



Elder Abuse
Prevention
Ontario

FREE WEBINAR

GRANDPARENT RIGHTS

THURSDAY

September 8th

1:00 PM ET

ANDREW FELDSTEIN
SPEAKER

Founder of Feldstein Family Law Group

A smudge stick, made of dried herbs and tied with black and white string, is burning in a brass bowl. The bowl is ornate with a floral pattern. The entire scene is set on a green wooden surface. Surrounding the bowl are various natural elements: a large white crystal in the top left, a green chrysanthemum in the top left, a green cedar branch in the top right, a yellow chrysanthemum in the middle right, a large white crystal in the bottom right, a green chrysanthemum in the bottom right, and a green cedar branch in the bottom left. A semi-transparent grey banner with the text "LAND ACKNOWLEDGEMENT" is positioned across the bottom of the image.

LAND ACKNOWLEDGEMENT

WEBINAR HOUSEKEEPING



Communication

All attendees will be muted during the webinar.



Speaker

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



ASL Interpreters

Image and name (ASL Interpreter) will be visible during the webinar. View all speakers by clicking gallery view.

Can also PIN the ASL Interpreter to have image on your screen at all times.



Adjusting Speaker Images

Drag the line, between the image frame and slides, to the left to make speaker image larger.

WEBINAR HOUSEKEEPING



Chat Box

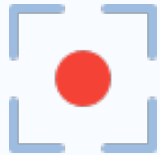
Post comments during the session.



Question Box

Type your questions in **Question/Answer box**.

A response will be posted during the webinar *or* asked to speaker after the presentation.



Recording

A recorded version of this webinar will be available on EAPO's website.



Evaluation

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

HOUSEKEEPING

Respecting Privacy and Confidentiality

EAPO appreciates 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.



EAPO

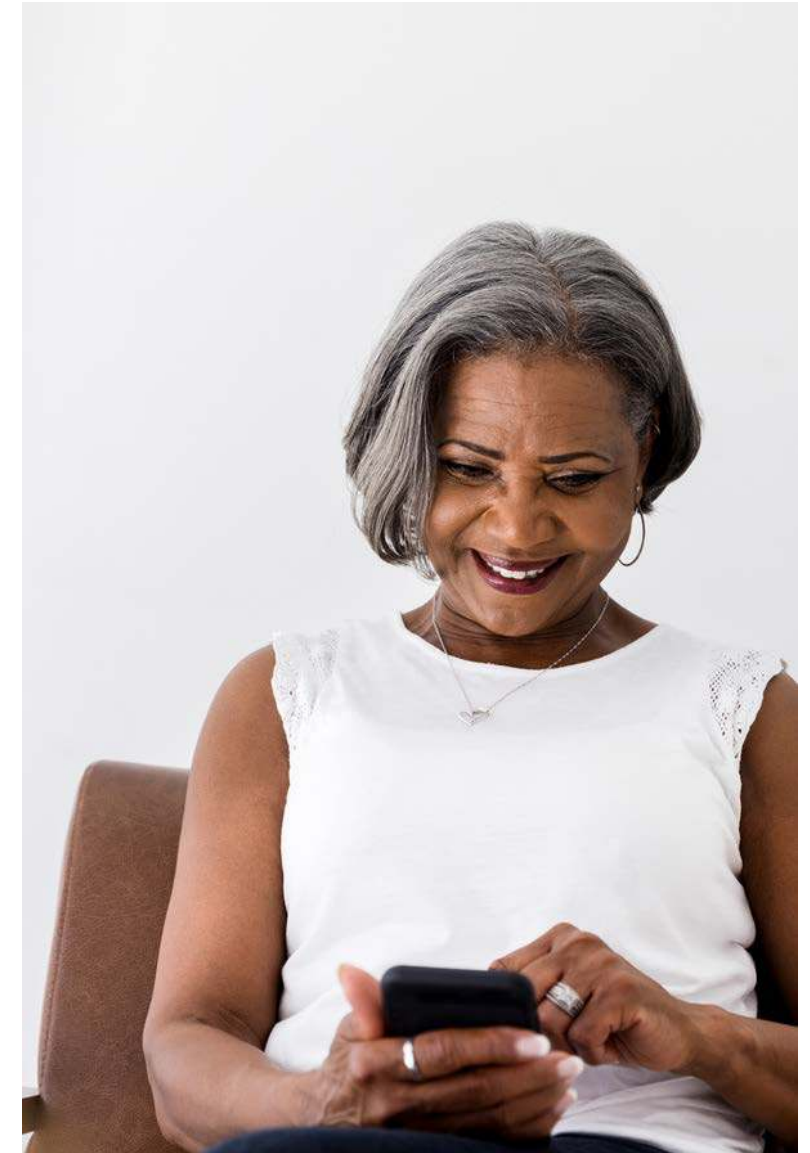
Preventing
Abuse in
Older Adults

MISSION

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

ACTION

Raising awareness, delivering education and training, working collaboratively with like-minded organizations and assisting with service coordination and advocacy.



STOP ABUSE – RESTORE RESPECT

SIMPLY PUT, WE ALL HAVE A ROLE TO PLAY

EAPO is mandated to support the
implementation of
Ontario's Strategy to Combat Elder Abuse.

Funded by the ON Government, under the
Ministry for Seniors and Accessibility (MSAA)



@EAPreventionON #RestoreRespect

www.eapon.ca



Ontario's Strategy to Combat Elder Abuse

1

Public Education and Awareness

A Province-wide, multi-media public education campaign to promote awareness about elder abuse and provide information on how to access services.

2

Training for Front-Line Staff

Specialized training to staff from various sectors, who work directly with seniors, to enhance their knowledge and skills to recognize and respond to elder abuse.

3

Co-ordination of Community Services

To strengthen communities across the province by building partnerships, promoting information sharing and supporting their efforts to combat elder abuse.



3 Pillars of the Strategy

EAPO

- Staff team of 8 EA Prevention Consultants and senior leadership operate a virtual service delivery model
- Collaborate with (37) Elder Abuse Prevention Networks including a newly established committee to support Francophone seniors, to build community capacity to respond and support vulnerable older adults at-risk or experiencing abuse.
- Currently invested in and supporting vital projects/research to advance elder abuse prevention at national and international levels



EAPO'S OUTREACH & RESOURCES

Take advantage
of the tools available.



Social media channels



Information and Referral



Website and Zoom platforms

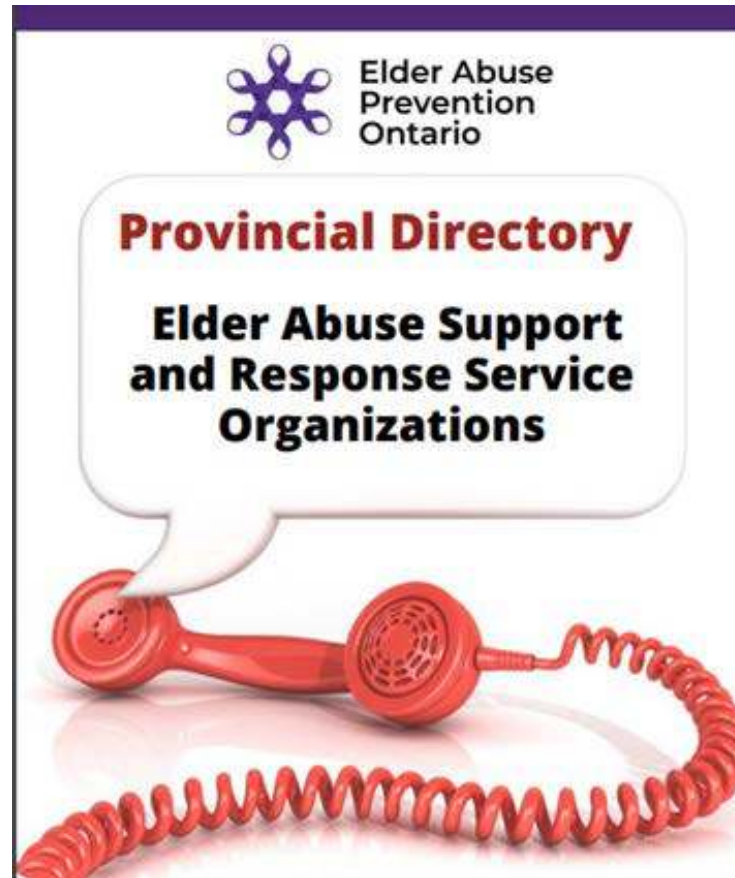
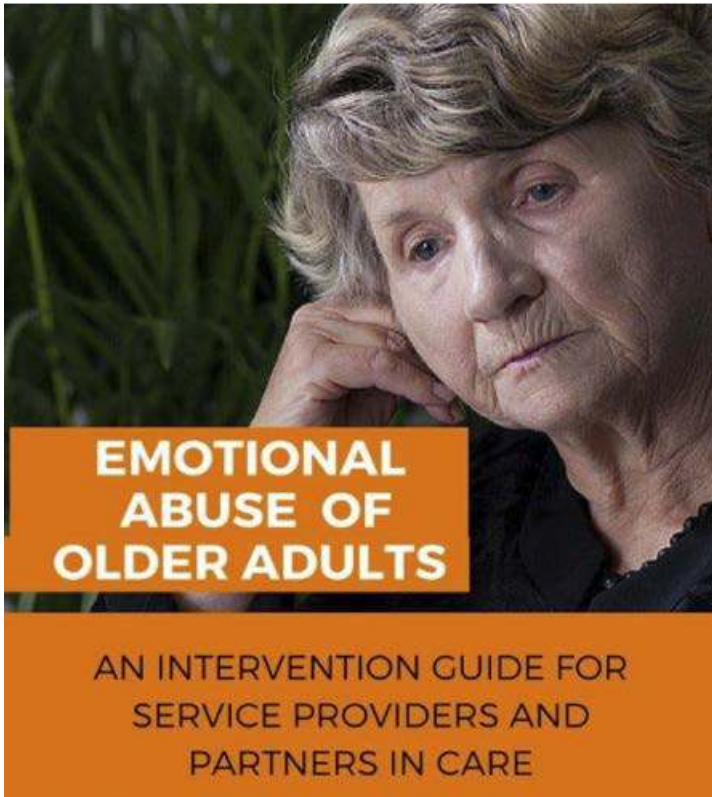


Tools and Resources



Customized Training and
Education

EAPO Resources



Impact of Financial Abuse



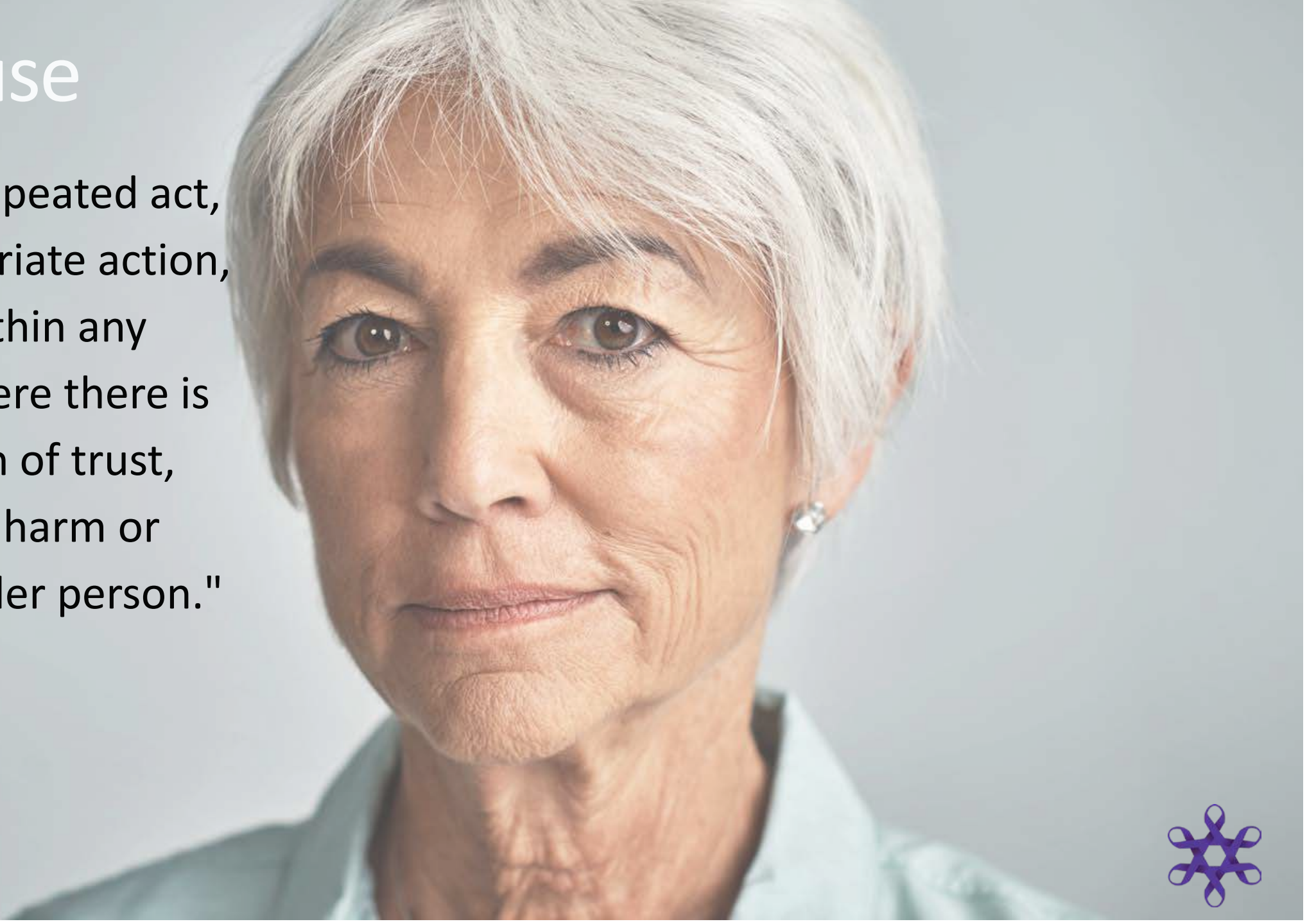
Financial abuse has individual and broader social costs, so we all have a collective interest in preventing and addressing it.

Impact	Consequences
Inability to recover financially	Income lost as a result of a fraud, forgery, or misuse of power of attorney for property can compromise an older adult's standard of living, especially if they live on a fixed income. Older adults may not be able to afford basic necessities such as regular meals, rent, home heating or warm clothing.
Loss of independence	Studies have shown that crime can spur the loss of emotional and financial independence amongst older adults and curtail their lives and lifespans. It can make them fearful of going out, decrease their ability to interact with other people and increase their social isolation.
Physical and emotional effects	Older adults may recuperate more slowly from a life-threatening traumatic event, suffer from depression and may isolate themselves from family, friends and their community because of feelings of shame.
Loss of older adult engagement	Older adults may begin to withdraw from social activities, recreational programming and/or community gatherings as a result of financial abuse. When older adults are not engaged with community members, family or friends, opportunities for creating and continuing supportive relationships and intergenerational connections are at risk of being lost. Engagement with older adults can also promote inclusion and reduce ageism in society.
Cost on healthcare systems	The mental or physical health issues caused by financial abuse may require an older adult to seek medical attention and this can have significant economic costs to our hospitals and clinics as well as access to community-based resources and services.
Dependence on others	Older people who experience financial abuse may be more reliant on family, friends and others for financial support after the abuse occurs. This can cause undue stress to both the older adult and family/friends.

Elder Abuse

“... 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 older person.”

WHO





According to the research
experts,
~10% of seniors are
experiencing some form
of abuse. (WHO)

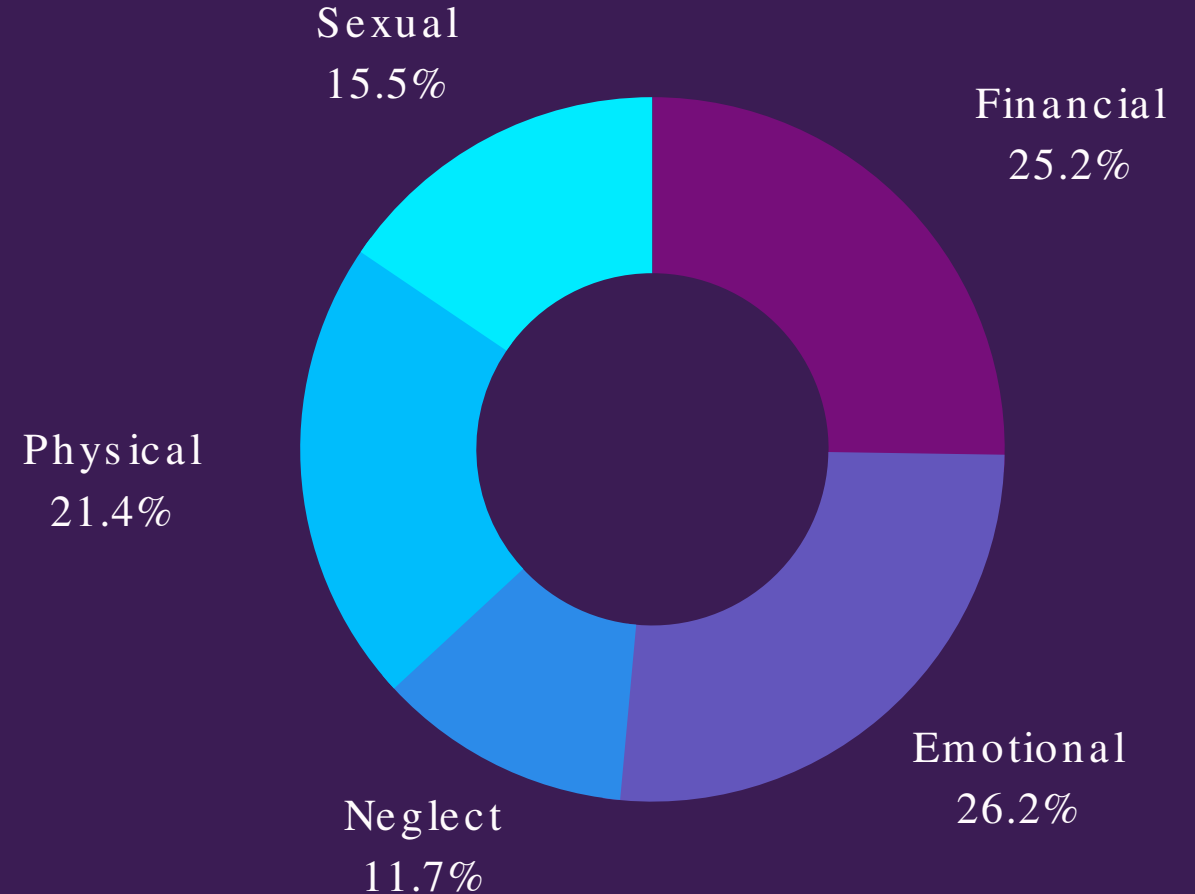
1 OUT OF 6

Older adults over 60 across the world experience some form of elder abuse in the community (WHO)

8.2% OF
SENIORS

PREVALENCE IN CANADA

National Prevalence



Source: McDonald, L., Beaulieu, M., Goergen, T., Lowenstein, A., Thomas, C., Lombardo, A., Bergeron-Plateau, J. & Kay, T. (2016). Into the light national survey on the mistreatment of older Canadians 2015



THOSE WITH ABUSIVE BEHAVIOURS

FAMILY: spouse, partner, sibling, son, daughter, grandchild.

FRIEND/NEIGHBOUR: Informal caregiver /neighbour who helps out once in awhile with care or errands.

CAREGIVER: Paid agency providing formal support and services



- May be the person who comes across as a very supportive family member.
- Person typically people who hold a position of trust, with the opportunity to know the victim's physical or mental vulnerabilities.

RELATIONSHIP RISK FACTORS

- High financial & emotional dependence upon a vulnerable older adult
- Past family conflict
- Inability to establish/maintain positive relationships
- Lack of social support





RECOGNIZING ABUSIVE BEHAVIOURS

- Dependence for money, food, housing and/or transportation
- Substance Abuse / Gambling Problem
- Poor physical and/or mental health
- Prejudiced attitudes
- Lack of understanding of aging process
- Caregiving assumed out of resignation or obligation
- May have a been victim of abuse in past





EMOTIONAL ABUSE

Any action, verbal or non-verbal, that lessens a person's sense of identity, dignity and self-worth.



SOCIAL ISOLATION

- No Access or denied connection with family, **grandchildren**, friends, agency supports
- Creates **stressful and affects mental health**
- Power imbalance : Loss of control in decision making and choices
- Fear, discomfort or nervousness around family members, friends, caregiver or other persons.
- Name calling, ridiculing, insulting, bullying



Parental Alienation

“results from the attempt by one parent after divorce or separation (usually the custodial parent) to behave in such a way as to alienate the child or children from the other parent.”

Dr. Richard Gardner, 1985

Those impacted by Parental Alienation

The children of divorce and broken partnerships, the non-custodial parent, and the parents of the non-custodial parent (**the children's grandparents**), plus extended family are all victims.



Seniors Rights in Ontario

All older adults in Ontario have the right to life, liberty and security and if capable have the right to:

- make their own decisions
- choose what is best for themselves
- expect services that will support them to live independently in the community
- maintain control over their destiny & decisions
- preserve and maintain their quality of life



Seniors Rights in Ontario

EAPO strives to uphold the rights of all older adults which includes their right to:

- Diverse cultural customs
- Language differences
- Religious beliefs
- Sexual orientation
- Lifestyle choices
- Quality socio-economic status



Andrew Feldstein

Founder, Founder of Feldstein Family Law Group

Andrew Feldstein graduated from Osgoode Hall Law School in 1992. Prior to focusing exclusively on family law, Andrew's legal practice covered many different areas, including corporate commercial. He was honoured with an inaugural appointment to the Dispute Resolution Officer (DRO) Panel for Newmarket, where he served for 7 years (2010-2017) to support the family law court process in aiding couples in attempts to resolve their issues before their case proceeds before a Judge. Andrew was selected for this appointment because of his vast experience with and successful ability to resolve complex family law issues using alternatives to the traditional court methods, including the collaborative family law process.

Andrew is a member of the Law Society of Ontario, York Region Law Association, a past member of the Ontario Bar Association Council and Canadian Bar Association National Council and Executive Member at Large for the Family Law Section of the Ontario Bar Association (2019).

He actively supports current law students, education, and the legal profession by volunteering as a mentor for the Osgoode Hall Law School Mentor Program.

WEBINAR

GUEST SPEAKER

Grandparents' Rights

because family matters

Terminology

- ▶ **custody** → decision-making responsibility
- ▶ **access** → contact (contact order)

Situations when grandparents' rights may become relevant

- ▶ death of a parent, where other parent refuses grandparents contact
- ▶ parent doesn't have a good relationship with child, but grandparents do
- ▶ parents still together, but refuse grandparents contact
- ▶ parent moves to another country
 - ▶ can negotiate
- ▶ grandparent thinks parents aren't responsible / are unable to care for child
- ▶ grandparent has acted as primary caregiver for some time

Legislation – Provincial

Children's Law Reform Act 1990

- ▶ **Section 21 (2)** Any person other than the parent of a child, including a grandparent, may apply to a court for a parenting order respecting decision-making responsibility with respect to the child.
- ▶ **Section 21 (3)** Any person other than the parent of a child, including a grandparent, may apply to a court for a contact order with respect to the child.

Legislation - Federal

Divorce Act 1985

- ▶ **Section 16.5 – Contact Orders:** A court of competent jurisdiction may, on application by a person other than a spouse, make an order providing for contact between that person and a child of the marriage.

Best Interests of the Child (BIC) Test

► Divorce Act 1985

- **s 16 (1)** The court shall take into consideration only the best interests of the child of the marriage in making a parenting order or a contact order.
- **s 16 (2)** When considering the factors referred to in subsection (3), the court shall give primary consideration to the child's physical, emotional and psychological safety, security and well-being.
- **s 16 (3)** lists factors to be considered in determining "best interests"
 - same as **CLRA s 24 (3)**

Factors in determining BIC

- a) child's needs, given the child's age and stage of development, such as the child's need for stability;
- b) nature and strength of the child's relationship with each spouse, each of the child's siblings and grandparents and any other person who plays an important role in the child's life;
- c) each spouse's willingness to support the development and maintenance of the child's relationship with the other spouse;
- d) history of care of the child;
- e) child's views and preferences, giving due weight to the child's age and maturity, unless they cannot be ascertained;
- f) child's cultural, linguistic, religious and spiritual upbringing and heritage, including Indigenous upbringing and heritage;

Factors in determining BIC

- g) any plans for the child's care;
- h) ability and willingness of each person in respect of whom the order would apply to care for and meet the needs of the child;
- i) ability and willingness of each person in respect of whom the order would apply to communicate and cooperate, in particular with one another, on matters affecting the child;
- j) family violence and its impact on, among other things,
 - (i) ability and willingness of any person who engaged in the family violence to care for and meet the needs of the child, and
 - (ii) appropriateness of making an order that would require persons in respect of whom the order would apply to cooperate on issues affecting the child; and
- k) any civil or criminal proceeding, order, condition, or measure that is relevant to the safety, security and well-being of the child.

In Court

- ▶ courts usually defer to parents, but → if a parent dies, issue of being kept from extended family
- ▶ grandparents unlikely to be successful if parents dispute contact + there's no close, meaningful relationship with child
- ▶ grandparents don't have automatic right but can argue that an order is appropriate
- ▶ $R(M) \vee L(A)$ - court must consider each claim holistically with due regard for child's needs → no factor is completely determinative
 - ▶ judge will analyze each case's facts and determine most appropriate course of action
- ▶ Giansante v DiChiara (2005) - court considers:
 - ▶ does a positive grandparent-grandchild relationship already exist?
 - ▶ has the parent's decision imperiled that positive relationship?
 - ▶ has the parent acted arbitrarily?

Does a positive grandparent-grandchild relationship already exist?

- ▶ *Barber v Mangal* - two situations that would likely mean 'yes':
 - if child has lived with grandparent / spent a significant amount of time in their care
 - if a parent has passed away and an order will maintain child's relationship with other side of the family
- ▶ parent should not prevent child from forming meaningful relationship with grandparent unless there is a reason

In summary

- ▶ grandparents *do* have rights, but not a given
- ▶ rely on CLRA and DA
- ▶ remember best interests of the child
- ▶ every case is different



Contact:

Feldstein Family Law Group

call: 905 – 415 – 1636

We're here to help 😊



Website: www.separation.ca

Twitter: <https://twitter.com/andrewfeldstein>

Facebook: www.facebook.com/feldsteinfamilylawgroup/

LinkedIn : www.linkedin.com/company/feldstein-family-law-group/

You-Tube: www.youtube.com/channel/UC48CnSkOvk5-floojc9Jd0g

Speaker
Contact
Information

Thank you!



Actions Older Adults Can Take to Manage Abuse

Seniors are entitled to being treated with respect.
Seniors have a right to live free from abuse.
Seniors have every right to live in safety and security.

- Talk to someone you trust about the abuse such as a friend, doctor or other health care provider, or spiritual leader.
- Talk to a social worker, a counsellor or someone you trust. They can help you understand more about abuse.
- Tell the abusive person that you don't like his/her/they behaviour and that it is not acceptable.
- Call your local distress centre for supportive telephone or in-person support.



Actions Older Adults Can Take to Manage Abuse

Seniors are entitled to being treated with respect.
Seniors have a right to live free from abuse.
Seniors have every right to live in safety and security.

- Change locations if necessary. Contact a shelter for a safe place to stay. Staff can also help with safety planning and refer you to programs and services to help you
- Maintain contact with loved ones and connections with friends and support networks.
- Ask for help when you need it.



Actions Older Adults Can Take to Manage Abuse

Seniors are entitled to being treated with respect.
Seniors have a right to live free from abuse.
Seniors have every right to live in safety and security.

- Try not to let the abuse silence you.
- Stay informed and know your rights.
- Write down what is happening to you. Keep your notes in a safe place.
- If you are afraid, call the police.
- Call 911 in an emergency.

Abusers can't always change, but sometimes there are ways to restore and improve intimate and family relationships.

You do not have to face this alone

Provincial **LEGAL** Supports and Services

Advocacy Centre for the Elderly

1-855-598-2656

www.advocacycentreelderly.org

Law Society Referral Service

www.lsuc.on.ca/lrs/

South Asian Legal Clinic

416-487-6371

<https://salc.on.ca>

Human Rights Tribunal of Ontario

1 866 598 0322

www.hrto.ca

Office of the Public Guardian and Trustee

1-800-366-0335

www.attorneygeneral.jus.gov.on.ca

Provincial Supports

Ontario Association of Family Mediation

1-844-989-3026 or 416-740-6236

www.oafm.on.ca

Canadian Grandparents Rights Association

<https://canadiangrandparentsrightsassociation.com/>

Their purpose is to promote, support, and assist grandparents and other or re-establishing family ties and family stability, where the family has been disrupted, especially those ties between grandchildren and grandparents.

ALIENATED GRANDPARENTS ANONYMOUS – CANADA

<https://agaottawa.weebly.com/>

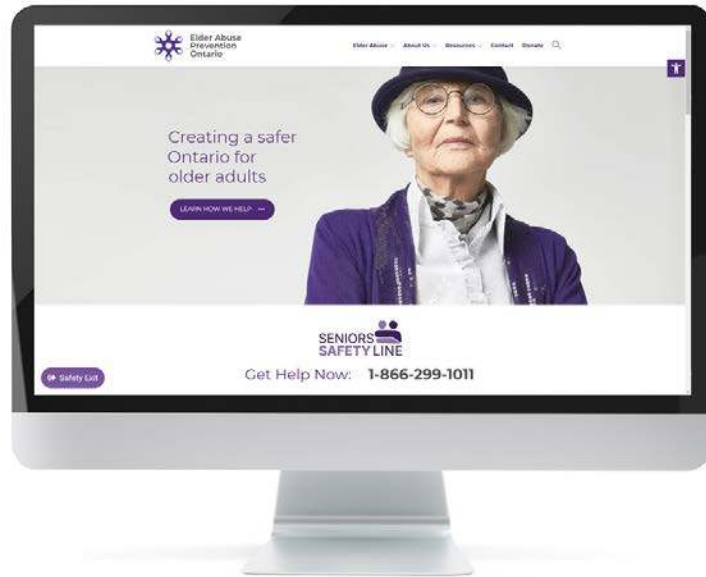
A peer-support group for grandparents and parents alienated by their children.

QUESTIONS



WomanACT
WOMAN ABUSE COUNCIL OF TORONTO





**Elder Abuse
Prevention
Ontario**

Visit EAPO...

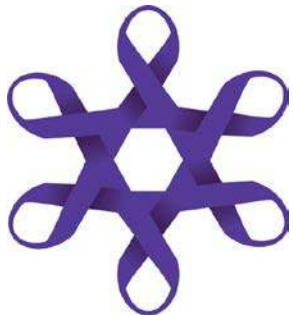
Come join us in our fight to make
Ontario safe for ALL older adults.

www.eapon.ca



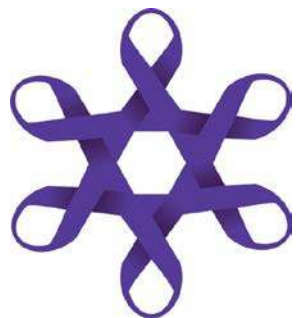
WE WOULD
APPRECIATE HEARING
FROM YOU.

**Please take a few
minutes to complete
our survey!**



Your Feedback is
important to us!





Contact Us

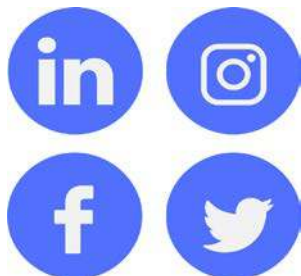
Stay in Touch - Follow-us on Social Media

Raeann Rideout

Director, Strategic Partnerships
Elder Abuse Prevention Ontario

Tel: 705.927.3114

www.eapon.ca



@EAPreventionON



A purple rectangular tag with a hole on the left side is the central focus. It is surrounded by three white daisies with yellow centers. The entire scene is set against a rustic, textured wooden background. A light-colored string is looped around the tag and one of the daisies in the background.

Thank
you!