



Legal Aid ACT

C o n c e r n e d
about someone?



Information for family and friends concerned about someone
who may be experiencing elder abuse or family violence.



Legal Aid ACT

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Legal Aid ACT helps people in the ACT with their legal problems. We provide free initial advice and assistance on criminal, family, and civil matters, and ongoing assistance to people who cannot afford a private lawyer.

Street Address:

2 Allsop Street Canberra City ACT


Postal Address:

GPO Box 512 Canberra, ACT 2601

Phone: [02] 6243 3436

Email: legalaidd@legalaiddact.org.au

Website: www.legalaiddact.org.au



This Fact Sheet is for anyone who would like to know more about what they can do to help an older person who may be experiencing violence, being mistreated or abused. It outlines what you can do and where you can go for further information.

Older people have rights

Older people have the right to live in safety, to be treated with dignity and respect and to make their own decisions. Some older people in our community are denied these rights through elder abuse, often by those who are closest to them.

What is 'elder abuse'?

Elder abuse is any mistreatment of an older person. The older person may have a relationship of trust with the abuser. The abuser could be a family member, a friend, carer, or neighbour whom the older person depends on for care and support.

The abuse can be financial, psychological, emotional, physical or sexual. It can also involve the deliberate social isolation or neglect of the older person. More than one type of abuse may be occurring at the same time. Elder abuse can mean an older person may lose control over their assets or the ability to make decisions for themselves.

Some forms of elder abuse are criminal acts, for example, acts involving theft, fraud, assault, or depriving someone of their freedom.



Some warning signs of elder abuse

The older person:

- Seems fearful, worried or withdrawn
- Seems nervous or anxious with certain people
- Has been denied access to family and friends
- No longer goes out socially or gets involved in activities
- Has unexplained injuries
- Has unpaid bills, unusual activity in bank accounts or credit cards
- Has made unexpected changes to a Will, title or other documents
- Has poor hygiene or personal care
- Has lost important health items such as: hearing aids, dentures, medications etc.

What can I do if I suspect an older person is being abused?

- **Talk to the person you are concerned about.** Invite them to talk in a place away from the potential abuser and where they feel safe.
- **Listen to the person.** Offer them your time and support, and importantly respect their right to make their own decisions.
- **Consider** what the person is telling you.
- **Remind them they are not to blame.** They have the right to live in safety and be treated with dignity and respect.
- **Let them know that help is available** and offer to assist them in getting the necessary help if and when they are ready to do so.
- **Encourage them to seek assistance.** If they are unable to call one of the services in this Fact Sheet but they want to speak to someone, let the older person know you are happy to contact a service on their behalf, but only do this with their consent.
- **Continue to offer support** and encouragement even if the person is not ready to accept help at this point in time.

Worried about your safety or independence?

You can call:

Legal Aid ACT on
[02] 6243 3436
9am–4pm,
Monday to Friday

or the Domestic Violence
Crisis Service on
[02] 6280 0900
24hr/7 days a week

What if the older person doesn't want to take any action?

There are many reasons why an older person may not want to take action against an abusive person. They may have been in the situation for a long time and be resistant to change. They may be afraid that the abuser will retaliate and punish them for speaking out.

6 If the older person depends on the abuser for care or daily support, they may be afraid of losing this care and support or of being forced to move into a care facility. If the abuser is a partner or an adult child or grandchild, the older person may not want to get the abuser into trouble, and they may not want to lose the relationship. They may also feel ashamed or responsible for that person's behaviour.

Finally, the older person may provide care or assistance to the abuser and may feel guilty if the abuser gets in trouble.

It is important to respect the older person's decisions, even if they choose to take no action at this time. However, you should continue to offer support and encouragement.

Remember:

Competent older people have the right to make their own decisions, and to be supported to do so rather than have other people take over and impose choices and decisions on them.



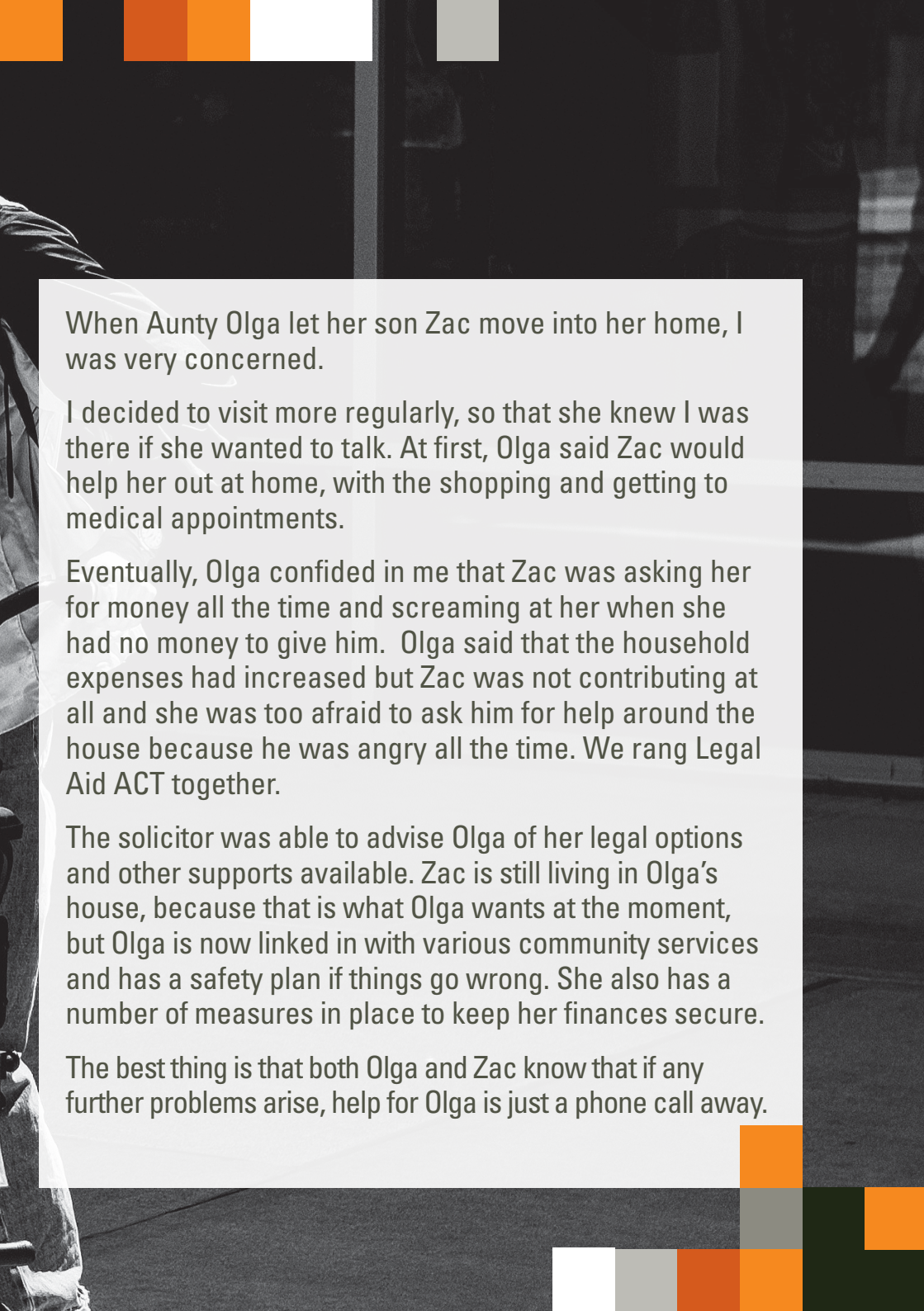
What can I do to help maintain the older person's safety and wellbeing?

Work out a personal safety plan. The plan should cover the things they can do to be safe at home. This includes where they will go and who they will call if they need to leave their home quickly; how they will get there; and a list of the things they will need to take, such as medications and other important health aids, bankbook/bankcard along with identity documents such as birth certificate, passport, Medicare card, pension documents and legal documents.

You can get more information on a safety plan from the Legal Aid ACT Fact Sheet called Plan for Your Safety or by calling the Domestic Violence Crisis Service (see Information and resources on page 13).

A CASE STUDY





When Auntie Olga let her son Zac move into her home, I was very concerned.

I decided to visit more regularly, so that she knew I was there if she wanted to talk. At first, Olga said Zac would help her out at home, with the shopping and getting to medical appointments.

Eventually, Olga confided in me that Zac was asking her for money all the time and screaming at her when she had no money to give him. Olga said that the household expenses had increased but Zac was not contributing at all and she was too afraid to ask him for help around the house because he was angry all the time. We rang Legal Aid ACT together.

The solicitor was able to advise Olga of her legal options and other supports available. Zac is still living in Olga's house, because that is what Olga wants at the moment, but Olga is now linked in with various community services and has a safety plan if things go wrong. She also has a number of measures in place to keep her finances secure.

The best thing is that both Olga and Zac know that if any further problems arise, help for Olga is just a phone call away.

What if I can't talk to the person?



Request a regular welfare check from ACT Police. This is useful when you are not able to talk to the older person, such as when the abuser is stopping friends or other family members from having contact. The Police may visit the house to see what the person's living situation is like and to make sure they are OK, provided you can satisfy the police that it is necessary for them to do so.

Contact agencies that are providing services to the older person at home, such as community services and possibly also any neighbours. Let them know your concerns and ask them to get in touch with you if the older person's situation worsens.



What if the older person is losing the capacity to make their own decisions?

Mild memory loss and slowed brain function are a normal part of the ageing process. Many older people remain capable of managing their own finances and other affairs and can make their own decisions. However, an older person may need more time to complete tasks or ask for help from time to time.

Some people with illnesses like dementia may eventually lose the capacity to manage their own affairs. In these cases an older person may need to appoint someone else to make certain decisions for them. However, it's important to be aware that the claim that an older person 'has dementia' or has 'lost decision making capacity' is often used as an excuse to treat them poorly or to hide bullying or abuse.

Look after yourself

Helping an older person who is experiencing abuse can be physically and emotionally demanding. It is important to look after yourself. Only give as much support as you feel you can reasonably offer and talk to someone if it becomes overwhelming. A good place to find out about getting support for yourself is Carers ACT and The ACT Disability, Aged and Carer Advocacy Service (ADACAS) (see Information and resources on page 12).

If you are concerned about someone with impaired capacity contact the Public Advocate of the ACT on 02 6205 2222.

Remember:

- If there is an immediate risk of physical harm or damage to the older person's property call the police 000
- Elder abuse can happen to any older person
- Talk to the older person and let them know they are not alone and can get help
- Respect their wishes, even if they choose not to change the situation
- Contact agencies for support if you can't access the person.

Information and Resources

Emergency '000'
information in the person's
own language
(www.triplezero.gov.au)

Legal Aid ACT
[02] 6243 3436
9am–4pm Monday to Friday
www.legalaidact.org.au
**Free legal advice and
support services**

Carers ACT

1800 242 636
www.carersact.org.au
Free services and programs
to help carers including
information, counselling,
workshops, referrals to
other services and supports.

Conflict Resolution Service

(02) 6190 7100
www.crs.org.au
Provides mediation
services in the ACT.

COTA (ACT)

(02) 6282 3777
www.cotaact.org.au
COTA ACT is the peak
organisation for all issues
relating to older Canberra
citizens, seniors, those of
mature age and their families.



Dementia Australia ACT

1800 100 500

www.dementia.org.au

Dementia Australia ACT represents the interests of people living with dementia and those that care for them.

Domestic Violence Crisis Service

(02) 6280 0900

24 hours/7 days

www.dvcs.org.au

Domestic Violence Crisis Service provides a variety of services from crisis intervention to community education.

Lifeline

131 114 24 hours/7 days

www.lifeline.org.au

Support in a crisis and suicide prevention.

Public Advocate of the ACT

(02) 6205 2222

www.hrc.act.gov.au/public-advocate

Includes support around administration of Enduring Powers of Attorney to protect the welfare of vulnerable people.

Relationships Australia Elder Relationships Service

(02) 6122 7100

www.relationships.org.au

The Relationships Australia Elder Relationship Service is a counselling and mediation service to support families who need help negotiating complex issues related to ageing.

The ACT Disability, Aged and Carer Advocacy Service (ADACAS)

(02) 6242 5060

www.adacas.org.au

ADACAS provides help
and support to people with
disabilities, the elderly and
their carers.

1800 RESPECT

1800 737 732

www.1800respect.org.au

National sexual assault,
domestic and family violence
counselling service.





IF YOU NEED HELP PLEASE CALL
[02] 6243 3436

**FREE LEGAL ADVICE AND
SUPPORT SERVICES**

Legal Aid ACT