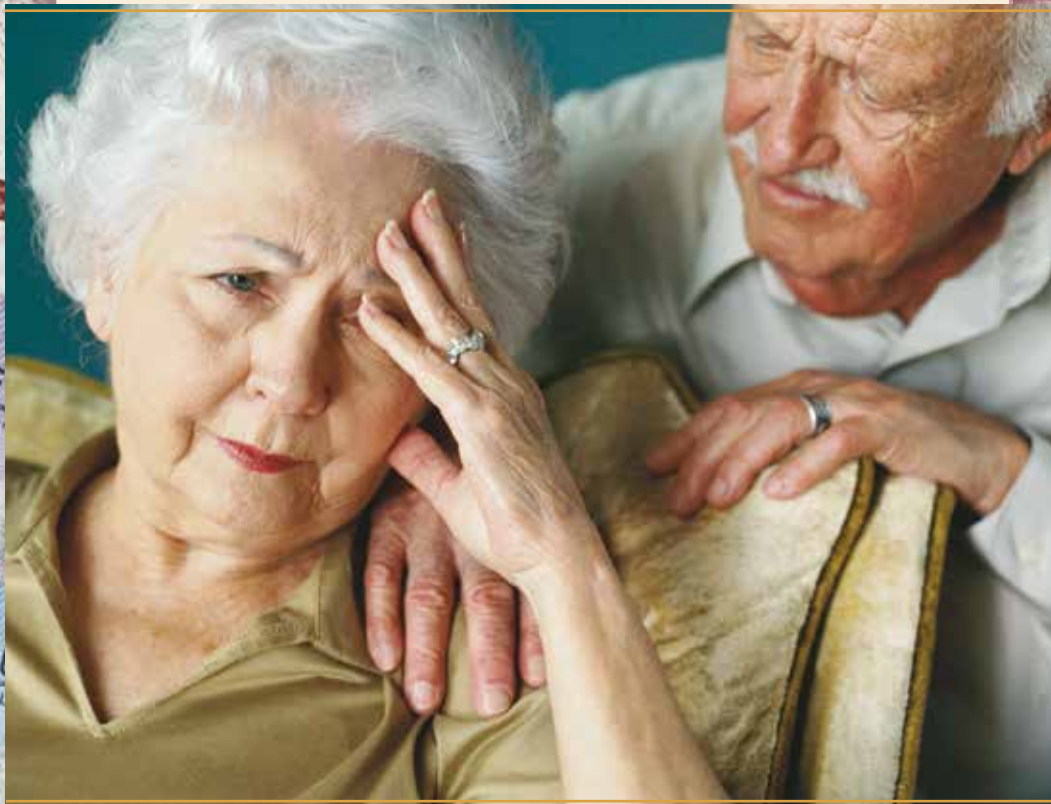


Financial abuse
of the elderly...
BE AWARE!



To better understand this phenomenon, learn
how to prevent it and know where to seek help.



Financial abuse is one of the most common forms of abuse of the elderly. In most cases, the acts are committed by persons whom the senior trusts entirely such as their spouse or child, a caregiver or a friend. Financial abuse can lead to poverty and have serious consequences on the quality of life and the health of the elderly person.

Thanks to the financial support of the Conférence régionale des élus de la Montérégie Est, the Association coopérative d'économie familiale (ACEF) of Montérégie Est and the FADOQ - Région Richelieu-Yamaska whom have combined efforts and produced this brochure in order to better explain this phenomenon and advise the general population in dealing with this reality.

This practical awareness tool will allow the elderly and their relatives to prevent financial abuse. Through concrete examples, they will identify different strategies used by alleged abusers and know about the help resources available to prevent and avoid this kind of abuse.

Together against financial abuse.

We wish you an informative and enjoyable read.

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What defines abuse?

“Abuse is a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an elderly person”*

We are talking about “financial abuse” when the goal is to appropriate a person’s financial resources without their consent and to their detriment by taking advantage of the persons’ trust in the relationship or their physical or psychological vulnerability.

Financial abuse is accompanied with psychological violence, control, dishonesty, intimidation and other forms of manipulation. It usually stems from someone whom the person is close to and fully trusts.

It is therefore important to identify the signs indicating that a person is a victim of financial abuse and to take the necessary protective measures.

A few examples of financial abuse:

- Trying to obtain money from you through emotional manipulation.
- Diverting amounts of money that belong to you.
- Trying to obtain your money for various kinds of reasons.
- Taking hold of your belongings without asking for your consent.
- Withdrawing money out of your bank account.
- Asking you to sign for a loan.
- Misuse of the authority you granted through a legal mandate.
- Using your name on financial transactions.
- Cashing your retirement check and keeping a portion of it without your consent.
- Forcing you to sell your home or properties.
- Refusing to reimburse a loan you gave.
- Trying to get you to modify your testament.

Having you sign documents that you do not understand.

* Definition held by The Government of Quebec from The Toronto Declaration on the Global Prevention of Elder Abuse. (World Health Organization 2002)

Trusting others is normal



It is quite normal to trust those around us. The feeling of trust allows us to participate in society, to be happy with our loved ones and attain happiness.

Unfortunately, our trust is often the door that a person uses to extract from us favors or money. Our trust in that person causes us to put aside any caution or suspicion that would be naturally present.

Most cases of financial abuse are committed by people close to the elderly person, for example, relatives or friends. Those are the people whom we have no reason to mistrust. They are often the last persons that we would think of as wanting to harm us.

It is for this reason that this type of abuse is so difficult to detect. The abusers succeed in slipping through our protective barriers because we have given them our complete confidence. Often, they have convinced us that they know much more than we do. They express wanting to take care of everything. They want our happiness or they need our help quickly. These behaviours, done consciously or not, become a type of emotional manipulation.

The ways to go about it are numerous but the goal is always the same: to take over your financial assets.



Portrait of an abuser



In all financial abuse cases there is a victim but there is also an abuser. Who can it be? Is there a profile?

In fact, there is no fixed portrait of an abuser. In the majority of cases it is a person that is within our close surroundings and who has earned our confidence. So, it can be one of our relatives (children, spouse, brothers, sisters, nephews, nieces, etc)

It can also be a healthcare provider for example a nurse, a care attendant or a person providing other types of services. The abuser may also be someone you are living with (a roommate or a boarder) or even a landlord.

In order for financial abuse to occur there must be some type of emotional link between the abuser and the victim. The abuser will use this emotional link to put pressure on the victim.

The abuser will therefore be pleasant with us but can also be unreasonable and uncompromising and even become violent.

The abuser may be financially dependent on us. He or she may have financial difficulties and be in need of money. As such, they often also have personal or professional issues.

No matter how he or she goes about it, the true intention of the abuser is to have a hold on our possessions and our money to use for their own personal purposes. They will attempt to manipulate us, isolate and depreciate us or to present reality only in a way that suits their own needs.

As we can see, abusers will use different strategies to eventually get what they want.

They are always asking me for money

Jeannette is very fond of all of her children and grand-children and her greatest desire is to be surrounded by them and to see them happy. Her grandson Nicolas is her favorite. He often comes to visit her and helps here and there doing errands and small services.

A few times he's asked her for minor amounts of money. It's her pleasure to help him out because he's a good boy and he's often unlucky. However, recently he has been more insistent and little by little the amounts have increased.

Jeannette doesn't know what to do anymore. She wants to refuse his requests but she just can't seem to find the right words to say without hurting his feelings. Because of his incessant requests, Jeannette has had to deprive herself of some needs and her budget has become very strict. She does not want to tell the other members of the family for fear of betraying the confidence between her and Nicolas.



Financial mistreatment is often hard to detect. It can be done over a long period of time without the victim realizing the degree of the situation. It is often the result of emotional manipulation.



It is not easy to refuse the requests of our relatives. Learn to say No, be vigilant and cautious when you are asked for money. Speak with persons who are neutral to the situation and who can advise you on what would be best.

ACTUAL CASES

They want to take my decisions for me

Mr Gilbert is 82 years old. He lives alone in his apartment but his children visit him regularly. They are concerned about his health and living conditions. His daughter, Manon, takes care of his finances which, for him, are a relief because he is overwhelmed by all the paperwork and the use of new technologies.

During a visit of his daughter he tells her that he would like to have a new refrigerator. The one that he has is old and does not work properly anymore.

A few days later, his daughter has a brand new refrigerator, with a lower freezer and an integrated water system, delivered to his residence. Having not been informed or been asked to accompany his daughter to the store to choose the appliance, he feels a bit upset. She wanted to make him happy but he would have liked to participated in his own purchase. He does not feel it is right to protest against the good intentions of his daughter



The daughter proceeded with the purchase without consulting with her father nor any other members of the family. She behaved as if this purchase was for herself. We could question if she was seeking to please her father or acting solely in own interest.



It is wise to always name 2 persons as procurators on your Power of Attorney (mandate) document. This avoids having only one person with exclusive control which could be tempting to use to his or her advantage or own personal means.



The Power of Attorney (mandate) allows a person to engage your responsibility without your consent, that which can pave the way to financial abuse and seriously affect your finances.

ACTUAL CASES

I gave access to my bank account

Jean-Pierre and Suzanne will be staying in Florida for 4 months and decided to give their daughter Josee a bank authorisation in order to allow her to pay the bills during their absence. Josee asked for an ATM card and their PIN in order to simplify the operations.

On their return, Jean-Pierre and Suzanne find several late notices for many monthly bills. Their transactions statement shows all kinds of expenses related to restaurant dining, withdrawals at the ATM and even at the Casino...

Their bank account is almost empty



Did they make a mistake by entrusting their ATM card to their daughter?



Do not ever give your ATM card or credit card to anybody. Always keep your bank account as low as possible. If somebody takes advantage of the authorisation you have given them for withdrawals of your bank account, this could be considered as theft.



Giving a bank authorisation means that you are allowing a person access to your money. You must keep your independence and assign this type of mandate only if it is absolutely necessary

ACTUAL CASES

They want me to lend them money

Mrs Poitras has frequented the same hair salon for the last fifteen years. She easily confides in her hairdresser, Jocelyne, about everything from minor problems to the small things in life that make her happy.

Seeing as she is not as mobile as she once was, Mrs Poitras moved into a residence for Seniors. Jocelyne offered to provide her hairdressing services at her residence. In the beginning, things continued as normal but little by little Jocelyne begins telling her about some financial issues that she has and that she is seeking a way to get out from under it all. Knowing that Mrs. Poitras has a large amount of money, she asks if she could possibly provide her a loan that which would be of great help.

Mrs. Poitras feels uncomfortable. She is reluctant to lend money to someone who is not a part of her family. Jocelyne knows that she is financially comfortable and she insists on the loan and talks about their good relationship. Mrs. Poitras has the feeling that if she says No, Jocelyne will not continue to provide her hairdressing services.



This case is a fine example of people with whom you can establish a link of confidence even though they are not a member of your family.



A person that you see frequently for a service might take advantage of everything that you have confided to them. Remain discreet on your financial situation regardless if it is members of your family or simple acquaintances.



What to do in such situations?



Stop using the services from that person. If you do continue then use the service more sporadically. If you did loan money then ask somebody to act as an escort while you meet the person in order reach a reimbursement agreement.

ACTUAL CASES

I can longer see my grandchildren

Yvonne has always had a good relationship with her grandsons, 7 and 10 years old. She sometimes takes them out for recreational activities or occasionally to the restaurant. Her daughter, Laurence, and her son-in-law Robert, came to see her recently asking her to endorse them for a car loan. Yvonne refused and since that moment the relationship with her daughter and son-in-law has changed.

The boys are less available. They do not come to see her as often as before. Yvonne feels sad about losing that connection she had with her grandsons.



Do Laurence and Robert have the right to interfere with Yvonne seeing her grandchildren?



Even if a parent wants to keep away his children from their grandparents, there is a law having a disposition that guarantees the children stay in touch with their grandparents. The reverse is also true.



If there is any conflict with the parents of your grandchildren you can address the issue through the Court in order to obtain the right to communicate and visit with them. For such a request to be denied there must a weighty reason such as evidence of a serious disagreement and that the grandparents have been violent or have had a bad influence on their grandchildren.



Even if you are not on good terms with the parents of your grandchildren they may not request that you pay any type of alimony or provide a financial assistance to see them.

ACTUAL CASES

They want to modify my will

Mrs. Jolicoeur is frequently visited at her home in a Seniors residence by her daughter Raymonde. In spite of her 87 years of age, she is in good health although she has some occasional discomforts. She feels serene about her personal affairs and her will was completed by a notary.

Mrs. Jolicoeur has already mentioned to her daughter the amount she will inherit according the will. Raymonde finds it unfair that inheritance is divided equally between her and her siblings. Contrary to her situation, her brothers and sisters have lucrative incomes and, in her point of view, are not in need of money. She pressures her mother to modify her will and leave her a larger amount. She is even ready to take an appointment for her mother with the notary.

Mrs. Jolicoeur does not know how to say No to her daughter. She is almost ready to give in to her to end the strife and have peace.



Is there a way for Mrs. Jolicoeur to stand-up to her daughter?



Mrs. Jolicoeur could request a period of time to consider her daughter's demand. She could also say that she cannot take such an important decision alone and she needs to consult with other persons. She could also communicate with her notary to explain the situation.



You and you alone has the power to modify your will. Find someone you trust and who will help you to confront the person who wants to make the changes to the document. There is absolutely nothing that obliges a parent to leave money as an inheritance to his child.

ACTUAL CASES

They asked me to endorse a loan

Serge is talking to his mother, Pierrette, about the fact that he has some financial difficulties and is in need of money. Pierrette feels sad about the situation but she does not have enough money to help him out and she wants to remain fair towards her other children.

A few days later, Serge comes back to see his Mother saying he is happy to have found a solution. He wants to refinance her house for the amount of 250 000\$ but someone has to sign the loan application. He says that everything has been arranged and that she will not have to give him any money. She only needs to pass by the bank on Monday morning...

Pierrette feels uncomfortable towards her son's request. She feels pressured and would like to take some time to think about it. She would like to talk to someone but she feels unable to do that with her other children. She is wondering if it is true that there is no risk for her.



When you endorse a loan you become as responsible as the person who has contracted the loan. If that person misses one or more payments you will be the person responsible and shall have to make the payment yourself.



Not only you will have to repay the financial institution but the loan will appear on your credit report, as if it was yours. In the case of default of payment of the loan, your credit report will suffer, which could prevent you from obtaining any further credit or even renting an apartment.



Before signing any contract for someone else take some time to inform yourself about your commitment as well as on the details of the loan. Obtain information concerning the financial situation of the person you want to help and verify their ability to meet the payments in full.

ACTUAL CASES

They want me to sign some papers

"In a family we should help each other" Marie-Ange repeated that to her children when they were young. When her daughter and husband experienced some difficulties she agreed to welcome them to live at her house, in exchange for boarding fees. There is room for all and she is more than happy to see the home filled with life.

But the financial difficulties of her daughter and son-in-law did not cease and bad luck seemed to be pursuing them. One of their children fell seriously ill and they had to quit their jobs to take care of him. Certain months they could not pay the boarding fees. That meant that Marie-Ange started having some difficulties of her own to make ends meet.

One day, her daughter spoke to her about a solution that would allow the withdrawal of a monthly amount out of her house without having to sell it. Her daughter had even taken an appointment at the financial institution in order to proceed. The representative explained that the procedure is a "reverse mortgage" and is easy to obtain without having to pay anything. Marie-Ange did not really understand how this could work. They wanted her to sign some papers quickly but she feared that she is was about to do something that she will regret later.



Could Marie-Ange refuse to sign even if she already has an agreement with her daughter?



Take some time to think before signing and ask to meet the person again for further explanation and details.



The reverse mortgage allows Seniors over 55 to withdraw a monthly amount of money from the value of their house. They do not have to reimburse this loan until the sale of the house.



If this allows her to increase her revenue while remaining in her home, this type of loan is very expensive and will cause a debt that will grow larger and very quickly over the years.



Prevention of Abuse



Seeing as abuse, financial and otherwise, is often difficult to detect it is also not easy to realize the magnitude of the situation and to grasp all of the issues.

Here are the 5 criteria to use to validate if there is abuse:

1. The abused person is isolated from their social contacts or cut off from sources of information.
2. A dependency with the abuser has been created.
3. Psychological manipulation is present within the relationship.
4. The elderly person must have given some form of consent to the abuser prior to the act of abuse.
5. There has been a loss of money or property belonging to the abused person.

Questions to ask in order to verify if an elderly person is or has been abused:

- Do you have any regular contacts with your family or close friends?
- Do you have control of your finances, your assets or your every day money?

The elderly are more likely to be financially abused when a caregiver takes care of their personal finances.

Is it the same person that has been taking care of you for a long time? As abusers are often people that are close to their victim we must encourage the elderly to talk and share their experiences with a trusted person, for example a qualified practitioner from social services or a community organization.

Has your budget become leaner?

A person in constant need of money or in a situation where they can no longer allow any type of small luxury are showing signs of financial abuse. We can try and attempt to clarify why the problem of having a lack of money is present.

There are several other indicators that can be evidence of financial abuse. For example, has the victim become suspicious or on his guard? Is she or he appearing sad or depressed? Are there signs of loss of appetite? Does it seem that he or she is preoccupied without any apparent reason?

Financial indicators:

- Increased banking transactions
- Unexplained debt
- Unpaid bills
- Disappearance of valuables

These, on their own, are not necessarily indicators of financial abuse but do require attention.

A Few Security Recommendations

- Keep strictly confidential any personal information in order to ensure the protection of your assets.
- Do not share, under any circumstances, your financial information with people that you do not know and be discreet concerning your assets or projects even with members of your own family.
- Never give your credit card to anybody.
- Ensure the privacy of the touchpad while making purchase transactions with your ATM or credit card.
- Never leave any blank space on a check especially concerning the amount.
- Regularly verify your bank statements, cancelled checks and your bank booklets.
- If you lend an important amount of money to a member of your family or to a close friend obtain a written acknowledgement of debt.
- Report promptly any suspicious transaction to your financial institution.
- Even though it is now possible to complete transactions by Internet, by phone or by requesting your suppliers to debit directly your bank account, staying organized and keeping the control on your bank accounts as long as possible is preferable.
- Always request your retirement income to be deposited directly into your bank account and not by check in order to avoid theft of your check and non-authorized bank transactions.
- When you endorse a loan, that loan also belongs to you and therefore you are also responsible for it.
- Reduce the limit of withdrawal on all of your bank accounts.
- Do not hesitate to ask about the services offered by your financial institution and inquire on the details on how to use them.

Be suspicious...

... if you are asked to hand over your pension check in order to pay your room fees or the rent in the residence where you live. If you have already given your consent to this know that you can revoke it at any given moment. No one, including persons of authority, can oblige you to withdraw funds even if the demand may seem reasonable.





The Power of Attorney (mandate), the mandate in case of incapacity and the **testament** are three distinctly separate documents that may be necessary at different moments in your life.

The Power of Attorney(mandate)

There are two types of Power of Attorney (mandate): general and specific.

A general Power of Attorney (mandate) gives a “carte blanche” to the person that you have chosen to act on your behalf. That person will have the full authorization to take care of your banking business, pay your rent, take care of your tax reports, etc

A specific Power of Attorney (mandate) allows an individual of your choice to act in your place but only for a particular act. For example, a banking mandate gives the individual of your choice the right to proceed with your banking transactions under your name.

The Power of Attorney (mandate) can be allowed on a permanent basis or with a specific time frame.

Know that you can cancel or modify the mandate at any time.

The Mandate in Case of Incapacity

The mandate in case of incapacity is used when a person is legally confirmed as being incapacitated. The person(s) that you have chosen will have the power for making the decisions concerning your comfort and your safety when you are no longer apt to do so for yourself. It is important to have a mandate in case of incapacity because it contains your own needs and desires.



The Testament

The Testament is a legal document in which you indicate who will inherit your assets following your death and what are your last wishes concerning your burial. There are three forms of testaments: handwritten and signed solely by you, testament made in the presence of witnesses and notarized.

The handwritten testament must be written by hand, completely, and solely by you. It must be signed by you and there is no need to have witnesses.

There are no costs associated with this type of testament and it can be drawn up quickly. However, it often turns out to be incomplete and not properly protecting your heirs especially when it comes to repossessions, divorce, debts or age to inherit.

Once the person has passed away the delays can be long before being able to settle the estate because research will be necessary in order to validate the information. This type of testament must be probated by a notary or the court.

The Testament signed by witnesses has to be signed first by yourself in presence of two witnesses whom will have to sign it also under your name. This type of testament makes it easier to certify because of the witnesses. It is not suggested to have as witnesses those who might have an interest in the estate such as your heirs.

The notarized testament is a document that is authorized by a notary that which guarantees it is as yours and respecting all the required legal formalities. This is the surest method to have known your last wishes.

What to do

I keep myself informed.

I take action at the first signs of abuse.

I seek out and find a person to whom I can confide in.

I consult with the CLSC, community agencies and even with the police, if needed.

I take good care of my assets by seeking advice from qualified persons.

I stay connected with others and avoid isolation.

If you feel you are in danger, you can immediately initiate steps even without evidence or witnesses.

A close relative could also seek help for you if he feels that you are being abused.

You can also file a complaint to the Commission des droits de la personne et des droits de la jeunesse. They can help you understand the steps to take to denounce an abuser. The Commission can also, on its own accord, initiate an investigation.

The Curateur Public also holds the power of inquiry. They can assist you in regaining your security.

Ressources

Telephone Help-Lines are available to listen to your issues and provide you with information.

Info line Aide Abus Aînés

1 888 489-2287

www.aideabusaines.ca

7 days a week from 8am to 8pm for elderly persons, general population and practitioners. This service offers a help line for support and information aiming to break the silence surrounding various forms of abuse.

Programme Aîné-Avisé

fights against abuse and fraud

450 774-8111

www.fadoqry.ca

The Programme Aîné-Avisé is dedicated to sensitizing the elderly, professionals and the general public about abuse and fraud against elderly people.

Centre d'écoute Montérégie

1 877 658-8509

www.ecoutemonteregie.org

Free and confidential help-line devoted to breaking isolation among the elderly.

Resources continued...

To better know your rights

**Commission des droits de la personne
et des droits de la jeunesse**

1 800 361-6477

www.cdpdj.qc.ca

From 8:30 to 12 am and from 1:00 to 4:30 pm

**Crime Victims Assistance Center
CAVAC**

1 888 670-3401

www.cavac.qc.ca

This service is dedicated to any victims of threats, fraud, theft, physical violence or any other crime. From Monday to Friday 8:30am to 5pm

Échec au crime

1 800 711-1800

www.echecacrim.org

Questions about finances

Autorité des marchés financiers

1 877 525-0337

Curateur public du Québec

1 800 363-9020

Collaborating organizations and Agencies

ACEF Montérégie-est

450 375-1443

www.acefmonteregie-est.com

ACEF Montreal South shore

1 877 677-6394

www.acefrsm.com

Carrefour d'information pour aînés Granby

450 372-2424

www.cabgranby.ca

FADOQ – Région Richelieu-Yamaska

450 774-8111

www.fadoqry.ca

The Volunteer Centres

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Advisor : Roger Lafrance
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Graphic concept : Conceptmab

English translation: L'Impression Compos ee

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