 1 Facility and issuance of a Certificate of Incapacity – appoints PGT for property



POSSIBLE OUTCOMES OF AN INVESTIGATION (CONT'D)

- **Capacity Assessment** by designated capacity assessor and issuance of a Certificate of Incapacity – appoints PGT for property (*SDA s.16*)
- **Statutory Trusteeship** of pensions by third party or PGT
- **Court ordered guardianship** by family/friend
- **Court ordered guardianship** by the PGT as a LAST RESORT
- **Other court application** (e.g. court directions or passing of accounts)



MISCONCEPTIONS

Allegation ≠ Investigation

Abuse/Vulnerable ≠ Incapacity

Mental Illness ≠ Incapacity

Investigation ≠ Guardianship

Incapacity ≠ Guardianship

MORE MISCONCEPTIONS

Getting the PGT appointed as a guardian:



- Cannot jump the person to the front of a waiting list for services or housing
- Cannot force the person to stop behaving in a manner perceived as undesirable or risky (e.g. cannot stop the person from drinking alcohol or hoarding).
- Cannot make the person's family get along
- Cannot create more resources than the person is legally entitled to
- Cannot force those who have spent the person's money to give it back if it is gone
- Cannot punish those who have harmed or taken advantage of the incapable person

REMEMBER

- The PGT is *NOT* a crisis intervention team
- The role of the PGT is one of a substitute decision-maker of *LAST RESORT*
- The PGT only operates in the civil judicial system not the criminal system, so we cannot lay charges.



MAKING AN ALLEGATION

- *To make an Allegation:*
 - Call: (416) 327-6348 or 1-800-366-0335;
 - Fax: (416) 314-5301
 - Mail:
Office of the Public Guardian and Trustee, Guardianship Investigations Unit
595 Bay St., Suite 800
Toronto, ON M5G 2M6
 - E-mail: JUS.G.FJS.PGT.Guardianshipinvestigation@ontario.ca
- Provide information about:
 - Alleged incapable person's name, address, and date of birth
 - Alleged incapacity
 - Financial and or personal care risk
 - Alternatives that have been tried

PGT BROCHURES

- For further information and brochures, visit our website at:
<http://www.attorneygeneral.jus.gov.on.ca/english/family/pgt/>
- **BROCHURES available at**
http://www.attorneygeneral.jus.gov.on.ca/english/family/pgt/brochures_and_forms.php
 - Becoming a Guardian of Property
 - Duties and Powers of a Guardian of Property
 - Guide to the *Substitute Decisions Act*
 - Power of Attorney: Questions and Answers
 - Power of Attorney Kit
 - **Role of the PGT in Guardianship Investigations**
 - Role of the PGT in Providing Property Guardianship Services
 - **The Capacity Assessment Office -**
<https://www.attorneygeneral.jus.gov.on.ca/english/family/pgt/capacityoffice.php#list>



OTHER PGT PHONE NUMBERS

PGT Toronto - Main Number

- 416-314-2800 or 1-800-366-0335

Capacity Assessment Office

- 416-327-6766 or 1-866-521-1033

Guardianship Register/Intake Unit

- 416-327-6683

Estates Administration

- 416-325-8854

Elder Abuse Co-ordinator

CONSTABLE IAN DANN #2078

ELDER ABUSE AND VULNERABLE ADULT
COORDINATOR

PHONE: (905) 453-2121 EXT: 3428

EMAIL: 2078@PEELPOLICE.CA





Background:

- In 2015, the first Full time position of Elder Abuse Coordinator was created at the Peel Regional Police

Role of Elder Abuse Co-ordinator in Peel

Responsibilities - Regional Elder Abuse Coordinator

1. The regional elder abuse coordinator shall:

- (A) act as a resource to members of this service and the community;
- (B) provide assistance and guidance to officers, victims, complainants, and families of victims, as appropriate;
- (C) establish and maintain a liaison with other police agencies, family and criminal justice agencies, community and social agencies, the coroner's office, and organizations dealing with issues relating to elderly and vulnerable adults;
- (D) coordinate training programs, conduct lectures, and disseminate information to the members of this service in relation to elder abuse;
- (E) liaise directly with the "seniors fraud officer", fraud bureau regarding frauds and scams perpetrated upon elderly and/or vulnerable adults within the community;
- (f) liaise with members of the various specialized bureaux/units regarding any type of serial crime against elderly/vulnerable adults in the community and ensure appropriate dissemination of information to the public; and,
- G) review all occurrences forwarded to the elder abuse task list, make the appropriate referrals.

Steps being taken to respond to the increase in Elder Abuse

Training and Education

In 2019, the Peel Crown Attorney's office appointed an Elder Case Crown

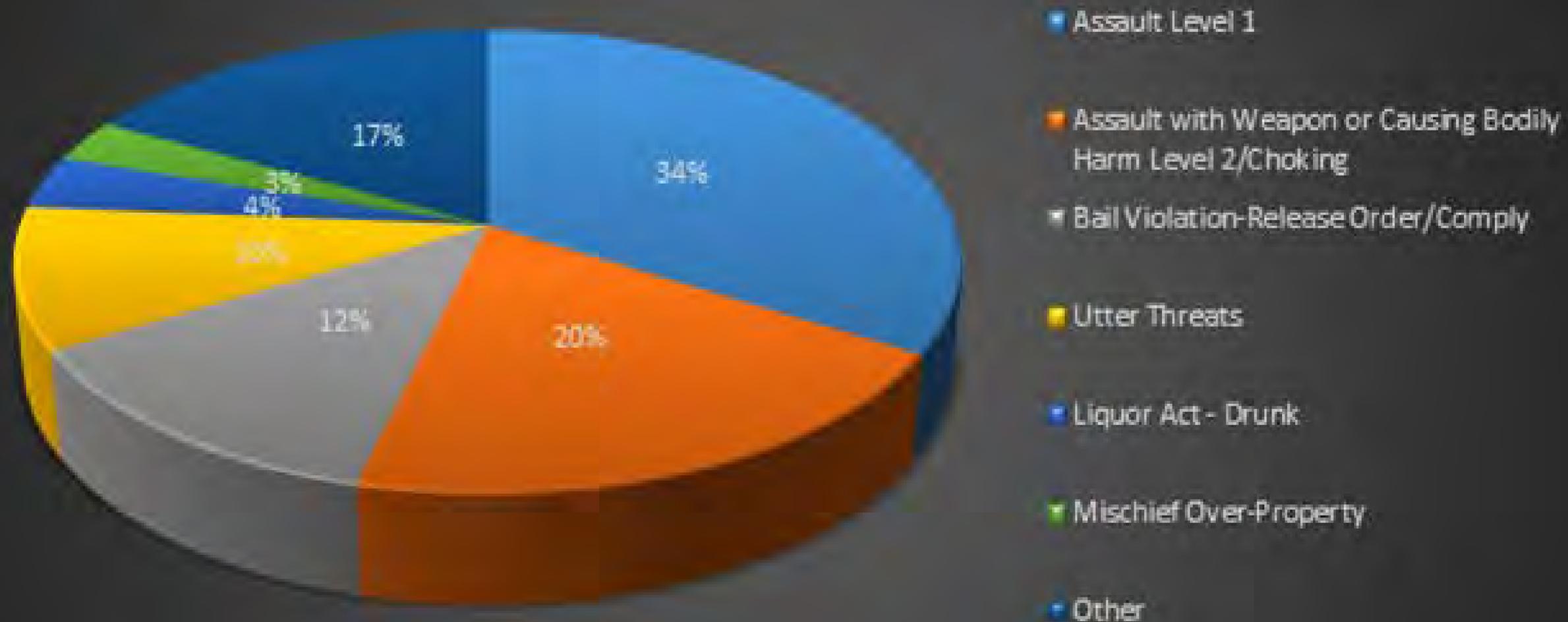
In 2021, 48 Officers and 4 Supervisors were assigned to the new Divisional Mobilization Unit

Peel Regional Police Stats on Elder Abuse 2016-2020

	2016	2017	2018	2019	2020	Variance 2019 - 2020		Variance 2016 - 2020	
						#	%	#	%
Elder Abuse Occurrences	133	316	929	1,955	2,911	956	49%	2,778	2089%
Total Cleared by Charge	29	42	113	238	306	68	29%	277	955%
Total Cleared by Other	3	8	30	34	66	32	94%	63	2100%

Breakdown of Charges Laid in Relation to Elder Abuse

Top "Cleared by Charge" occurrences - 2020



Contact Info

Cst Ian Dann # 2078

Ph:(905) 453-3311 ext 3428

Email: 2078@peelpolice.ca



On Twitter



PEEL REGIONAL POLICE
REGION OF PEEL



Ian Dann
@IanDann2078

Peel Police-Constable Ian Dann
Elder Abuse Co-ordinator 905-453-2121 ext: 3428
2078@peelpolice.ca

peelpolice.ca/modules/news/i...  Joined January 2021

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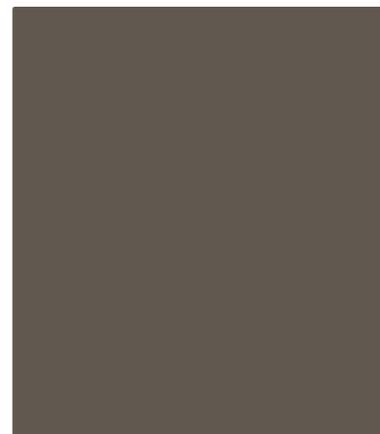
Panelist Presentations





**Open
Discussion**

Please take a few minutes to complete our survey!



Contact Us

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Elder Abuse Prevention Ontario

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gta@eapon.ca

www.eapon.ca

Comments? Questions?
Keep in Touch

