

INTERVENTION

Module 14: Intervention approaches, practices and supportive legislation

In this module:

- **Useful intervention practices;**
- **Promising Canadian approaches and practices;**
- **Effective intervention;**
- **How you can help;**
- **Violence against older persons requires a coordinated response;**
- **Legislative interventions;**
- **Provincial services for victims of violence;**
- **Stories from the front lines; and,**
- **Questions for reflection.**

Useful intervention practices

Effective interventions use approaches that respect the rights of older persons to make their own choices. Interventions may be addressed to either or both the victim and/or the perpetrator. This manual is mostly concerned with interventions that focus on older victims of violence. In this module you will find useful intervention practices and approaches that reflect, as much as possible, the older person's rights to self-determination.

This training manual does not provide clinical assessment or screening tools to use in identifying older adult violence. The purpose of this manual is to inform and educate through practices, approaches and tools that will be useful to service providers and other helpers, concerned friends and relatives, and older persons themselves.

No matter your role, you can help an older person deal with violence or threats. You can be supportive. You can listen. You can provide information on emergency contacts and local resources.

Promising Canadian approaches and practices

The most promising intervention approaches that assist older victims of violence in Canada are shown in the table below (note that these vary by province).⁴³

Type of intervention	Description
Adult protection legislation and services	<ul style="list-style-type: none"> • usually targets all adults (not just older persons), particularly populations most likely to experience violence
Advocacy	<ul style="list-style-type: none"> • guidance on legal rights • legal research • public education • helps victims find their way through the “system”
Community response networks (CRNs)	<ul style="list-style-type: none"> • broad, integrated approach to helping • creates linkages between agencies and organizations • sharing of skills and knowledge
Consultation teams	<ul style="list-style-type: none"> • expertise and collaboration
Counselling	<ul style="list-style-type: none"> • psychological support • information about options • safety planning • advocacy • referrals
Hotline	<ul style="list-style-type: none"> • information and referral on services and resources
Information and education	<ul style="list-style-type: none"> • public education campaigns • websites
Multi-disciplinary team	<ul style="list-style-type: none"> • multiple skills and knowledge to respond to violence

⁴³ Eolas Consulting. (2009). *Final Report: Identification of Best Practices to Educate and Train Health Professionals in the Recognition, Intervention and Prevention of Violence against Older Persons*. Retrieved from: http://www.gov.nf.ca/vpi/publications/vaop_final_report.pdf.

Peer support and advocacy	<ul style="list-style-type: none"> • emotional support • practical help • information on rights • advocacy and help with self-advocacy
Shelters, safe houses	<ul style="list-style-type: none"> • crisis or short-term housing and support

Effective intervention

Before engaging with the older person who has been injured, abused or neglected, consider the following two factors of effective intervention:⁴⁴

➤ **Level of risk**

- High risk situations require **immediate action**.
- “High risk” refers to a situation where the older person’s life is in immediate danger or the person is at risk of imminent harm.
- Call 911 where available. Be sure to know the emergency number to call in your region.

➤ **Consent**

- Provide enough information for the older person to make an informed choice.
- Do what you can to ensure the older person’s understanding and cooperation in any intervention.
- Is the older person willing to accept help?

How you can help

Older victims of violence need your support. Help them make choices that are right for them. Here are five things you can do to help.⁴⁵

⁴⁴ Adapted in part from Ontario Network for the Prevention of Elder Abuse. (2008). *Core Curriculum and Resource Guide*. Retrieved from: <http://www.onpea.org/english/trainingtools/corecurriculum.html>.

⁴⁵ Information in this section is adapted from the Violence Prevention Initiative website: <http://www.gov.nl.ca/VPI/facts/helpvictimssofviolence-pages1-2.pdf>.

1. Give clear messages, such as:

- Violence is never okay;
- The older person's safety is always most important;
- Assault is a crime;
- The older person is not alone;
- The older person is not the cause of the violence;
- The older person is not to blame for the perpetrator's actions;
- The older person cannot be responsible for changing the perpetrator's behaviour;
- Apologies and promises rarely end violence; and,
- Violence and abuse are not a loss of control; they are a **means** of control.

2. Help with safety planning.

- Help the older person plan for safety. (See Module 11 for *Safety planning*)
- Help the older person identify a range of choices to deal with violence.
- Encourage and support the older person to make her or his own decisions.
- Identify others in the older person's network who can provide support or respond in a crisis. This could be a trusted neighbour, faith leader, relative or friend.

3. Find out about violence prevention and response resources in your region.

- Look in the front pages of the phone book for police, crisis and shelter emergency numbers.
- Know about local community services such as groups for victims of violence.
- See Module 16 on *Helpful resources* in this manual.
- Copy the chart in the *Helpful resources* module. Then fill in names and phone numbers of the violence prevention and response resources in your region. Keep it updated.
- Share your Helpful Resources list with an older person who may be at risk. Help the person find a safe place to keep the list.

4. Be careful when giving advice: some advice may not be useful and may even pose a risk or danger for the older person.

- Do not tell the older person what to do (for example, when to leave or not to leave).
- Do not advise the older person to go back and “try a little harder” or “ignore it.”
- Do not rescue the older person by trying to find quick solutions.
- Do not try to talk to the perpetrator to “straighten things out.”
- Do not suggest the older person do something “for the sake of the other person.”

5. Remember that older victims of violence need to know that they have the right to:

- Have the basic needs of life: food, shelter, clothing, and social contact;
- Live free from physical, sexual, spiritual, cultural, psychological and emotional violence, as well as verbal and financial abuse and neglect;
- Know their civil and legal rights;
- Get help in making and communicating informed decisions;
- Live as they wish, without risking the rights and safety of themselves or others;
- Be presumed capable of making decisions for themselves;
- Make their own decisions, to the full extent that they are able;
- Have their wishes respected; and,
- Accept or reject help.

Violence against older persons requires a coordinated response

Violence against older persons is a complex social problem. All sectors of society must work together to address it. No one person or sector has all the resources or expertise to deal with every situation where there has been violence. An effective response to violence against older persons involves coordinated efforts and collaboration among agencies, community

groups, government departments, and individuals. Every situation is unique, so it is important to be aware of the different roles and functions of these various community, government and law enforcement sectors.

The chart below shows some of the key roles and functions in society that work to prevent violence against older persons.⁴⁶

Role	Function
Trusted family member or friend	<ul style="list-style-type: none"> • Supports and assists the older person in making choices and communicating decisions • Can be very important when helping an older person who has certain physical or mental disabilities
Banker	<ul style="list-style-type: none"> • Detects financial abuse • Offers expert financial advice
Clergy, spiritual leader, community Elder	<ul style="list-style-type: none"> • Provides guidance and support
Community support group	<ul style="list-style-type: none"> • Provides direct services to older persons • Provides support • Provides expertise, such as Alzheimer awareness • Helps with basic needs such as clothing or food
Law enforcement	<ul style="list-style-type: none"> • Responds to high risk situations • Detects violence • Investigates crimes • Lays charges • Transports victims to safe housing or shelters • Removes others from household • Intervenes with perpetrator

⁴⁶ Adapted in part from Ontario Network for the Prevention of Elder Abuse. (2008). *Core Curriculum and Resource Guide*. Retrieved from: <http://www.onpea.org/english/trainingtools/corecurriculum.html>.

Lawyer	<ul style="list-style-type: none"> • Provides expert legal advice • Suggests options for criminal charges or civil action • Helps navigate legal system • Provides expert help with wills and powers of attorney • Advocates for older person when dealing with perpetrator or service providers
Pharmacist	<ul style="list-style-type: none"> • Detects health concerns (for example, over- or under-medicating, neglect, safety) • Offers expert advice on medications
Physician	<ul style="list-style-type: none"> • Detects, screens and diagnoses • Advises on illness • Determines physical/mental capacity (can be other health professionals too)
Health professional (psychologist, physiotherapist, nurse, etc.)	<ul style="list-style-type: none"> • Detects violence • Determines capacity • Brings specific expertise and knowledge • Intervenes
Social worker	<ul style="list-style-type: none"> • Monitors the whole situation • Works with the older person to develop a service plan • Provides direct services to older persons • Provides support and counselling • Makes referrals • Provides access to services
Victim Services	<ul style="list-style-type: none"> • Provides emotional support • Makes referrals to community agencies • Provides support through legal system • Assists with writing Victim Impact Statements

A coordinated response may also include:

- Agencies for immigrants and refugees;
- Mental health / addiction services;
- Regional Health Authorities, including hospitals;

- Royal Canadian Mounted Police (RCMP), Royal Newfoundland Constabulary (RNC);
- Sexual Assault Crisis and Prevention Centre;
- Seniors' centres and organizations;
- Violence Prevention Initiative (VPI); and,
- VPI Regional Coordinating Committees.

Legislative interventions

There are laws to deal with violence against older persons in Newfoundland and Labrador. Some types of violence are crimes and violate an older person's basic rights, while others may not be crimes but still violate basic rights. This section describes some of the federal and provincial legislation that may apply. Please refer to the legislation for full details.

Federal laws

Canadian Charter of Rights and Freedoms

- The *Canadian Charter of Rights and Freedoms* states the rights and freedoms of citizens in the Canadian Constitution. It recognizes and protects:
 - fundamental freedoms
 - democratic rights
 - mobility rights
 - legal rights
 - equality rights (freedom from discrimination based on age, disability, sex, race, ethnic origin, and religion)
 - the multicultural heritage of Canadians
 - official language rights
 - minority language education rights
- The following sections of the *Charter* may apply in certain situations of violence of older persons:

- Sections 15(1) and 15(2) of the *Charter* deal with equality rights and address the problem of systemic discrimination.
 - Section 15(1) affirms 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.”
 - Section 15(2) allows courts to approve affirmative action programs which are “any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”
- Section 28 states that the rights and freedoms referenced in the *Charter* “are guaranteed equally to male and female persons.”
- Section 7 of the *Charter* guarantees the right to life, liberty and security. This includes the right to accept or to refuse medical or other healthcare treatment.
- The *Canadian Charter of Rights and Freedoms* can be found on the internet at <http://laws.justice.gc.ca/en/charter/>.

Criminal Code of Canada

- The *Criminal Code of Canada* deals with criminal offences. To report a crime, call 911 (where available) or contact local police. See the chart below for sections of the *Criminal Code* that relate to violence against older persons.
- The *Criminal Code of Canada* can be found on the internet at www.laws.justice.gc.ca/en/C-46/.

Type of violence	Selected Sections from the <i>Criminal Code of Canada</i>	Definitions
Physical violence	<p>229: Murder</p> <p>232: Murder reduced to manslaughter 234: Manslaughter</p> <p>265: Assault 267: Assault with a weapon or causing bodily harm</p> <p>268: Aggravated assault</p> <p>269: Unlawfully causing bodily harm</p> <p>279: Forcible confinement/Kidnapping</p>	<ul style="list-style-type: none"> • <i>Murder</i>: killing a person by intentionally causing the person's death, or intentionally causing bodily harm likely to result in death • <i>Manslaughter</i>: unintentional murder, such as when a drunk driver kills another person; or if the killing was committed in the "heat of passion" as a result of a sudden provocation • <i>Assault</i>: directly or indirectly applying force intentionally to another person; attempting or threatening to apply force to another person • <i>Aggravated assault</i>: an assault in which a person's life is endangered or the person is wounded or disfigured • <i>Unlawfully causing bodily harm</i>: an intentional act that is likely to result in injury • <i>Forcible confinement</i>: forcing a person to remain in a house, room, bed or chair against his or her will, for extended periods

<p>Psychological violence, Emotional violence, Verbal abuse</p>	<p>264: Criminal harassment</p> <p>264.1: Uttering threats</p>	<ul style="list-style-type: none"> • <i>Criminal harassment</i>: repeated actions (such as stalking) over time causing a person to fear for her or his safety or the safety of anyone known to them; physical injury need not occur • <i>Threats</i>: threatening to: <ul style="list-style-type: none"> ○ cause death or bodily harm to a person ○ damage, burn or destroy personal property ○ kill, poison or injure a person's animal
<p>Sexual violence</p>	<p>153.1: Sexual exploitation of a person with a disability</p> <p>271: Sexual assault</p> <p>272: Sexual assault with a weapon/threats to a third party</p>	<ul style="list-style-type: none"> • <i>Sexual exploitation of a person with a disability</i>: counselling or inciting a person with a mental or physical disability to directly or indirectly touch, without that person's consent: <ul style="list-style-type: none"> ○ his or her own body ○ the body of a person in a position of authority ○ the body of any person • <i>Sexual assault</i>: touching someone in a sexual way, either directly or indirectly, without that person's consent • <i>Sexual assault with a weapon; threats to a third party</i>: while committing a sexual assault a person

	<p>273: Aggravated sexual assault</p>	<p>injures another person or threatens to:</p> <ul style="list-style-type: none"> ○ use a weapon ○ cause bodily harm to the other person ○ cause bodily harm to someone other than the other person <ul style="list-style-type: none"> ● <i>Aggravated sexual assault:</i> sexual assault in which a person’s life is endangered or the person is wounded or disfigured
<p>Financial abuse</p>	<p>322: Theft</p> <p>346: Extortion</p> <p>366: Forgery</p> <p>386: Fraud (“Fraudulent registration of title”)</p>	<ul style="list-style-type: none"> ● <i>Theft:</i> taking another person’s property without that person’s consent ● <i>Extortion:</i> using threats, accusations or violence to provoke another person to do anything or cause anything to be done ● <i>Forgery:</i> making a false document and presenting and using it as real to take advantage of or harm another person or his or her property ● <i>Fraud (“Fraudulent registration of title”):</i> When an individual knowingly, and with intent to deceive: <ul style="list-style-type: none"> ○ makes a material false statement ○ holds back or conceals from a judge or registrar any material document,

- Colour;
 - Nationality;
 - Ethnic origin;
 - Social origin;
 - Religious creed;
 - Religion;
 - Age;
 - Disability;
 - Disfigurement;
 - Sex;
 - Sexual orientation;
 - Marital status;
 - Family status;
 - Source of income; and,
 - Political opinion.
- The *Human Rights Act* can be found on the internet at: www.assembly.nl.ca/Legislation/sr/statutes/h13-1.htm.

Mental Health Care and Treatment Act

- *The Mental Health Care and Treatment Act* protects people with mental health issues from harming themselves or others. If you work with older persons at risk of violence, you should familiarize yourself with this *Act*.
- The *Mental Health Care and Treatment Act* can be found on the internet at: www.assembly.nl.ca/legislation/sr/statutes/m09-1.htm.

Family Violence Protection Act/Emergency Protection Orders

- The *Family Violence Protection Act* provides for Emergency Protection Orders (EPOs) which makes emergency help available to adult victims of family violence and their children. EPOs are Provincial Court orders that provide immediate protection when family violence has occurred. This *Act* deals with violence in intimate partner relationships. It does not address other family relationships such as violence between grown children or siblings.
- The *Family Violence Protection Act* can be found on the internet at: www.assembly.nl.ca/legislation/sr/statutes/f03-1.htm.

- The Provincial Court of Newfoundland and Labrador's website provides information on the EPO process:
<http://www.court.nl.ca/provincial/courts/epo/index.html>.

Advance Health Care Directives Act

- An Advance Health Care Directive (AHCD), or “living will” is a written statement of an adult's (age 16 and older) health care wishes. An AHCD allows a person to choose someone who will have the authority to make medical decisions on his or her behalf. It is used if an illness or injury leaves the person unable to communicate health care wishes. This ensures that a person's health care decisions are respected by health care professionals and family members. An AHCD also prevents people from misrepresenting or manipulating health care wishes.
- The *Advance Health Care Directive Act* can be found on the internet at: www.assembly.nl.ca/legislation/sr/statutes/a04-1.htm.

The Enduring Powers of Attorney Act

- Through this *Act*, a person may appoint an Enduring Attorney to manage his or her estate.
- A “Power of Attorney” is a legal document in which a person grants another person(s) the power to act on his or her behalf in financial affairs. (The word ‘attorney’ in a Power of Attorney does not mean lawyer. It is the legal name for your decision-maker.)
- A Power of Attorney is not valid if a person becomes legally incapacitated. A legal incapacity refers to a mental disability, where a person cannot understand the effect of her or his actions.
- The *Enduring Powers of Attorney Act* allows a person to appoint an “Enduring Attorney”. This Power of Attorney will continue despite any legal incapacity the person may suffer. It ends upon either the death of the person or the death of the attorney.
- The *Enduring Powers of Attorney Act* can be found online at www.assembly.nl.ca/legislation/sr/annualstatutes/RSN1990/E11.c90.htm.

An Act Respecting the Protection of Adults

- Is also referenced as the *Adult Protection Act* and replaces the *Neglected Adults Welfare Act*.
- An adult in need of protective intervention, lacks capacity and:
 - Is incapable of caring properly for himself or herself, or refuses, delays or is unable to make provision for proper care and attention for himself or herself; or,
 - Is abused or neglected.
- A citizen who has information which leads them to believe that an adult is in need of protective intervention is required by law to report this information to the Provincial Director, the Director as appointed by the Regional Health Authority, a social worker or a peace officer.
- *An Act Respecting the Protection of Adults* can be found at: <http://www.assembly.nl.ca/legislation/sr/statutes/a04-01.htm>.

Provincial services for victims of violence

Victim Services

- Victim Services is a program offered through the provincial Department of Justice. The Adult Program is for victims of crime who are 16 years and older. The focus is mainly on victims of violent crime, but victims of all types of crime are helped. An offence does not have to be reported to the police, and charges do not have to be laid, for a person to get help.
- Victim Services provides:
 - Information about the criminal justice system and how it works;
 - Updates on what is happening with a case;
 - Pre-court support and preparation to help reduce anxiety and allow meaningful participation in the court process;
 - Help with preparing a Victim Impact Statement;
 - Emotional support and short-term counselling as a person prepares to go through court; and,
 - Referrals to community resources.
- Information about Victim Services is available at: www.justice.gov.nl.ca/just/victim_services/index.html.

- Also see Module 16: *Helpful resources*, in this manual for the phone numbers of regional Victim Services offices.

Legal Aid

- The Legal Aid Commission ensures that people who have limited financial resources have access to legal advice and representation.
- The Legal Aid Commission is responsible for providing legal representation to those who are eligible in criminal and family matters, as well as some civil matters.
- Information regarding the Legal Aid Commission can be found online at: www.justice.gov.nl.ca/just/legalassist/legalaid.html.

Peace Bond

- A peace bond is a court order that places certain conditions on a person's behaviour. These conditions may include:
 - To keep the peace;
 - Not to communicate with you in any manner; and,
 - Not to possess a firearm.
- There is no cost involved in applying for a peace bond. The peace bond is valid for up to 12 months.
- Victim Services publishes a brochure called "Applying for Peace Bonds in Newfoundland and Labrador". The brochure is available online:
http://www.justice.gov.nl.ca/just/victim_services/pdfs/applying_for_a_peacebond.pdf.
- For more information about peace bonds, see the Provincial Court of Newfoundland and Labrador's website:
<http://www.court.nl.ca/provincial/goingtocourt/peacebondhearings.html>.

For more useful legal and other resources in all regions of the province, refer to Module 16: *Helpful resources*.

STORIES FROM THE FRONT LINES

Abby and her grandson Hubert

Abby is an 85-year-old widow. She has cared for her grandson Hubert, 42, for most of his life. Hubert has a developmental disability. He works five days a week in a supported work program. Abby's health has been poor for the past few years. She has relied more and more on Hubert for care. He sometimes forgets to prepare food for Abby before going to work. Hubert often gives her his own sedatives to keep her quiet. Abby and Hubert often have violent arguments about each other's behaviour. At times, he has pushed her into a wall or a table, causing serious bruising. Abby feels she cannot go on this way much longer because of her poor health. She is still very protective of her grandson. Abby is afraid to go to a long-term care home because she fears what will happen to Hubert if he is left alone.

Bea and her neighbour Andrea

Bea is 81 years old. She has no family in town, and lives alone in her own home. She was recently hospitalized, and was released after learning how to use a wheelchair.

Bea's neighbour Andrea receives Income Support. When Bea returned home from the hospital, Andrea offered to come over each day to help with cleaning, cooking, shopping and bathing. Things went well at first. Then Andrea started eating at Bea's house, saying she was hungry. Andrea complained about how hard it was to live on what she received from Income Support. Bea knew she was being taken advantage of, but was still not feeling well, and was afraid to be alone.

One day, Andrea told Bea to change her will. Andrea would become the sole beneficiary, in exchange for continuing to provide care to Bea. Bea refused, and Andrea screamed that she would no longer come over to help. She left, slamming the door. She took several hundred dollars in cash along with some kitchen pots and bowls. Bea is afraid that Andrea will return with some of her relatives who may steal from her or even hurt her.

Bea has always been a fighter, but now she is not sure she has the strength to go on.

Patricia and Helen

Patricia and Helen have been life partners for 30 years. Helen was diagnosed with Alzheimer's-type dementia four years ago. Before the disease, Helen was a quiet, non-violent person. She and Patricia had a very loving relationship.

Over the past few months, Helen's condition has worsened. Patricia tries to make conversation, but Helen seldom responds. When she does, she is loud and argumentative, and sometimes even strikes out at Patricia. Recently Helen tried to choke her, but stopped when Patricia cried out. Patricia believes her partner's behaviour is due to the disease. She does not want to place Helen in an institution. Patricia has a negative view of long-term care homes. She feels an obligation to look after her partner because of their many happy years together.

One day, while browsing the internet, Patricia discovered that there was a day program for older persons with dementia and related disorders in the community where they lived. She and Helen went to visit the program and took part in some of the activities for participants and their families. Now, Helen goes to the program four days a week, and Patricia has joined a caregivers group that meets weekly.

QUESTIONS FOR REFLECTION

1. For each of the stories above, answer the following questions:
 - What types of violence are involved?
 - What are the indicators? (How do you know violence has occurred?)
 - Who is the perpetrator in each story? What type of perpetrator dynamics are involved (intimate partner violence, stressed caregiver, etc.)?
 - What laws do you think are being broken? What resources could help?

2. Can you recall an intervention that you made that was helpful to another person? What worked in that situation? What kinds of interventions did you make? Who else did you involve? How do you know it worked?

3. Can you recall an intervention that you made that did not work well? What happened? Did you have the needed resources? What could be done next time to ensure a better outcome?

4. If you were to ask someone you respect - such as a teacher, mentor or supervisor - to assess your listening skills, what would she or he say? How do you think you could improve your “skillful listening” ability?