

BC's Adult Guardianship Legislation & CRNs

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What is “Adult Guardianship”?

- BC laws about how various decisions will be made for us as adults, if we ever become mentally incapable of making our own decisions

Guiding Principles

□ Self-Determination

- All adults are entitled to live in the manner they wish and to accept or refuse support, assistance or protection as long as they do not harm others and they are capable of making decisions about those matters;

Guiding Principles

□ Just Enough Support

- All adults should receive the most effective, but least intrusive, form of support, assistance or protection when they are unable to care for themselves or their assets;

□ Court as a Last Resort

- The court should not be asked to appoint, and should appoint, decision makers or guardians unless alternatives such as the provision of support and assistance have been tried and carefully considered

Presumption of Capability

3. (1) Until the contrary is demonstrated, every adult is presumed to be capable of making decisions about personal care, health care, legal matters or about the adult's financial affairs, business or assets
- (2) An adult's way of communicating with others is not grounds for deciding that he or she is incapable of making decisions about anything referred to in subsection (1).

Adult Guardianship Legislation

- ❑ Selected sections came into force February 28, 2000
- ❑ Various attempts at bringing in amendments with the newest opportunity for amendments to be the fall/winter of 2008 – if successful, will make changes to enduring powers of attorney, representation agreements, committee/ship/guardianship, health care consent, care facility admission, restraints

Adult Guardianship Legislation

- *Representation Agreement Act*
- *Health Care (Consent) and Care Facility (Admission) Act*
 - Health care consent, now no Review Board
- **Adult Guardianship Act**
 - **Part 3 only – addressing abuse and neglect**
- *Public Guardian and Trustee Act*
 - Mostly, clarifies PGT roles

Pre-Existing Legislation

- Power of Attorney Act*
 - Patients Property Act*
 - Mental Health Act*
 - Indian Act*
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- Now have a hybrid world with a combination of new and old*

ADULT GUARDIANSHIP ACT PART 3

Support and Assistance for
Abused and Neglected Adults

Important and Unique

What Part 3 Provides.....

- Enables two interrelated responses –
 - Designation of agencies who have a duty to look into abuse reports received (voluntary reporting to them, but a mandatory response), and access to new legal tools in the most complex circumstances
 - Creation of coordinated community responses, or teams, known as Community Response Networks (CRNs)

AGA Part 3: Support and Assistance for Abused and Neglected Adults

- ❑ Provides for support and assistance for adults who are abused, neglected and self-neglected and who cannot get help on their own
- ❑ Recognizes the important role of community support, advocacy, family and friends in our lives
- ❑ Provides some new tools in very serious situations where nothing else has helped

Designated Agencies in BC

- ❑ Vancouver Coastal Health Authority
- ❑ Providence Health Care Society (Vancouver Catholic hospitals)
- ❑ Fraser Health Authority
- ❑ Interior Health Authority
- ❑ Vancouver Island Health Authority
- ❑ Northern Health Authority
- ❑ Community Living BC (formerly MCFD - Community Living Services for adults eligible for these services)

The Purpose of Part 3, *Adult Guardianship Act*

- To provide support and assistance for adults who are abused and neglected and who are unable to get help on their own because of:
 - physical restraint
 - physical handicap that limits their ability to seek help, or
 - an illness, disease, injury or other condition that affects their ability to make decisions about the abuse or neglect

Mandate

Organizations, agencies and individuals who already had a role in supporting adults, or responding to abuse or neglect will continue to do so.

In addition...today,

...if a Designated Agency receives a report of abuse, neglect or self-neglect of an adult, or becomes aware through the course of its work, it must

- Look into the situation
- Involve the adult as much as possible
- Report criminal offences to the police

The Role of the Designated Agency

Designated agencies may also:

- Intervene in emergencies by working with the police to remove adult to a safe place, get needed health care
- Liaise with the PGT if initial inquiry reveals adult's assets are at risk – overlapping role to investigate
- Obtain orders from the Provincial Court, Family Division -
 - **Access order**
 - **Interim or longer term restraining orders**
 - **Support and Assistance Order**

Responding to Abuse & Neglect

Role of the Police

- ❑ No new authority with the implementation of the Adult Guardianship Act – Part 3.
- ❑ Role is to investigate to determine if there is evidence of a criminal offence
- ❑ Role in keeping the peace
- ❑ RCMP, E-Division Provincial Policy directs detachments to identify a key contact to work with designated agencies and to participate in CRNs

Responding to Abuse and Neglect

Role of the Public Guardian and Trustee

- ❑ Provide consultation and information on the legislation;
- ❑ Investigate substitutes (Power of Attorney, Representative, Trustee, Committee) if adult is not capable (PGT Act gives authority to demand accounting from substitutes);
- ❑ Exercise protective provisions (i.e. freeze bank accounts or place Caveats on property);
- ❑ Authority to request information to conduct investigations (i.e. Banks, land titles, etc);
- ❑ Arrange for assessments related to Support and Assistance court orders;
- ❑ Pursue authority as committee if warranted (usually certificate);

Laws are not enough...

“Legislation alone doesn’t keep people safe
– caring communities do.”

– *Heather von Ilberg*



BC Association of Community Response Networks

Stopping Adult Abuse & Neglect - Together

What is a CRN?

- ❑ CRNs are collaborative informal networks that are the BC Association of Community Response Networks' local presence in communities; CRNs **are** the BCACRN
- ❑ CRN create locally developed coordinated community responses to adult abuse and neglect

Brief History of CRNs

- Initially funded from Adult Guardianship Implementation budget through Public Guardian and Trustee of BC and AG– 70 CRNs – 1995 - 2002
- Now supported by BC Association of Community Response Networks
- Currently about 30-40 active CRNs in BC

CRN Principles

- Broad inclusion
- Meaningful participation
- Power sharing
- Assume capability/build capacity

CRN Members

- ❑ **People more personally affected** by abuse, neglect or self-neglect – concerned citizens, seniors
- ❑ **People working in the non-profit and less formal sectors** – seniors centres/programs, transition houses, faith communities, multicultural agencies, service clubs, financial institutions, business
- ❑ **People from the more formal systems** such as police, community health and social service workers (including designated agencies under Part 3 of the Adult Guardianship Act)

Dual Purpose of CRNs

To build the whole community's capacity to address and **prevent** abuse and neglect, by:

- shorter term – secondary prevention - coordinating getting help to those who need it now (CRNs don't discuss "cases")
- longer term – primary prevention - looking at root causes, examining attitudes putting people at risk, building mutual respect, inclusive, safe communities

Short Term-Secondary Prevention

- Getting Help to People Now...

- Develop relationships among diverse team members
- Discuss interventions in typical but disguised scenarios
- Develop agency, inter-agency and community protocol development – shared agreements for what everyone can be counted on for
- Publicize numbers to call to get help

Longer Term – Primary Prevention - Working Toward Prevention By...

- Ongoing outreach to community to include new people, build capacity
- Education and awareness raising -
 - theatre, speakers bureaus, health and seniors fairs, radio, TV and print media, brochures, Gatekeeper Programs, sensitization workshops, exploring root causes
- Keeping track of how the community's response is working, identifying how people "fall through the cracks", identifying need for and developing new programs

CRN Benefits...

- ❑ More service providers know what to do to assist and what to expect of colleagues
- ❑ More members of the public can recognize problem and access help - neighborliness
- ❑ More effective use of informal and costly formal resources
- ❑ Some very committed volunteers
- ❑ Communities can make a little \$ go far
- ❑ People see they are part of a BC movement, keeps them motivated

CRNs –

...microcosms of the caring communities they seek to create....

...distinguished by CD approach – how we work as important as what we do

Purpose of the BC Association of CRNs

- ❑ To promote safe communities through CRNs that address and prevent adult abuse and neglect
- ❑ To sustain CRNs over the long term by creating a diversified funding base and coordinating the raising of funds
- ❑ To support other initiatives that benefit adults at risk/experiencing abuse/neglect

Services Provided by BCACRN to Local CRNs

- ❑ resource development (i.e. funding) for the benefit of all CRNs
- ❑ provincial public awareness campaigns – e.g. World Elder Abuse Awareness Day
- ❑ consultation on abuse/neglect, community capacity building/development matters by a team of CRN Mentors located regionally throughout the province

Services Provided by BCACRN to Local CRNs (cont'd)

- professional development and training at the local, regional and provincial levels which includes workshop design and delivery
- monthly teleconferences to share information and resources among CRNs

Services Provided by BCACRN to Local CRNs (cont'd)

- ❑ quarterly bulletins
- ❑ CRN website www.bccrns.ca development of CRN specific print and media resources based on expressed local needs
- ❑ collaboration with other agencies like the BC Coalition to Eliminate Abuse of Seniors, BC Crime Prevention Association, and the many other members of the BC Adult Abuse and Neglect Collaborative to achieve our shared goals.

CRN Mentors of the BCACRN

- ❑ **Heather Archer** - covering CRNs in the Thompson Health Services Area, plus 100 Mile House, Williams Lake, Salmon Arm and Revelstoke – acts1@telus.net
- ❑ **Kathy Doerksen** - covering CRNs in the Fraser Valley, Lower Mainland, and to some degree, the North (Kathy and Alison Leaney share the North temporarily) kathydoerksen@yahoo.ca
- ❑ **Yvonne Kennedy** - covering CRNs in the North and South Okanagan with the exception of Revelstoke and Salmon Arm – ykennedy@shaw.ca
- ❑ **April Struthers** - covering CRNs on the Sunshine Coast, Sea-to-Sky and Vancouver Island – witworks@dccnet.com
- ❑ **Heather von Ilberg** - covering CRNs in the East and West Kootenays – heathervonilberg@shaw.ca

BCACRN Provincial Projects

Past Projects:

- ❑ Gathering Wheel Best Practices in Prevention Project – funded by NCPS
- ❑ Financial Abuse/Crimes Workshop Project – funded by the Law Foundation of BC

BCACRN Provincial Projects

Current Provincial Projects:

- Connecting with First Nations
- World Elder Abuse Awareness Day – June 15 each year
- Second Annual Online Auction
- Integrating Integral Approach to Community Capacity Building

BC Adult Abuse/Neglect Prevention Collaborative
(convened by Public Guardian and Trustee)

- Designated Agencies
- Provincial Non Profits
- Others

First Nations Reference Group

- Service Providers
- First Nations Communities (tele-conf)
- Non Profits
- Task Groups



Extensive use of contacts, phone outreach
 Existing relationships /successCRN/FN
 Systems approach
 Seeking cross cul relations

Collaborative engagement

Community stories
 Map /mapping -complexy

Task groups, Ref Gp, funding proposal

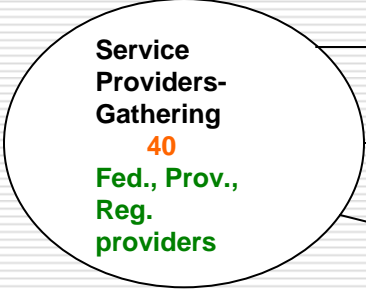


Proposal **IRS settlements as an Issue**
 Co-facilitation
 Deliberate cross cul rel
 Cultural safety
 Who is doing what?
 What do comm. think?

Requests for targeted service. Mutual learning

CRN Model is wanted/ explored at community level - Ref Gp continues

Directory, dialogue notes, strategies, connections



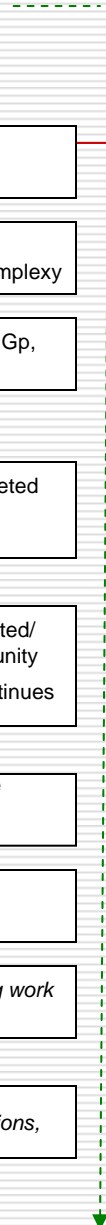
More depth of info needed
 Coordination
 Cross referencing
 Distribution
 Potential partners

Learning

Possible on going work

*Larger directory
 Contacts, connections, partners*

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Reporting Abuse/Prevention Resources

- ❑ Local Police – 911
- ❑ BC Coalition to Eliminate Abuse of Seniors – legal information line and – 604 – 437 – 1940
- ❑ VictimLINK – 1 – 800 563 – 0808 (24/7)
- ❑ Community Numbers, by community – www.trustee.bc.ca
- ❑ Public Guardian and Trustee of BC – financial abuse/mismanagement – 604 – 775 - 1001

“Our current social problems are too complex to be addressed through quick fixes proposed by any single person, discipline, organization or government. Our problems are complex because of interwoven relationships and the interdependencies of systems and the people in them.

In community work it is tempting to rush in, usually alone, where angels fear to tread. There is a tendency to reduce complex matters to single solutions and to hit them over the head with the hammer we use best. Even when we do this over and over without results, we try again and hope for success...Slow down... you are changing a culture!”

- Frances Ricks et al. All Together Now: Creating a Social Capital Mosaic

Conclusion

"Today I live with hope because you've show me that it's possible to value...welcome everyone, and make our communities safer places. You have touched my heart and changed my life forever." – *Communication to CRNs from Alison Leaney*