

A Healing Approach to Elder Abuse and Mistreatment

The Restorative Justice Approaches
to Elder Abuse Project

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May 2003

**A Healing Approach to Elder Abuse and
Mistreatment: The Restorative Justice Approaches to
Elder Abuse Project**

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Resolution Network Canada's website: www.crnetwork.ca

PREFACE

Elder abuse is often referred to as a hidden crime; many older adults carry this tragic secret to their graves. This concern led the individuals involved with *The Restorative Justice Approaches to Elder Abuse Project* to seek a healing, safe approach to elder abuse. The project evolved from in-the-field experiences of the project's partners and a survey of relevant literature on elder mistreatment. Findings from the field indicated;

- Fairly frequent occurrences of cases believed to involve abuse or neglect.
- A reluctance to report abuse by both seniors and service providers.
- A consequent failure to intervene in cases of abuse.
- Shared perceptions that the retributive justice system failed to resolve abuse issues.

Although causing physical, financial, or psychological harm to an older adult may be an offence under the Criminal Code, very few of these incidents come to the attention of the justice system. The under-reporting of elder abuse and neglect is a common finding throughout the literature. There are many reasons seniors may avoid disclosing abuse. They may be afraid of losing the relationship with the person who is harming them, ashamed that someone they trust has mistreated them, or believe that police and other agencies cannot help.

Professionals and other community members may also hide this crime. Reasons for such a response might include ageist attitudes which disrespect the senior's perspective, disbelieving the older adult's story, lack of knowledge regarding what constitutes abuse and how to intervene, and a personal discomfort with the issue.

The Restorative Justice Approaches to Elder Abuse Project aims to decrease the fear of older adults and increase the community's ability to respond to elder abuse by providing a safe environment to address the abuse in a way that is fair and just for everyone.

The necessity of pursuing alternatives to the traditional justice system is strengthened by comments like the following:

Steps similar to those taken to combat domestic violence should be taken to combat different forms of elder abuse ... since the

elderly are reluctant to use traditional legal recourse. [These authors recommend] full use of the provisions of Section 717 of the Criminal Code authorizing alternative measures. If there is one area where these measures are appropriate and could be effective, it is elder abuse. Since in the most cases older persons want not to punish their children, but rather to recover their property or reach an amicable understanding with their children, the use of these provisions, notably mediation, should be encouraged.³

Evaluation provides feedback on whether this approach is achieving its goals. Dr. Michael Stones and Dr. Rick Linden are directing the project evaluation, which will assess the success of *The Restorative Justice Approaches to Elder Abuse Project* in meeting its two main aims:

- To provide community education about the restorative justice approach to elder abuse that results in new learning and change in attitude among participants;
- To provide intervention for clients that adheres to the principles of restorative justice and results in psychosocial benefit to the client and others.

The methodology is using three approaches to evaluate the project's success: 1. *Process Evaluation*, 2. *Evaluation of Community Education Initiatives*, and 3. *Evaluation of Client Intervention Outcomes*. Evaluation results will be posted on the following web site:

<http://flash.lakeheadu.ca/~mstones/restorativejustice.html>

The partners in *The Restorative Justice Approaches to Elder Abuse Project* anticipate that this innovative approach to address elder abuse may be a model for other jurisdictions across the province of Ontario. This manual shares our community's experience of designing, implementing, and evaluating a restorative justice approach to address elder abuse. Our hope is that it will be a catalyst to begin community specific responses and that our learning's will benefit other communities. It is not meant to be a blueprint for other communities. As noted by Howard Zehr,

While the experiments, practices and customs from many communities and cultures are instructive, none can or should be copied and simply plugged into communities or societies. Rather, they should be viewed as examples of how different communities

³ Poirier, Donald and Poirier, Norma. (1999). *Why is it so difficult to combat elder abuse and in particular the financial exploitation of the elderly*. [online article] Available: <http://www.lcc.gc.ca/en/themes/pr/oa/poirier/index.html>, p. 68-69.

and societies found their own appropriate ways to express justice as a response to wrongdoing. These approaches may give us inspiration and a place to begin.⁴

⁴ Zehr, H. (2002). *The Little Book of Restorative Justice*. Intercourse, PA: Good Books, p. 62.

MISSION:

To Provide an Opportunity
for Change and Healing
to People Affected by Elder Abuse

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Rev. Brice Balmer who facilitated links with faith and cultural leaders and who was a "sounding board" for project development.

The project partners who guided the process, worked together to raise awareness about elder abuse and the use of restorative justice as a resource option and who made significant "in-kind" contributions. Of note is the Community Care Access Centre of Waterloo Region who administered the project, and provided both clerical support and the

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Arlene Groh
Waterloo, May 2003

PROJECT COLLABORATIVE

These agencies formed the Collaborative that defined and shaped *The Restorative Justice Approaches to Elder Abuse Project*.

- **Community Care Access Centre of Waterloo**, a central point of access to information and a broad range of community-based services; funded by the Ministry of Health. www.ccacwat.on.ca
- **Community Justice Initiatives** provides trained volunteers to facilitate the meetings of the people who are involved in the abuse. www.cjiwr.com
- **Conflict Resolution Network Canada** provides consultation and resources on conflict resolution. www.crnetwork.ca
- **K-W Multicultural Centre** participates in the Multicultural Working Group and assists with outreach to the multicultural community. www.kwmc.on.ca
- **Mennonite Central Committee (Ontario) (MCCO)** is a relief, service, and peace agency of the North American Mennonite and Brethren in Christ churches. MCCO has supported the project since its inception. MCCO has a contract with and supervises the evaluation assistants. www.mcc.org/ontario
- **Waterloo Police Services** provides a leadership role in crime prevention and law enforcement. www.wrps.on.ca
- **Waterloo Region Committee on Elder Abuse** assists with publicity and education; composed of volunteers with a mandate to raise awareness of elder abuse and increase the community's ability to respond.
- **White Owl** provides information about native traditions and consultation about the circle process.

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www.trilliumfoundation.org
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www.lcc.gc.ca
- The National Crime Prevention Centre, Justice Canada
www.prevention.gc.ca
- The Community Care Access Centre of Waterloo Trust Fund
www.ccacwat.on.ca
- The K-W Community Foundation
www.kwcf.ca
- The Jim and Lorna Blair Foundation

CHAPTER I A SEED IS PLANTED

INTRODUCTION

One Saturday afternoon in the fall of 1998, I sat at my kitchen table talking with a young friend who was the coordinator of a project that used family group conferencing to address conflict and violence in local high schools. This conversation planted the seeds for *The Restorative Justice Approaches to Elder Abuse Project*.

For over a decade, as a case manager and as a volunteer for the Waterloo Region Committee on Elder Abuse, I had worked with older adults who were experiencing abuse. I felt discouraged and frustrated. Seniors and family members were often reluctant to disclose abuse. They were also reluctant to access the resource options available, in particular the judicial system.

Consider the experience of Mrs. Smith:

CASE EXAMPLE

Mrs. Smith (pseudo name) was an 89-year-old widow who lived alone. The assistance of private and public funded services, plus family support made it possible for her to live in her own home. One day, she disclosed to her personal support worker that her son had taken \$40,000.00 from her bank account. Mrs. Smith was given information about such options as calling the police to report this theft and accessing various community resources. She refused these options. She said that her son was a good man, and that he probably needed the money more than her. Furthermore, she needed him to buy her groceries, to run errands, and to take her to church each Sunday. The relationship with her son and his family was more important to her than the \$40,000.00.

As a case manager, I had worked with Mrs. Smith and her family for an extended period of time. Her son was always very attentive to his mother. I trusted him. I was part of the "ripple effect" when the abuse was disclosed. The abuse of Mrs. Smith inflamed my moral outrage and became the impetus for this project.

Talking with my friend about alternatives being used to address high school conflict, I became very excited about the possibilities of a restorative justice approach for older adults experiencing abuse like Mrs. Smith and others in my practice. Was there a better way to address the needs of the older adult who is abused? Would this holistic approach that values relationships be more acceptable to seniors? Would it remove the barriers to identification of abuse? Would it be effective? Would the community be supportive?

Through a community development process, a collaborative formed and applied for funding to design, implement, and evaluate a restorative justice approach to address elder abuse.

The remainder of this chapter provides definitions, signs, prevalence and root causes of abuse, other models of intervention, legal perspectives and barriers to addressing elder abuse through the courts. Finally restorative justice concepts are introduced and related to elder abuse.

DEFINITIONS

ELDER ABUSE

Operational definition. Elder abuse is the mistreatment of an older adult by someone that they should be able to rely on: a spouse, a child, another family member, a friend, or a paid caregiver.

Elder abuse may be physical violence. Pushing, shaking, hitting, sexually molesting, rough-handling, deliberate over or under-medication, or improper use of restraints.

Elder abuse may be psychological harm. Threatening, bullying, name-calling, humiliating, or treating an older person like a child.

Elder abuse may be financial. Withholding money, forcing the sale of property or possessions, theft, coercing changes in wills, or the misuse of power of attorney responsibilities.

Elder abuse may result from neglect. Not being provided with adequate food, drink or medical attention, or being left in unsafe or in isolated conditions.⁵

Elder abuse is sometimes described as being on a continuum. If the abusive behavior is not addressed it is likely to escalate. This project hopes to address conflict in the earlier stages, before it escalates to a Criminal Code offense.

SIGNS OF ABUSE

Signs that an older adult may be experiencing abuse include:

- Depression, fear, passivity
- Anxiety, especially when in the presence of the alleged abuser
- Unexplained physical injuries (finger-print bruising or bruises in different stages of healing)
- Dehydration or lack of food
- Poor hygiene, rashes or pressure sores
- Over-sedation or under-sedation
- Frequent trips to a hospital emergency department or frequent calls to a family doctor or to police
- Questionable use of funds
- Standard of living is not in keeping with income or assets
- Disappearance of valuables (jewelry, silverware)

⁵ Waterloo Region Committee on Elder Abuse. (2000). *Elder Abuse: What you need to know*. Waterloo: Waterloo Region Committee on Elder Abuse, p. 3.

It is important not to jump to conclusions. These signs may indicate other conditions, such as physical or mental illness, sensory deprivation, limited functional ability, poverty, or grief. Abuse is usually identified over a long period of time. There needs to be a careful accumulation and documentation of information. The signs are often subtle and may present in a cluster. Little pieces of information are gathered from everyone who is working with the older adult. Eventually the person assessing the situation puts together a picture of what happened and why.

It is important not to jump to conclusions

Jackie Pritchard, a British social worker and researcher, states, "I am sure that much abuse remains well hidden within the community and in institutions. It is no simple task to recognize it. It is rather like putting the pieces of a jigsaw puzzle together and workers must never jump to conclusions." ⁶

The completed picture may look quite different than anticipated. The case study below is an example of a very complex case; some of the puzzle pieces remain missing.

CASE EXAMPLE

Mrs. J was an elderly woman who lived in her own home. She had the support of a homemaker. She also had a very attentive friend from her church who took her shopping, cooked meals and took her to doctors' appointments. One day the minister called requesting an "urgent" home visit from the case manager. He indicated that a boarder had moved into this client's basement. Mrs. J. did not know who he was or how he had come to be there. Her "adopted daughter" had also surfaced. At the same time as these two people appeared, a pension cheque, tea service and other valuable items were missing. This puzzle took months to put together. Eventually we found two pieces of the puzzle — both of them unexpected. The minister had power of attorney for the client and was going to inherit a substantial amount of money. In addition, the attentive parishioner had "borrowed" \$10,000 from this woman and was attempting to pay it back with services rendered.

⁶ Pritchard, J. (1995). *The Abuse of Older People, A Training Manual For Detection and Prevention* (second addition). Philadelphia: Jessica Kingsley Publishers, p.47.

PREVALENCE

Dr. Michael Stones, Lakehead University, describes the Ryerson study as "the most famous investigation of elder abuse and neglect in the Canadian literature."⁷ This randomized telephone survey of 2,000 older community residents indicated a prevalence rate of 4%, of which the most frequent categories were material abuse (2.5%) and chronic verbal aggression (1.4%). Although subsequent studies in Canada failed to match the Ryerson study in scope or standardization, its methodological shortcomings include deficiencies in telephone survey methodology to elicit unbiased responses on sensitive issues, the inclusion of some measures of dubious validity, and the use of prevalence as an indicator of frequency."⁸

Any older person may be a victim of elder abuse. Victims come from all walks of life, may be male or female, may be frail or in good health. Everyone who works with elderly persons should be aware of the possibility of abuse.

Stones continues, "The *National Incidence Study* of elder abuse and neglect in the USA used a more rigorous methodology. It included definitions typically used in practice, a more sophisticated methodology (including the use of *sentinels* as informants), wider sampling, and the use of incidence as the outcome measure."¹⁰ This nationwide study found:

- An inclusive incidence rate of 1%;
- An increased risk of elder abuse and neglect with age;
- Depression, confusion, and frailty as correlated conditions;

⁷ Podnieks E. et al. (1990). *National Survey on Abuse of the Elderly in Canada*. Toronto: Ryerson Polytechnical Institute.

⁸ Stones, Kozma & Stones, and Kozak, Elmslie, & Verdon. (1995). In Michael Maclean (Ed.) *Abuse and Neglect of Older Canadians*, Toronto, Thompson Educational Publishing.

⁹ Waterloo Region Committee on Elder Abuse. (2000). *Elder Abuse: What you need to know*. Waterloo: Waterloo Region Committee on Elder Abuse.

¹⁰ (1998) *National Incidence Study Administration on Aging*. (Final Report). Washington, DC.

- 90% of cases perpetrated by a family member (a child or spouse in most cases);
- Only 16% of cases reported to the relevant authorities"¹¹

For **Incidence Data** see www.aoa.gov/abuse/report/default.htm

ROOT CAUSES OF ABUSE

From a restorative justice perspective, it is important to consider the root causes of abuse. Why has the abuse happened?

There may be a history of **difficult family relationships** including past abuse.

It may be linked to **drug and alcohol problems**. (Theft of finances may support a drug habit.)

There may be a history of **mental illness**.

There may be **financial dependence**. Either the older adult dependent on children or children dependent on older adult.

Social isolation. An abuser may not allow visitors into the home or access to a phone for a senior. New immigrants may be isolated because of language.

Situational stress. Loss of income, loss of health and death of friends may increase the risk of abuse.

Cycle of violence. A spouse may have been abused by her husband over the years and now is an abusive caregiver.

Systemic causes. Public policy creates a system that allows abuse to occur. For example, in Waterloo Region, there is an extensive waiting period for subsidized housing. Such housing limitations may have contributed to the poor health of a senior who was admitted to hospital with severe dehydration, malnutrition, and exceptionally poor hygiene. Her family "cared for her" in her home. The family, six people in total,

¹¹ Stones, Kozma & Stones, and Kozak, Elmslie, & Verdon. (1995). In Michael Maclean (Ed.) *Abuse and Neglect of Older Canadians*. Toronto: Thompson Educational Publishing.

including a great grandchild, all lived together in her home on her pension cheque.

Ageism. Negative attitudes towards aging often portray older adults as frail, dependent, and "of no use ". In our society, the elderly and their needs are often hidden from view. Our difficulty with aging, and perhaps attitudes towards death, is one more contributing factor to abuse. As people age, they are accorded less worth and power in our society, making it more possible for people who have power over the elderly to use that power abusively.

One example of ageist attitudes may be reflected in how monies are allocated. "Children do have a high profile in our society because 'they are our future' and they tend to be given priority over older people. Social services'....primary concern is the welfare of the child. Where generic social work practice exists, older persons are given a low priority."¹²

INTERVENTION

There is no "cookie cutter" approach to address the complex issue of the abuse of older adults. The literature reveals various intervention models. Dow, et al. in *Services for Abused Older Canadians* describes five models of intervention.

Adult Protection. A paternalistic model that focuses on intervention to protect the victim's safety; includes mandatory reporting. Intervention may be intrusive including moving victim from his or her home.

Domestic Violence. Encourages use of law enforcement, crisis counseling, and shelters. Often moves victim from his or her home.

Advocacy. Abused older persons are supported to take action. Advocates more self-determination and gives "authority" to the older person. Uses the least intrusive intervention possible.

¹² Pritchard, J. (1995). *The Abuse of Older People, A Training Manual For Detection and Prevention* (second addition). Philadelphia: Jessica Kingsley Publishers, p.16.

Family Systems. Focuses on family dynamics and leans toward keeping the family together. A less adversarial approach that uses counselling strategies as part of the intervention. Professionals are "the authority" and expert within the discipline.

Multidisciplinary. Strives to address the complexity of the issues. Encourages co-ordination among professionals from several disciplines, and values the sharing of broader perspectives in understanding the abuse. It is intended to reduce "turfism" of agencies and/or disciplines.¹³

Although there is no blueprint to direct intervention, there are essential ingredients. To effectively intervene one must first establish a relationship of **trust** and then provide the abused older adult with **information** about the options that are available. The abused senior has the right to **informed choices** and the right to have his or her choices about how to proceed **respected** even if they are contrary to professional good judgment. It is also essential that the members of the **interdisciplinary team**, which may include justice, social and health services, and the faith and cultural community, work together with the older adult to achieve the desired outcomes.

For more information on recognizing elder abuse, assessment and approaches to intervention, see *Elder Abuse: What You Need To Know* (www.crnetwork.ca/about/elderabuse.asp), *Waterloo Region Inter-Agency Protocol (Appendix 1)*, and *Inter-Agency Case Review Working Group (Appendix 2)*

LEGAL PERSPECTIVES

In Canada, laws, codes, and legislation at both federal and provincial levels address the various forms of elder abuse. "Many incidents of abuse may be offenses under the *Criminal Code*. If the abuse is a criminal offense, the police, and the criminal justice system have authority and responsibility to respond and intervene. Some examples of abuses that are *Criminal Code* offenses include:

¹³ Dow, E. et al. (1995). *Services for Abused Older Canadians*. Health Canada, Family Violence Prevention Division. Project # 4887-10-91-092, Pp. 66-67.

Physical Abuse

Assault (s.265)

Assault with a weapon or causing bodily harm (s.267)

Unlawfully causing bodily harm (s.269)

Forcible confinement (s.279-1)

Sexual Abuse

Sexual assault (s.271)

Financial Abuse

Theft (s.322)

Theft by a person holding power of attorney (s.331)

Fraud (s.380)

Extortion (s.346)

Stopping Mail with Intent (s.345)

Forgery (s.366)

Neglect

Breach of Duty to Provide Necessaries of Life (s.215)

Mental Abuse

Intimidation (s.423)

Threatening.(s.264-1)¹⁴

D. Poirier, in *Why is it so difficult to combat elder abuse*, adds, “Section 264 prohibits engaging in conduct that causes another person reason to fear for their safety and considers such behavior to be criminal harassment. 264-1 prohibits threatening a person with assault, destruction of personal or real property, or killing or injuring the animal of this person.”¹⁵

For more information regarding Canadian law and elder abuse refer to Poirier et al.¹⁶

¹⁴ Whal, J. (2001). *The Law Related to Elder Abuse in Canada*. Toronto: Advocacy Centre for the Elderly, p. 1.

¹⁵ Poirier, Donald and Poirier, Norma. (1999). *Why is it so difficult to combat elder abuse and in particular the financial exploitation of the elderly* [online article] Available: <http://www.lcc.gc.ca/en/themes/pr/oa/poirier/index.html>, p. 20.

¹⁶ Ibid.

BARRIERS WITHIN THE TRADITIONAL JUSTICE SYSTEM

In spite of the fact that these may be Criminal Code offences, few cases are effectively dealt with in the courts. As noted by Statistics Canada, "It is suspected that a small portion of abuse of older adults ever comes to the attention of the justice system."¹⁷ Some of the reasons cited in the literature include:

Ageism: Laws designed specifically to protect the elderly "treat the older persons like children." In addition, I would add, an ageist perspective considers the older adult as frail, dependent and incapable. Hence an unreliable witness.

Difficult to obtain evidence: Complaints that Police are not interested in bringing to these cases to trial may be directly related to the limited success when these cases reach the courts. It is difficult to obtain the necessary evidence to establish guilt beyond reasonable doubt. The older person may be unwilling or unable to complain to the police or testify in court resulting in a reluctance to prosecute.

Family values: The elderly systematically refuse to report their abuse to avoid hurting their children. They do not sue their children as they feel it is improper, it goes against common sense and family values. They may feel guilt and shame about what happened to them. The misconduct is a reflection of their parenting. The elderly also express a desire to pass on money and property to their offspring so may not attempt to retrieve stolen property.¹⁸

Fear: The older adult may fear that the relationship will be seriously damaged if charges are laid.¹⁹

¹⁷ M. Beaulieu, et al. (1999). *Older Adults' Personal Relationships and the Law in Canada—Legal, Psycho-Social and Ethical Aspects*. Ottawa: Law Commission of Canada, p. 70.

¹⁸ Poirier, Donald and Poirier, Norma. (1999). *Why is it so difficult to combat elder abuse and in particular the financial exploitation of the elderly* [online article] Available: <http://www.lcc.gc.ca/en/themes/pr/oa/poirier/index.html>, pp. 44-46.

¹⁹ Beaulieu, M., et al. (1999). *Older Adults' Personal Relationships and the Law in Canada—Legal, Psycho-Social and Ethical Aspects*. Ottawa, ON: Law Commission of Canada, September, p. 72.

Lack of Knowledge: The low incidence of reports to the police, by older adults or those who are in contact with the older adults, may be because they do not realize it is a crime.²⁰

RESTORATIVE JUSTICE

Justice advocate Howard Zehr refers to restorative justice as "a paradigm shift."²¹ He indicates that the "source of many of our

It is a holistic approach that focuses on speaking the truth, healing and restoration of relationships, ensuring equal voice for participants, respecting individual values and preferences and preventing further harm.

failures...lies in the lens through which we view crime and justice and that lens is a particular construction of reality, a paradigm."²² He goes on to describe possible changes in the lens through which we view crime, thus shifting the paradigm. Susan Sharpe refers to restorative justice as a philosophy or a worldview.²³

Restorative justice considers abuse primarily as a violation of people and relationships and secondarily as a violation of the law. It is a holistic approach that focuses on

speaking the truth, healing and restoration of relationships, ensuring equal voice for participants, respecting individual values and preferences and preventing further harm.

It is not simply an alternative to the criminal system. Nor is it an avoidance of dealing with the wrongdoing. Zehr describes it as "a process to involve to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and

²⁰ Ibid.

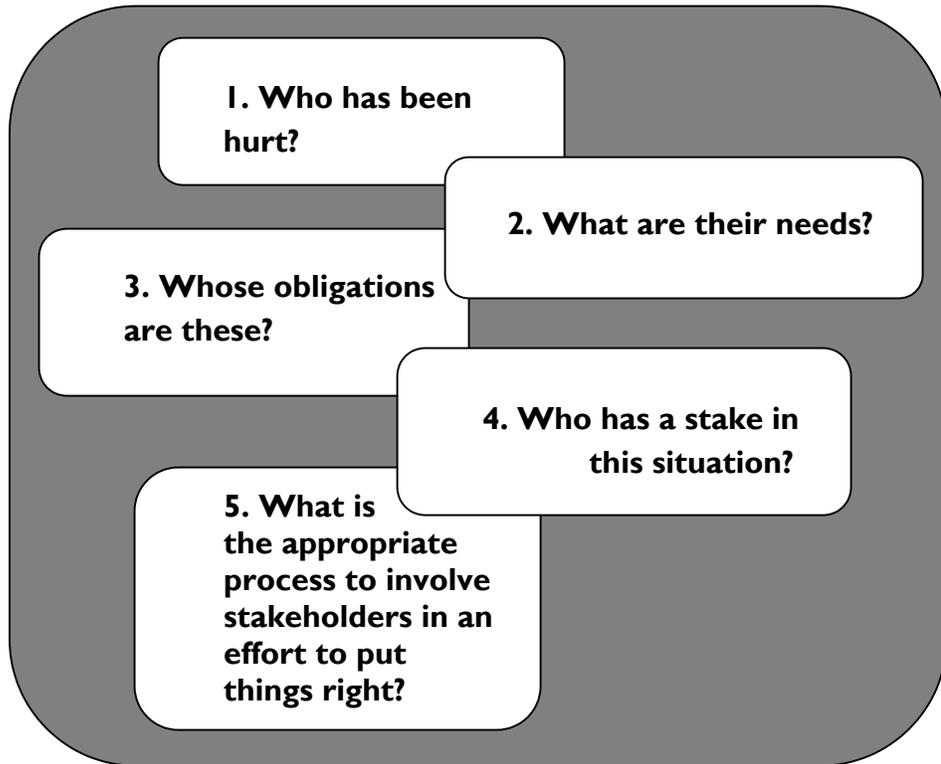
²¹ Zehr, H.(1990). *Changing Lenses: A New Focus for Crime and Justice*. Waterloo: Herald, p. 180.

²² Ibid., p. 94

²³ Sharpe, S.(1998). *Restorative Justice: A Vision for Healing and Change*. Edmonton, AB: Victim Offender Mediation Society, p. 7.

obligations, in order to heal and put things as right as possible."²⁴ He indicates that the essence of restorative justice “boils down to a set of questions which we need to ask when a wrong occurs.”²⁵

The guiding questions of restorative justice are:



26

The roots of restorative justice can be found in the histories, faith and cultural traditions of people around the world. Judge Bria Huculak states, "The scholars...have meticulously searched out their religious and spiritual traditions and found restorative justice resides in all."²⁷ The principles of restorative justice lie at the heart of traditional justice-making in First Nations' communities.

²⁴ Zehr, H. (2002). *The Little Book of Restorative Justice*. Intercourse, PA: Good Books, 2002, p. 37.

²⁵ *Ibid.*, p. 38.

²⁶ *Ibid.*

²⁷ Hadley, M. (2001). *The Spiritual Roots of Restorative Justice*. Albany, NY: State University of New York Press, pp. 217-218.

According to Dennis Cooley from The Law Commission of Canada, the movement towards restorative justice in Western law systems began in the early 70s' in Kitchener, Ontario. Mark Yantzi and Dave Worth asked a judge to allow two young offenders, who had been arrested for a night of vandalism, and their victims to take a key role in deciding the most appropriate method of responding to the harm done. This was the beginning of Victim Offender Reconciliation Program (VORP). Since that time, there have been many significant developments in the area of restorative justice.²⁸

RESTORATIVE JUSTICE AND ELDER ABUSE

Given restorative justice's focus on repairing the harm and restoring relationship, how might it be applied to elder abuse? To address elder abuse and mistreatment, the following aspects of restorative justice are considered:

Speaking the truth. Abuse and the lies and secrets that surround it cause shame for those involved, perpetuate the abuse and block healing. Truth-telling about what has happened is essential, as is honestly "speaking from the heart" about what has happened - and its impact. Often secrecy is

"I value the way the model calls people to honesty. It has integrity about it."

~Katherine Soule Blaser,
Circle facilitator~

used to contain the victim's ability to speak and to act. "Nils Christie in his paper on *Answers to Atrocities* writes, 'Isolation of the victim is one of the major features in social systems where illegitimate violence is applied. There are no ends of attempts by oppressors to silence their

victims.' To which Wilma Derksen adds, "And yet we need to have the truth known and spoken."²⁹

The healing and restoration of relationships. Providing an opportunity for change and healing is complex. When relationships of trust are fractured, individual counselling may

²⁸ Cooley, D. (1999). *From Restorative Justice to Transformative Justice* (Discussion Paper). Law Commission of Canada, No.JL2-6, p. 2.

²⁹ Derksen, W. (2002). *Confronting the Horror, The Aftermath of Violence*. Amity Publishers, Winnipeg, p. 135.

be required to begin the process of healing, possibly **before** it is safe to bring the parties together for a circle or conference. Both the older adult and the person who has done the harm may need to gain an understanding of the dynamics around abuse, including power imbalances. The victim may require counselling to be able to identify and articulate what is needed for reparation. The person who has done the harm may require counselling to understand why he or she caused the harm and what needs to happen to change this pattern of behavior. There needs to be an understanding of the context in which the abuse happened and insight into what may be required to transform **those** relationships so that **each party has their** "rights to dignity, equal concern and respect satisfied".³⁰

Respect. Respect for each participant is integral to the process. This includes respect for cultural diversity, values and preferences, and respect for each participant's story, and the choices participants make during the process.

The provision of equal voice. All participants in the process have equal voice. Each voice brings a different and valued perspective to the complex issue of elder abuse.

The prevention of further harm. The process looks to the future to determine what needs to be in place to prevent further harm. An interdisciplinary team is integral. The cooperation and coordination among professionals and several disciplines is required to support the older adult and the person who has done the harm in their path toward healing and change.

³⁰ Liewellyn, J. et al. (1998). *Restorative Justice—A Conceptual Framework*. Law Commission of Canada, Ottawa, Ontario, p. 39.

CHAPTER 2

BUILDING A FOUNDATION

As a case manager, which involves the assessment of the changing needs of seniors and the authorization and coordination of client-centred health and social services to meet identified needs, and as a volunteer with the Waterloo Region Committee on Elder Abuse, which involves providing information about resource options to callers who have been affected by elder abuse, I have found that abuse may be hidden and that resource options, especially legal and justice options, are declined. The reasons for not seeking intervention include the older adults' fear that they will lose their relationship with an abusive, trusted person if they identify abuse or seek intervention. The older adult trusts the person who is abusing them and values that relationship in spite of the abuse.

~ Arlene Groh, Project Coordinator ~

INTRODUCTION

The Restorative Justice Approaches to Elder Abuse Project, a collaborative of seven local community agencies, was born in the Region of Waterloo in southwestern Ontario, a natural place for such a project to emerge. Known for its long history in alternative dispute resolution, it is the home of the first Victim Offender Reconciliation Program in the world. It is also the home of the Waterloo Region Committee on Elder Abuse (WRCEA), an active, volunteer committee with a mandate to raise awareness about elder abuse and to increase the community's ability to respond. Finally it is home to a large ethno-cultural community. According to *Focus for Ethnic Women*, "Kitchener-Waterloo is the third

most populated city in Canada with respect to the number of immigrants and refugees."³¹

All these factors nourished the seed that grew into *The Restorative Justice Approaches to Elder Abuse Project* - to provide an opportunity for change and healing to people affected by elder abuse. This innovative approach to elder abuse began in the fall of 1998, evolving from in-the-field experiences of the project's partners and a survey of relevant literature on elder mistreatment. The path from original concept to functioning project was long and challenging. Extensive consultation with seniors, police, the Crown Attorney's office, health care professionals, faith and cultural leaders, and lawyers indicated strong community support. Such a response led, in September 1999, to the submission of an application for funding with approximately fifteen accompanying letters of support, from individuals such as the Medical Officer of Health, the Chief of Police, the Crown Attorney, seniors, the director of social work at a local hospital, a chaplain at a long-term care facility, and a lawyer, among others. In December 1999, the Ontario Trillium Foundation awarded the collaborative \$252 800 funding over three years, to design, implement, and evaluate a restorative justice model to address elder abuse. This project began March 1, 2000.

KEY ELEMENTS OF EARLY PROJECT DEVELOPMENT

The key elements for the development of the project included the following measures.

CONSULTATION

Broad community consultation was required to initiate and move the project forward. This demanding first step of the consultation process was necessary to ensure that there was shared knowledge and understanding of elder abuse and restorative justice. Professionals in the health and social services indicated that they had limited knowledge and understanding of restorative justice. Professionals in the justice system indicated that they had limited knowledge and understanding of the complex issue of elder abuse. Similar gaps were identified by seniors and other community members.

Consultation with community members was initiated in November of 1998. This included a discussion about the complex issue of elder abuse and a cautious inquiry about applying restorative justice to these

³¹ Ariaratnam, A. (2002). "Focus on Focus." *Focus for Ethnic Women*, Volume I, Issue 3, December, p. 2.

situations. Consultations occurred with the following and demonstrated the importance of "getting all the players outside."

Mennonite Central Committee (Ontario). This agency, a service and relief organization of the Mennonite Church, was key in the 1970s' development of the Victim Offender Reconciliation Program, one of the first forms of restorative justice. Rick Cober-Bauman indicated his support for the initiative. He also facilitated contact with the First Nations community.

Police Services. It was essential to have the support of police services. Superintendent Steve Hibbard supported this initiative from inception. He was also instrumental in moving the project forward within the police services.

Native Community. The roots of restorative justice are embedded in Native communities and justice-making. It was essential to consult with a Native representative. Native elder Orvan Solomon shared his wisdom, talked about how this approach is used in his community and gave his support to proceed with an application for funding.

Conflict Resolution Network Canada. This organization provides consultation and resources on conflict resolution and restorative justice. Kathleen Cleland Moyer listened attentively and asked questions about how one might ensure the safety of the older adult in the process. She gave her enthusiastic support for the initiative, assisted with the funding application, and served as the managing editor for the manual.

Seniors. Consultation with seniors led to support of the concept and subsequently, individuals joining the steering committee.

Waterloo Region Committee on Elder Abuse. This committee is composed of volunteers with a mandate to raise awareness of elder abuse and increase the community's ability to respond. Members supported this new approach and the committee now assists with publicity, and education, and provides information about the project to callers who are requesting information about resource options.

Lawyer. Ted Giesbrecht specializes in elder law, and sees one to two clients per month who have experienced some form of elder abuse. He was enthusiastic about the idea and wrote a letter of support for the Trillium application.

Chaplain. Marilyn Rudy-Froese, a chaplain in a long-term care facility, provided strong support for the idea and wrote a letter of support for the Trillium application.

Dr. Elizabeth Dow. (Memorial University, Newfoundland) With expertise in elder abuse and restorative justice, she supported the idea and agreed to participate in the evaluation process.

Community Care Access Centre. A central point of access to information and a broad range of community-based services; funded by the Ministry of Health. Kim Voelker, Client Services Director, listened attentively, asked questions, and then supported the initiative. She facilitated the application to the Board of Directors for approval to apply for funding and assisted with the Trillium application.

MANAGEMENT SUPPORT

The support of senior management was critical in moving the project forward. For example, Waterloo Region Police Superintendent Steve Hibbard facilitated contact with key officers from the police services and encouraged the inclusion of elder abuse and restorative justice education as part of the domestic violence training for all officers (a plan still in the development phase). He also provided an opportunity for presentations to students in the Police Foundation Course at Conestoga College and to Senior Management at Waterloo Region Police Services.

SOLID FOUNDATION

Waterloo Region is fortunate to have a "solid foundation" already in place regarding both elder abuse and restorative justice.

Concerning elder abuse, The Waterloo Region Committee on Elder Abuse (WRCEA) has, since 1992, contributed greatly to the community's response to elder abuse. Its members come from across the region and include police representation, which is an essential link for the project. The Community Care Access Centre (CCAC) was also vital to the development of the project; the Director of Client Services, a longtime volunteer for the elder abuse committee, added her expertise. The CCAC Elder Abuse Resource Team was another important link to the project.

Concerning restorative justice, both Community Justice Initiatives and Conflict Resolution Network Canada agreed to be members of the collaborative. *(Please refer to website listings on page xv for more information)* The CR Network provided consultation and resources about conflict resolution, which was particularly helpful in the early

stages of the project. Community Justice Initiatives (CJI) is a community-based organization whose programs are founded on principles of restorative justice. Since 1974, this agency has been a leader in initiating services for individuals affected by crime, abuse, and conflict. They brought knowledge and expertise in the early stages of the project and later became the point of entry for the restorative justice process.

FUNDING

Consultation with community stakeholders resulted in interested parties coming together to write an application for funding. The process from inception to receipt of funds was 13 months and included many volunteer hours. Participants in this process eventually formed the project collaborative.

To participate, each person had to secure his or her agency's support, which in itself was a challenging process. For example, as an employee of the CCAC, Arlene Groh required both management and board support to move this project ahead. Before meeting with the Director of Client Services, she secured the support of a senior member of the police services, a lawyer who specializes in elder law, an employee of MCC, an employee of The CR Network and a senior. Firm community support was a stepping-stone to obtaining the required management support to proceed. It should be noted that initial funding included minimal dollars for evaluation. The time required to secure evaluation funding resulted in a delay in the evaluation process.

For more information about key elements in the development of a strong restorative justice program, please refer to *Restorative Justice: A Vision For Healing and Change* by Susan Sharpe.

PROJECT OBJECTIVES

An essential aspect of the funding application process was the collaboration of community partners to establish shared project objectives. A consensus was reached on the following objectives in September 1999.

- Community-based agencies, cultural and religious groups, and volunteers will gain knowledge and understanding about elder abuse and restorative justice and will access restorative justice services.

- Victims and their supporters will gain knowledge and understanding about restorative justice, will identify abuse and participate in a restorative justice approach to deal with conflicts and violence.
- Victims of elder abuse and their supporters will be satisfied with the process and the outcomes.
- Victims of elder abuse will demonstrate increased capacity to deal with abuse.
- Persons who perpetrate abuse and their supporters will gain knowledge about elder abuse and restorative justice. They will take responsibility for their actions and will participate in a plan that solves the problem and enables the offender and victim to relate in healthier ways.

PROJECT STRUCTURE

A clearly defined structure was very helpful for the project coordinator and the overall project. Immediately after funding was received, members of the collaborative established a steering committee and developed the terms of reference for this committee. Eventually, a seniors' advisory council and other committees were formed. The following is a description of the project structure. (Please refer to Appendices 3, 4 and 5 for Terms of Reference.)

PROJECT STAFF

A coordinator position was funded by The Ontario Trillium Foundation grant. Other project staff included "in kind" clerical support from the Community Care Access Centre, and project intake by CJI staff. Forty-five volunteers were trained in elder abuse and the circle process. These volunteers facilitated the restorative justice process. Most of the volunteer facilitators had extensive experience in community mediation before receiving the circle training. They were required to obtain a police check.

PROJECT COORDINATOR

The project coordinator reported to the steering committee on a quarterly basis and consulted with the membership as required. The project coordinator was responsible for the coordination of all aspects of planning and implementation of the project. This included completing

an extensive literature review and consultation with experts and stakeholders in the development of a model, developing and strengthening links and partnerships within the community, creating new links within the cultural communities, overseeing the development of training packages, community information and education packages, facilitating contacts, securing evaluation funding, writing Trillium Foundation reports and collecting and writing material for the manual.

She also promoted the project through public education. Between March 2000 and March 2003, she gave 108 presentations with 3430 persons in attendance. In addition she provided approximately 89 consultations to professionals or people directly affected by elder abuse and in 63 of those situations of abuse, it was suggested that a referral to the restorative justice project would be appropriate.

STEERING COMMITTEE (See Appendix 3 for Terms Of Reference)

The steering committee met on a quarterly basis for the three year duration of the project to oversee and provide direction for the project, to ensure that milestones were met and to provide consultation to the Project Coordinator. Membership included representation from each member of the collaborative.

ADVISORY COUNCIL (See Appendix 4 for Terms Of Reference)

The council was established in January 2001. To select the council, members of the steering committee and other community members provided contact suggestions; a letter of invitation was then circulated to a diverse group of seniors who were provided with information about the project and the role of an advisory council. Interested seniors established the council and developed their terms of reference. This group met quarterly to review and make recommendations regarding project activities. They provided a voice for seniors. Of note, the council gave guidance about public relations strategies and the development of educational material that might facilitate changes in behavior (ie., disclosure of abuse and access to restorative justice for solutions). They were also adamant that the term "elder abuse" could not be replaced with "elder mistreatment or conflict." The project brochure followed this recommendation.

THE MULTICULTURAL LINKS WORKING GROUP (See Appendix 5 for Terms Of Reference)

The committee initially met monthly and eventually decreased the meeting frequency to alternate months. Their mandate included being a resource for the development, implementation and evaluation of a

restorative justice model within the ethno-cultural communities, establishing strategies to increase awareness in the multicultural community and assisting in the development of education materials. This committee has facilitated strategies for outreach to the South Asian, Hispanic, Hmong, Vietnamese, and Romanian communities, which included arranging for educational sessions and providing interpretation as required, and providing links to faith and cultural leaders in the community. The committee also provided guidance for the translation of brochures.

RESTORATIVE JUSTICE MODEL WORKING GROUP

This ad hoc committee was called to review materials and to make recommendations to the steering committee regarding a restorative justice approach to elder abuse and guidelines for the referral process. Decisions regarding the model were made at the steering committee level.

EDUCATION AND TRAINING

This ad hoc committee met to develop training and educational material for the volunteer facilitators.

EVALUATION

Funding was secured from the Law Commission of Canada and Justice Canada, Crime Prevention Centre, for an independent evaluation which was directed by Dr. Michael Stones. Dr. Rick Linden provided consultation regarding the evaluation of restorative justice principles. Mennonite Central Committee (Ontario) contracted for the collection of data. The project coordinator participated in the planning for evaluation by securing funds, developing the process for obtaining data, training data collectors about elder abuse and restorative justice, and addressing confidentiality issues. Dr. Stones and Dr. Linden consulted with the steering committee regarding the components of the evaluation.

CHAPTER 3 DEVELOPMENT OF A RESTORATIVE JUSTICE APPROACH

We were charting new ground, an exciting and daunting endeavor.

~ Arlene Groh, Project Coordinator ~

INTRODUCTION

During the first four months of the project, the collaborative worked diligently to set an effective, safe approach to using restorative justice with abused older adults. Consultations were held with community partners, seniors, ethno-cultural communities, and faith communities. The results of an extensive literature review indicated no established model of restorative justice for abused older adults existed. After much research and discussion, the collaborative decided to develop an **incident driven** response. Training and public education were additional significant components.

KEY ELEMENTS OF A RESTORATIVE JUSTICE APPROACH

The following measures were key as the collaborative shaped a unique restorative justice response to elder abuse.

LITERATURE REVIEW

Barry Stuart's *Building Community Partnerships: Community Peacemaking Circles*³² and Susan Sharpe's *Restorative Justice: A Vision for Healing and Change*³³ were particularly helpful guides. Information about The Family Group Decision Making Model, as described by Joan Pennel and Gale Burford was also helpful.³⁴

BROAD COMMUNITY CONSULTATION

Feedback from community partners, seniors, members of the ethno-cultural community and representatives from the justice, health and social services and the faith community was critical to model development.

CONSULTATION WITH THE EXPERTS

Experts in the area of restorative justice (Mark Yantzi, Susan Sharpe, Barry Stuart and Mark Wedge) had a significant impact on model development. Following consultation with each of these people, the project partners shifted from preferring a fixed model to planning a flexible response to the complex needs of people affected by elder abuse. The collaborative agreed that the selection of a tool for the restorative justice process needed to be incident driven and that the entire process needed to be guided by a set of values or principles. Consultation with experts in the area of elder abuse was also essential.

Judith Whal, CEO Advocacy for the Elderly, was a resource for understanding elder abuse as it relates to the criminal justice system. She indicated that members of the legal profession may have limited understanding of elder abuse and may not be accustomed to taking direction from older adults. She stressed that it is essential that the older person who was harmed provide direction for how to proceed. Pearl Mackenzie, Consultant and Seniors' Advocate and Charmaine Spencer, Lawyer and Research Associate in Gerontology, Simon Fraser University identified concerns regarding imbalance in power and

³²Stuart, B. (1997). *Building Community Justice Partnerships: Community Peacemaking Circles*. Minister of Justice and the Attorney General of Canada, pp. 1-12.

³³ Sharpe, S. (1998). *Restorative Justice: A Vision for Healing and Change*, Edmonton Victim Offender Mediation Society, Edmonton, Alberta, Canada, pp. 25-42.

³⁴ Pennell, J. et al. (1997). *Family Group Decision Making: After The Conference - Progress in Resolving Violence and Promoting Well-Being Outcome Report*. St. John's, Newfoundland: Memorial University.

indicated that we needed to hear from seniors and from victims to ensure that the process met the needs of the intended clientele.

ASPECTS OF A RESTORATIVE JUSTICE MODEL

GENERAL DESCRIPTION

The description of the following forms of restorative justice have been adapted from CJJ's orientation manual.

Victim/Offender Mediation. Victims and offenders meet face to face to express what led to the offense, the impact of the harm, how to repair the harm, and how to minimize further harm. One or two trained community mediators facilitate the meeting.

Community Conferencing. Also called Family Group Conferencing, this model is similar to Victim-Offender Mediation, but includes supporters of the victim and offender as well as others who may have been involved in the incident, such as doctors, case workers, police, etc.

Community Peacemaking Circles. The offender, victim and supporters for both come together, arranging themselves in a circle. They pass a talking piece in the order that they are seated. This ensures that each person has the opportunity to speak and that only one person speaks at a time. Participants speak when holding the talking piece. This process continues until consensus is reached about the matters that have brought the group together, or until participants agree to close the meeting. The circle is facilitated by a "keeper" who ensures that the circle process and guidelines are honored. Yukon's Judge Barry Stuart, closely associated with this model, describes three types of circles: healing, sentencing, and community peacemaking. (*Orientation Training Manual*, Appendix 6, p. 89)

For a more detailed description of restorative justice practices and models, see *The Little Book of Restorative Justice* by Howard Zehr,³⁵ *Building Community Justice Partnerships: Community Peacemaking Circles*, by Judge Barry Stuart³⁶ and *Restorative Justice: A Vision for Healing and Change*, by Susan Sharpe.³⁷

³⁵ Zehr, H. (2002). *The Little Book of Restorative Justice*. Intercourse, PA: Good Books, pp. 47-52.

³⁶ Stuart, B. (1997). *Building Community Justice Partnerships: Community Peacemaking Circles*. Minister of Justice and the Attorney General of Canada, pp. 1-12.

³⁷ Sharpe, S. (1998). *Restorative Justice: A Vision for Healing and Change*. Edmonton AB: Victim Offender Mediation Society, pp. 25-42.

A FLEXIBLE RESTORATIVE JUSTICE APPROACH

In May 2000 the steering committee, in consultation with Dr. Elizabeth Dow, decided to adapt the Family Group Decision Making Model, used by Joan Pennell and Gale Burford for situations of child abuse. However in June, Dr. Elizabeth Dow and project coordinator Arlene Groh attended *Interaction 2000: Pulling Together*. This 6th biennial national conflict resolution conference provided an opportunity to attend workshops, intensives and lectures about restorative justice, to participate in a national dialogue on some of the key issues and to have direct conversations with experts in restorative justice.

This experience became a turning point for the project. As recalled by Groh, "The conference provided the opportunity for consultation with restorative justice experts Barry Stuart, Mark Wedge, Susan Sharpe, and Rupert Ross. These consultations were somewhat disquieting. Each, in separate conversations, suggested that the selection of a tool or model for the restorative justice process needed to be incident driven and that the practice needed to be guided by a set of principles. They did not support the notion of establishing a fixed model to respond to elder abuse."

Groh recalls, "I had difficulty shifting to this incident driven approach. I wanted to have one safe model that facilitators would follow." However further consultation with Mark Yantzi and Dennis Cooley led to the same conclusion. In September, Dow and Groh returned to the collaborative, recommending a change in direction. The collaborative supported the recommendation.

A clearly articulated mission statement was developed and consensus reached on values and principles to guide the practice.

MISSION STATEMENT

To provide an opportunity for change and healing to people affected by elder abuse.

GUIDING PRINCIPLES

The project upholds the belief that people have the right to:

Safety. To live in safety and security. Parties need to be safe and need to feel safe - before, during and after the restorative justice process.

Confidentiality. To determine for themselves what personal information may be shared with others.

Dignity and respect. To have personal values and preferences respected.

Autonomy. To determine and control their own affairs. Participation must be voluntary.

Access to information. To receive all the available information they need in order to make meaningful and informed decisions. Parties will understand the restorative justice process, the judicial process, will be aware of community resources and know how to access them or be assisted to access them.

The least restrictive interventions. Least restrictive of the individual's rights, abilities and personal liberties and least disruptive of life-style. (Adapted from Gallagher et al., Victoria Elder Abuse Project, 1993)³⁸

It should be noted that the mission statement and principles were reviewed and supported by the Seniors' Advisory Council. It should also be noted that when questions occurred about how to proceed, the project team consulted the guiding principles.

In June 2002, Justice Canada produced two draft documents, *Values and Principles of Restorative Justice in Criminal Matters* and *Restorative Justice Program Guidelines*, designed to inform the incorporation of restorative justice principles into the federal justice system. One of the goals of the development of the principles was to promote further dialogue on the development of a national consensus of such principles. For further information on restorative justice in Canada and to read these documents see:
<http://www.restorativejustice.ca/NationalConsultation/draft.htm>

CONSIDERATIONS FOR ADHERENCE

In practice, adherence to these principles includes, but is not limited to the following considerations, which are framed as questions:

³⁸Gallager, E, et al, *A Guide to Enhancing Services For Abused Older Canadians*, Victoria, British Columbia: The Centre for Aging, University of Victoria, 1995, p.55.

Safety. What plan is in place to ensure that all participants are safe and feel safe before, during, and after the process? What measures are in place to balance power? Does the agreement include ways to prevent further abuse?

Dignity and respect. Is there an understanding of ethno-cultural values and are these values respected? Are the participants' stories taken seriously and received without judgment by all participating in the process, including people such as police, health professionals, church workers, court officials? Are the victim's needs for healing respected and addressed?

Autonomy. Is participation in the process voluntary? Is the older adult allowed to make the maximum amount of choices/decisions possible?

Access to information. Do all participants understand the restorative justice process? Do they understand the traditional judicial process? Are they aware of available community resources and how to access them?

Confidentiality. Have participants determined for themselves what personal information may be shared with others? Do the participants understand the limits of confidentiality?

Least restrictive interventions. Has consideration been given to a solution that enables the older adult to remain in the home by providing support services? An older adult who receives support services may no longer be reliant on care from the person who has done the harm.

TRAINING OF FACILITATORS

The training of facilitators or circle keepers is key to any restorative justice process. This was especially true for the elder abuse project and, therefore, project planners decided to invite mature, experienced mediators to participate.

“We need to ensure that facilitators are in place to respond as education and awareness increases.”

~ Supt. Steve Hibbard,
Waterloo Region Police
Services ~

Circle training was facilitated by Barry Stuart, Molly Baldwin, Eva Marszewski, Ada VandenBerg and Julie Friesen, and included an understanding of values and principles to guide the practice. In addition to circle training, all volunteers and CJI staff were educated about the complex nature of elder abuse - essential training, which included the dynamics of elder abuse, how to screen for safety, how to monitor

safety, what community resources are available, possible needs of older adults and how to address them, and how to interview the elderly. Forty-five volunteers were trained over the three years of the project. These volunteers also have the opportunity to participate in CJI's ongoing education which includes case review, case development, self-care, family dynamics and drug and alcohol addiction information.

EDUCATION

PUBLIC EDUCATION

Public education was an important aspect of moving the project forward. This included the following:

Collaborating with the CCAC Elder Abuse Resource Team to provide education about elder abuse and restorative justice for case managers. All case managers received a manual that included information about elder abuse, the interagency protocol, community resources, restorative justice as a resource option, and the project referral process.

Collaborating with the Interagency Protocol Working Group to provide a one day "train the trainer" session (March 2001). The goal was to train attendees so that they could return to their agencies as a resource to their colleagues. Participants examined the complexity of elder abuse and gained information about community resources and the region's interagency elder abuse protocol that facilitates a coordinated region wide response. They also learned of restorative justice as a resource option and the project referral process.

Each of the 30 attendees received a manual which included the presented information as a resource for providing "in-house" education about elder abuse and "in-house" consultation for elder abuse situations.

Collaborating with the WRCEA Education Sub-committee in their efforts to raise community awareness about elder abuse. This included providing information to the volunteers about restorative justice as a resource option so that they were able to relay that information in their community education sessions. It also included working with committee members to prepare education materials regarding elder abuse and restorative justice. These volunteers speak to seniors' groups, faith and cultural groups, and community agencies

that work with older adults, including nursing and homemaking agencies, retirement homes, and long term care facilities.

Public lecture given by Susan Sharpe in April of 2002 titled *Family Violence and Restorative Justice: The Potential and the Pitfalls*. Approximately 70 people attended, including people from outside the region.

Mock Circle sponsored by the project and WRCEA as an education session to demonstrate a circle process. Community members, including seniors, health care professionals, and police attended. The response was positive with attendees indicating that the session enabled them to understand the restorative justice process.

Community Workshop on Elder Abuse: What You Need To Know sponsored by police services and the volunteer committee (WRCEA) on March 21, 2001. There were approximately 180 attendees including a large representation of police officers and case managers from CCAC. The participants gained increased knowledge of elder abuse, assessment and intervention skills; restorative justice approaches to address elder abuse; legal, ethical and capacity issues; how to access community resources and *The Waterloo Region Inter-agency Elder Abuse Protocol*.

Community Workshop on Elder Abuse: What You Can Do! sponsored in September 2002, by police services, WRCEA, and the project. Approximately 90 attendees gained an increased knowledge of elder abuse; explored cultural sensitivity issues related to elder abuse; and examined restorative justice as an intervention option. A highlight of the workshop was The Harmony Interage Drama Troupe (see page 60 for a description) who performed a drama about a situation of elder abuse, based on information obtained from Rod McKendrik (Manager of Family Violence Programming, Saskatchewan Justice). The troupe stayed in character as the attendees attempted to find solutions. To demonstrate how this situation might be addressed using a restorative justice process, they later participated in a circle process, facilitated by Eva Marszewski (LL.B., adjudicator, facilitator, mediator and trainer).

Presentations for the community were given by the project coordinator including presentations to seniors' groups, faith and cultural groups, high schools, and professionals (108 presentations with 3,430 attendees). The Harmony Interage Drama Troupe performed 5 times.

PUBLICITY

Publicity was vital to moving the project forward. This included the following:

Media releases when funding was acquired, when we were ready to accept referrals, and educational sessions announcements. Of note was a ten-minute presentation about the project that aired on Rogers First Local. This video was broadcast twice a day for one week and included interviews of steering committee members, the CJI programme coordinator and the project coordinator; footage of a Club 55 meeting (of South Asian Seniors) and a presentation to staff members of the Woolwich Community Health Centre.

Raising awareness through partnerships with existing programs.

Examples of this included:

- A Trillium funded Outreach to Seniors project, an essential link to the ethno-cultural communities and to parish nurses, church visitors, and faith leaders;
- linking with the CCAC Elder Abuse Resource Team to provide a connection with the case managers who have direct contact with older adults who experience abuse;
- collaborating to raise awareness about restorative justice as a resource option with The Interagency Case Review Working Group, which meets quarterly to review difficult situations of abuse;
- attending meetings of the Networking Group, which provided an opportunity to learn about the resources available within the ethno-cultural community and a forum to raise awareness about the project; this group, formed by representatives from agencies that provide services to new Canadians, meet quarterly to share information and resources.

Articles on the project, including one which was updated and circulated with public presentations. In addition, information about the project was printed in the CCAC newsletter, the *K-W Record*, *Opening the Door* (a quarterly update on multicultural news with local, provincial, national circulation), K-W Alzheimer's Society, *The Journal of Addiction and Mental Health* (January 2002), *Community Journal on*

Elder Abuse (December 2000), the *Canadian Mennonite*, conference proceedings from the Ontario Network for the Prevention of Elder Abuse conference (November 2002) and from the McMaster Divinity College conference (January 2002).

Information about the project was also available from Conflict Resolution Network Canada and Caneldernet List Serve. The Provincial Round Table on Elder Abuse included an article in the manual given to working group participants.

Brochures. Approximately 3,000 brochures have been circulated throughout the region. Brochures have also been translated into Romanian, Vietnamese, French, Hindi, Gujarati Punjabi, and Greek.

CHAPTER 4 CURRENT CASE PROCESS

INTRODUCTION

The Restorative Justice Approaches to Elder Abuse Project accepted its first referral in October 2000. This chapter describes the current model of how restorative justice might be considered for a situation of elder abuse.

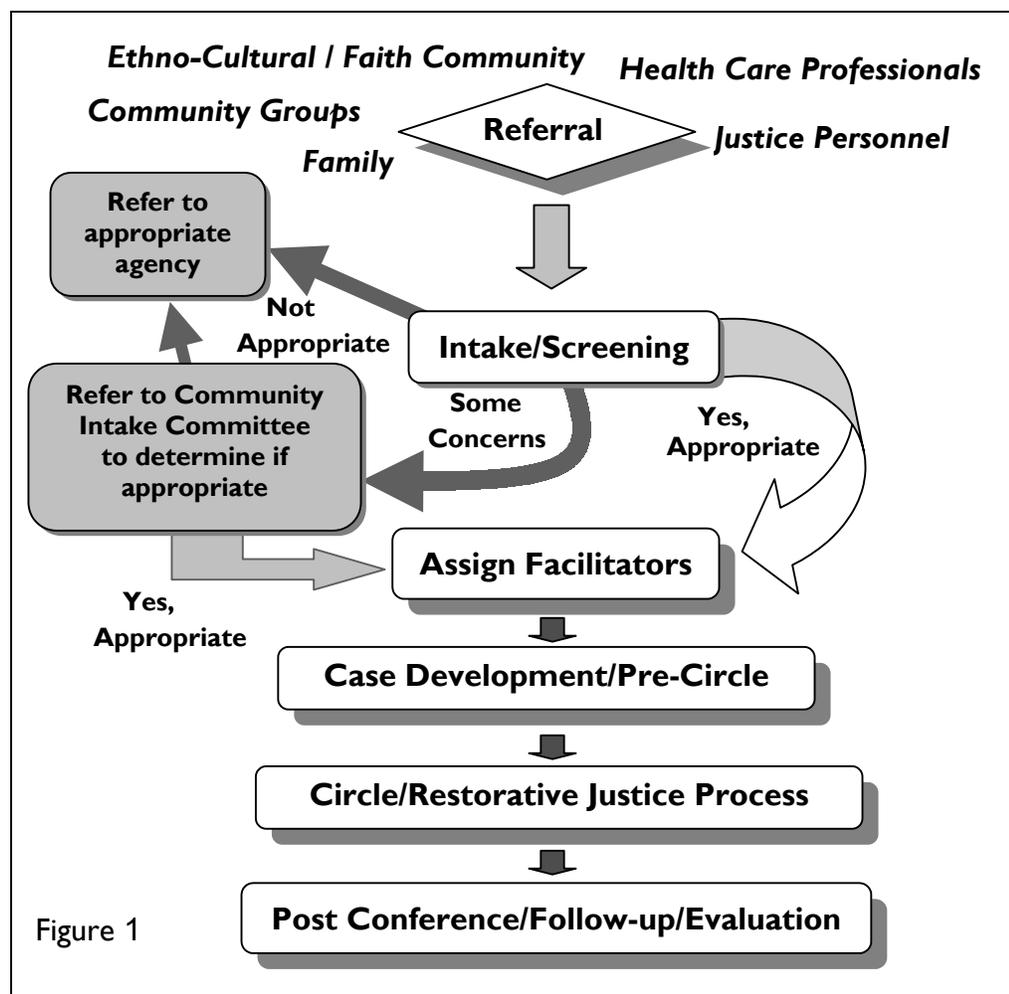


Figure 1 offers a visual snapshot of the process, which the text explains in more detail. Aspects such as referral factors, safety concerns and the process itself are considered. A case example is offered, comparing a traditional criminal justice response and a restorative justice approach.

REFERRALS

REFERRAL SOURCE

Any person may refer a situation of elder abuse. The older adult's permission is required to proceed. Referral sources include: CCAC, the faith community, cultural representatives, White Owl, police, the older adult themselves, Crown Attorney, health provider, physician, WRCEA. The service is free of charge.

WHEN TO REFER

Determining when it is appropriate to refer for a restorative justice intervention includes the following considerations:

Has the risk of imminent harm been addressed? This intervention is not an emergency service. If there is a risk of imminent harm, then safety needs to be addressed first.

Is this conflict in the early stages? Conflicts in the early stages are appropriate.

Is this a civil dispute? Civil disputes are appropriate for referral.

Has a charge has been laid? After a charge is laid, it is the Crown who determines if a restorative justice intervention is appropriate.
Note: Most cases do not make it to the courts. Charges might not be laid if the older adult will not testify.

Has the court process been completed? It may be appropriate to provide a restorative justice intervention to facilitate healing.

One factor for obtaining referrals is whether the sources of referrals trust the process. Referral sources should be able to expect: careful screening, a conversation with all parties, voluntary participation, emotional and physical safety before, during and after the process, support arranged, power dynamics addressed and a timely response.

However, referral sources should not expect specific outcomes. Participants in the process make the decisions.³⁹

CASE PROGRESSION

(Adapted from CJI's Orientation Manual)

INTAKE

CJI is the point of entry to the project. Intake, completed by office staff, includes:

- a. Receiving initial contact (phone, letter, visit) from individual or agency.
- b. Recording addresses and phone numbers of persons involved.
- c. Determining if the older person is a client of Community Care Access Centre (CCAC). If yes, then the older person must give written permission for staff to talk with the CCAC worker. The conversation with the CCAC worker helps staff to determine if the circle process should continue. (If the person is



Note: The staff member directs the referral to emergency services if the client is at risk of imminent harm.

not a client of CCAC, it can be anticipated that more time may be required in the case development phase.) If there are significant safety concerns, a CJI staff member visits the older person and supporters to determine initially if the circle process should continue.

If appropriateness for circle continues to be a concern after the home visit, the CJI staff member requests a meeting of the Community Intake Committee to screen for appropriateness. (See Appendix 7 for Terms Of Reference.) This committee reaches a consensus about whether to proceed. If the situation is inappropriate for a circle process, the older person is referred to other resources.

³⁹ Sharpe, Susan. (2002) *Family Violence and Restorative Justice: The Potential and the Pitfalls*. [public lecture]. Waterloo, Ontario: April.

ASSIGN FACILITATORS

Office staff contacts two trained volunteer facilitators to proceed with case development.

CASE DEVELOPMENT/PRE-CIRCLE

A facilitator meets with the person harmed and that person's supporters to ensure that they understand the process and the options available. The person who has been harmed chooses, without pressure, whether or not to participate.

**Mark Wedge
indicates that safety is
a plan. What does the
older adult need to
"feel safe" and to "be
safe"?
- Conversation,
Vancouver June 12, 2000**

A facilitator meets with the wrongdoer and his or her supporters to ensure that they understand the process and the options available. The process is stopped if the wrongdoer does not accept responsibility for actions and/or is unwilling to participate.

The facilitators consider pre-conference circles or other resources in preparation for conferencing. This could include resources such as anger management, drug programs, or counselling.

In the pre-circle phase, information may be revealed that requires the Community Intake Committee to convene to consider if it is appropriate to proceed.

It should be noted that the complexity of elder abuse cases requires a significant time commitment to adequate case development. It is important to prepare all parties for the circle process. Case development cannot be rushed.

The restorative justice tool is incident driven, and is selected according to the needs of the participants. Not all situations require a circle process. For example, one conflict was resolved with shuttle diplomacy.

The older adult, who was incapable of participating in a restorative justice process, had been moved to a care facility by her family. The family refused to allow visits from a long time friend and neighbour, causing the friend distress. In addition the friend perceived that her visits would be a benefit to the older adult. In this situation, the facilitators negotiated an agreement between the parties without a face-to-face encounter.

CIRCLE/RESTORATIVE JUSTICE PROCESS

The facilitators ensure that all participants feel safe and are safe and that the participants have established a safety plan. They ensure that both parties and their supporters are in agreement with moving forward with the process and are proceeding voluntarily. Community members including persons from the faith community, health and social services, and police may be invited to attend.

The participants are brought together to reach a consensus about:

- Why the abuse happened?
- What can be done to repair the harm?
- What can be done to prevent it from happening again?



Note:

Ensuring safety is essential. There is an ongoing monitoring of safety. The process is stopped if safety is compromised.

The circle is opened with a ceremony or prayer that has been selected by the participants. It is also customary to reach a consensus regarding ground rules for the process. Typical rules include: respect, speaking from the heart, only speaking when holding the talking piece, and what is said in the circle stays in the circle. It may be necessary, given the needs of the older adult, for the circle to be adjourned and reconvened at an agreed upon time. Sometimes a written agreement concludes the process. The circle may be closed with a ceremony or prayer and by sharing refreshments.

Facilities

The facilities for conferencing need to be accessible to the older adult including access into the building and to washrooms. Special needs

Special needs identified by the older adult are accommodated.

identified by the older adult are accommodated. These include accommodation for decreased hearing, decreased mobility, decreased sight, etc.

Duration

As noted earlier, the senior's needs are monitored throughout the process. The facilitators allow for breaks and may also terminate a circle and resume it at a later date if there is a need to do so. Typically a circle is no longer than three hours.

Role of Facilitator

Trained, skilled facilitators are key to a successful restorative justice process. Facilitators need to be respectful of all participants, inspire trust and confidence in the process, and have the ability to create an environment of support and accountability. They also require interviewing, listening and negotiating skills. It is essential that facilitators understand and are sensitive to the complex issue of elder abuse. At the same time, they need to ensure that sensitivity does not express itself in an attempt to rescue the older adult. The facilitator cultivates humility, avoids thinking that he or she has all the answers and avoids imposing solutions on people affected by elder abuse. Solutions that work best are the ones that the participants reach a consensus about in the circle process. The ability to prepare participants for the circle and the ability to trust the circle process are essential skills for circle facilitators and key to an effective circle process.



Note: The facilitator does not participate in the discussion.

Sometimes we as professionals inadvertently place the older adult at risk by imposing our perception of how to meet their safety needs.

To establish an effective safety plan, it is essential to provide an opportunity for the older adult who has been harmed to identify his or her safety needs and to provide direction for how these needs can be met.

~ Arlene Groh, Project Coordinator ~

Facilitators contribute to a sensitive, responsive restorative justice approach when they:

- Help the group stay focused and productive by asking the right questions.
- Ensure everyone present is heard.
- Make sure the final agreement addresses relevant needs and is workable.
- Ensure that individuals in the group, while denouncing the offending behaviour, show support of the person who offended, balancing an ethic of care and an ethic of justice.

POST CONFERENCE

Following the restorative justice process, the coordinator reviews the circle information and ensures that a safety plan is in place. The data collectors are contacted to proceed with the immediate post circle and three-month collection of evaluation data. If there are any concerns when the visits are made, the project coordinator is contacted to ensure that appropriate intervention and resource options are available to participants.

CASE EXAMPLE: TRADITIONAL JUSTICE PROCESS COMPARED TO RESTORATIVE JUSTICE PROCESS

To repeat the example used in Chapter 1, Mrs. Smith (pseudo name) was an 89-year-old widow who lived alone. The assistance of private and publicly funded services, plus family support made it possible for her to live in her own home.

One day, she disclosed that her son had taken \$40,000.00 from her bank account. Mrs. Smith was given information about various community resources including calling the police and reporting this theft. She refused these options. She said that her son was a good man. He probably needed the money more than her. Furthermore, she needed him to buy her groceries, to run errands, to take her to church each Sunday. The relationship with her son and his family was more important to her than the \$40,000.00.

As noted earlier, Mrs. Smith and her family did not access the traditional justice system to address the harm that was done. She did not have the opportunity of accessing a restorative justice process. Mrs. Smith did access the services of a social worker who was able to assist her in securing her finances against further theft and to attain some measure of understanding and peace regarding the abuse she had suffered. She was unable to address the abuse directly with her son before she died.

CASE STUDY I: WHAT MIGHT HAVE HAPPENED IF MRS. SMITH WOULD HAVE ACCESSED THE TRADITIONAL JUSTICE SYSTEM?

As Described by Superintendent Steve Hibbard.

Call to police

Mrs. Smith would phone the police to report that her son had stolen \$40,000.00 from her. A complaint handler would request some details

regarding the theft and then dispatch a police officer to Mrs. Smith's home.

Police response

Depending on the information Mrs. Smith provided, a uniform officer or a plainclothes detective would attend at her residence to take her complaint. Mrs. Smith could request a detective if she preferred being more discreet. The officer would ask questions to determine the risk to Mrs. Smith's safety posed by reporting the crime. Initially the officer's primary concern would be Mrs. Smith's well-being. Once Mrs. Smith's security is established, the officer would conduct a thorough criminal investigation.

Depending on the results of the investigation, the officer may arrest the son and take a videotaped statement. The officer must also establish the voluntariness of the statement and that none of the son's constitutional rights are contravened. If there were sufficient evidence the officer would lay a charge of theft. The officer then must consider whether Mrs. Smith's son should be held in custody. The law sets out criteria for holding a person for bail. Mrs. Smith's safety would be considered as part of those criteria.

A Justice of the Peace would determine if bail should be granted and what terms the accused will be required to abide by. For example, the accused may have to abstain from alcohol, and not contact his mother or any other witness on the case. The officer would ensure that Mrs. Smith has the assistance she requires through organizations such as the Victim Witness Assistance Program, Police Victim Services, or the Community Care Access Centre. Again, the purpose would be to support Mrs. Smith and ensure her safety and well-being.

Court process

The traditional court process can be very lengthy. If the son elects a trial by Judge and Jury, a preliminary hearing is held to determine if there is sufficient evidence to hold a trial. Trials are usually scheduled earlier if the accused is held in custody. If the accused is out on bail or his own recognizance, it may take months to set a preliminary hearing date and longer, a year or more, to actually hold the trial.

Mrs. Smith would be required to testify against her son at both the preliminary hearing and the trial. She would have the support of Victims' Services as she prepares to go to court and during the trial. Mrs. Smith does not require a lawyer, since the Assistant Crown Attorney represents her and the public. Her son will require a defense lawyer. The Crown leads the evidence against the accused to prove he stole Mrs. Smith's \$40,000. If the jury finds him guilty, he is sentenced by the

judge according to a prescribed set of standards. Mrs. Smith would be allowed to provide a victim impact statement after her son's conviction and prior to his sentencing. The Victim Witness Assistance Program Staff would help her write the statement.

The focal point of the traditional justice process is to establish Mr. Smith's guilt or innocence and to mete out appropriate punishment. In this situation, Mr. Smith is punished for his violation of the law not his violation of his mother's trust. He does not have to take responsibility for his actions. Mrs. Smith is only a witness in the process that is more focused on Mr. Smith's violation of society's code of conduct.

The focal point of the traditional justice process is to establish Mr. Smith's guilt or innocence and to mete out appropriate punishment.

The court has the discretionary power to order restitution. The court does not recognize that this offence is more multifaceted than the simple breaking of a rule. The root causes of the theft are complex and the ripple effect of the harm done is profound. At the end of the process, Mrs. Smith and her son are estranged. He does not allow

her grandchildren to visit. Other family members criticize the actions she took and ostracize her. Lacking the necessary supports she needs to live independently, she is forced to move out of her home into a care facility.

CASE STUDY 2: WHAT MIGHT HAVE HAPPENED IF MRS. SMITH WOULD HAVE ACCESSED THE RESTORATIVE JUSTICE PROCESS?

Referral to conflict resolution services

Although Mrs. Smith wants to proceed with a circle process, she does not want to make the initial call to the conflict resolution agency for a variety of reasons, including that she has already told her story to her social worker. With permission, the social worker makes the call. The program coordinator takes the information and informs the social worker that Mrs. Smith could expect a call from them within one working day, and that the service is confidential and free of charge.

Intake

The coordinator calls Mrs. Smith. She provides information about the circle process and about the traditional court process. Mrs. Smith makes an informed decision to proceed. She talks about her son and how he removed money from her account. She gives permission to contact her son, indicating that she believes he would like to resolve this conflict. She

asks that her sister and her minister be contacted as supporters for her. Although her son is verbally abusive, she feels that he will not harm her.

Screening

The program coordinator finds that both Mrs. Smith and her supporters believe that it is safe and are willing to proceed with a circle process. Mrs. Smith's son has acknowledged that he did remove the money from her account. His plan was to pay it back. He is sorry for the pain he has caused his mother.

Pre-circle

A facilitator contacts Mrs. Smith to hear her story and to gain an understanding of the conflict.

Mrs. Smith might say that she is so sad and angry that her son took the money. She thought she could trust him. Lately her son has been so edgy. He yells at her a lot. He seems to be drinking more. She needs her son to help her around the house and to buy her groceries. He also takes her to church. She doesn't know what to do.

A facilitator contacts Mr. Smith to hear his story and to gain an understanding of the conflict.

Mrs. Smith's son might say that he feels very badly, about what he did. He really loves his Mom but things have been out of hand. She is increasingly difficult to care for. She flatly refuses to move to a retirement home. He is over there everyday and sometimes during the night. This is causing a fair bit of strain on his marriage. His business is also in a slump. To top it all off, his son had just moved back home because he could not find a job. Mrs. Smith's son is so stressed that he started to drink again. He is not sure how to get things back on track.

With permission, the facilitators also contact supporters of Mrs. Smith and her son to gain a broader perspective of the situation. They discover that:

The minister does not know how to support this family that has been active in the church for a long time, that Mrs. Smith's sister does not trust the son, that the daughter does not think her brother is a criminal, that the son's wife did not know about the theft of money but is fed up with the hours of care.

As part of the pre-circle process, the son agrees to go to AA and the mother agrees to continue to meet with the social worker. After extensive pre-circle development, everyone agrees that they feel safe to come together in a circle.

Circle Process

The participants come together to discuss why the situation happened, how to repair the harm and how to prevent further harm. Both facilitators are a part of the circle. One facilitates and the other sits across from that facilitator and plays a secondary role. Mrs. Smith and her supporters sit to the right of the lead facilitator. Mr. Smith and his supporters sit to her left.

The participants were asked in advance, how they would like to begin the circle. They have invited the minister to open the circle with a prayer. Together participants agree on "ground rules" - to speak only when holding the talking piece, to speak from the heart and to speak the truth. As the talking piece, participants chose a small stone that Mrs. Smith collected on a family vacation.

The participants come together to discuss why the situation happened, how to repair the harm and how to prevent further harm.

Mrs. Smith's son apologizes to his mother. He knows he has taken things out on her. He wants to get back on track. He will continue with AA. He agrees to a repayment plan to pay back the funds he took.

Mrs. Smith talks about her love for her son and how sad she was that he stole money from her. She also says that she has been afraid of him sometimes. She talks about the abuse that happened to her before and how her husband had abused her son. She is sorry she could not stop that.

Supporters indicate how they will help. Church visitors will provide caregiver relief hours each Friday and the grandson will provide relief each Saturday. The sister will assume power of attorney.

A consensus is reached about a repayment schedule for the stolen money, that the son needs to continue with AA, that the daughter becomes power of attorney for finances, that Mrs. Smith purchase additional homemaking hours and that both the grandson and church members provide caregiver relief. All parties agree to a three-month follow-up and to call if the agreement is not working.

The circle is closed with a prayer. Refreshments are shared by all participants.

Post Circle

The participants are contacted three months following the circle and report that the agreement is being followed. Mrs. Smith is pleased. Her son has made regular payments to repay the money. She especially likes that her grandson comes weekly to help her. She enjoys her conversations with him.

CHAPTER 5 GROWING WITH THE PROCESS

INTRODUCTION

Many factors, questions and concerns shaped *The Restorative Justice Approaches to Elder Abuse Project*. It was important to stay open and responsive, adapting the approach over time. This chapter notes such changes, and concludes with "lessons learned" by two key players.

CHANGE TO INCIDENT DRIVEN

As noted in chapter 3, the steering committee originally decided in May of 2000, in consultation with Dr. Elizabeth Dow, to adapt The Family Group Decision Making Model⁴⁰ to address the abuse of older adults. However, further consultation with restorative justice experts led to changing the direction for model development. With the new information, the steering committee reached consensus in September 2000 that the selection of a restorative justice tool needed to be incident driven and that the practice needed to be guided by shared values and principles. This change in direction affected the evaluation process as well, necessitating a measurement to assess the adherence to guiding principles in the restorative justice process.

⁴⁰Pennell, J. et al. (1997). *Family Group Decision Making: After The Conference-Progress in Resolving Violence and Promoting Well-Being Outcome Report*. St. John's, Newfoundland: Memorial University.

PUBLIC EDUCATION

In a November 2001 quarterly review by the Seniors' Advisory Council it was noted that in spite of the large number of presentations to seniors, community members, health, social and justice professionals, the project had received a relatively small number of referrals. During extensive discussion about how to increase referrals, the council indicated that it was critical for people to know what abuse is, what is required to want to make changes and how changes in behavior are made. The potential of a drama or mime troupe was raised as a useful way to simulate abuse scenarios; with participatory action theatre, models for changing behavior could emerge. A demonstration circle could show the restorative justice approach to resolving the conflict. At the same time the Multicultural Working Group also indicated that drama may be an effective method for reaching the ethno-cultural communities.

These recommendations and the interest and efforts of seniors led to the genesis of The Harmony Interage Theatre Troupe. The troupe had its premier performance in June of 2002 and has had five additional performances. A formal evaluation of this approach is unavailable. However, anecdotal feedback is positive.

*"I loved the skit and circle. It makes it very hands on and real."
"Use of drama excellent." Workshop Evaluation September 2002*

KEY PLAYERS CHANGE

It can be anticipated that some of the key players may change over the course of a project. Such was the case for *The Restorative Justice Approaches to Elder Abuse Project*.

Superintendent Steve Hibbard, in a discussion about project challenges indicated, "You will have staff turnover. You need to ensure continuity and consistency when staff leave. There needs to be a structure in place to accommodate that."

In March 2001, **Dr. Elizabeth Dow** retired from Memorial University, and simultaneously resigned from the project. Her departure was a significant loss. Dr. Dow was critical for the early development of the project. Her expertise in the area of elder abuse and her

knowledge about restorative justice were instrumental to moving the project forward. She was a source of much information and support. Her resignation also significantly delayed the project evaluation.

Program Coordinator **Julie Friesen** resigned from her position at CJI in November 2002. Julie had a passion for using a restorative justice approach to address elder abuse, an ability to convey the philosophy of restorative justice through story, a knowledge about essentials for research and an ability to communicate with people affected by elder abuse and bring them to the table. Her departure was another significant loss to the project.

LESSONS LEARNED

Broad community support must be maintained. A public relations strategy is critical. This includes keeping the community informed about the status of the project. Community members need to know when referrals are being accepted, how to refer, the experience of those who have gone through the process and funding status. The community also requires ongoing education about elder abuse and restorative justice. Health, social and justice services experienced staff changes. New staff members need in-service training.

Outreach to the cultural groups was more complex than anticipated. Members from diverse cultural groups have provided strong support for a restorative justice approach to address elder abuse. A few participated in the facilitator training session. A larger number have attended workshops to enhance their knowledge about elder abuse and restorative justice. They have provided many volunteer hours to work within their communities and with the committee to move the project forward.

The ethno-cultural community has made two referrals to the project. In one situation, consultation was provided to a family member who was concerned about the emotional and financial mistreatment of his father. A facilitator who spoke his language was available for the circle process. However, the family did not proceed, because they did not want their community to know about the abuse. In another situation, there was conflict about housing. The parents did not want to continue to live with their son and his family who were psychologically abusive. This situation was resolved in the pre-circle process.

More situations of abuse have been disclosed, however these have not proceeded to a restorative justice intervention. One member of the Multicultural Working Group responded to the challenge of moving

from identification of abuse to participation in the restorative justice process, "Now I am able to stand up and say, 'This is abuse and it is wrong.' A year ago, I was unable to do that. You need to be patient with us." Other members indicated that we "need to move slowly," and we need to "discover strategies and verify them with members of the ethno-cultural community."

Our project has enabled us to make significant inroads in the multicultural sector. There is still much to learn and much that can be done.

Self-care is critical. Working with people affected by elder abuse is difficult. Elder abuse situations are very complex and require expertise and skill to facilitate movement toward a resolution. These situations tug

It is essential to provide support to staff persons and to volunteers. This support includes recognizing the importance of self-care and identifying aspects of this care in training, providing debriefing after a circle, inviting volunteers to come together to share their experiences and to obtain evaluation feedback.

and stretch one's heart. They tend to raise feelings of ire and moral outrage. Some people may also experience vicarious trauma. In hearing the abuse story, the facilitator may feel emotionally overwhelmed and may experience some of the same emotions that the abused older adult is experiencing. It is essential to provide support to staff persons and to volunteers. This support includes recognizing the importance of self-care and identifying aspects of this care in training, providing debriefing after a circle, inviting volunteers to come together to share their experiences and to obtain evaluation feedback.

Such feedback encourages volunteers. For example, in one situation the facilitators spent fifty volunteer hours to prepare for a circle. One of the facilitators indicated that while the circle had gone well, he was disappointed that more issues were not resolved. He was pleased to hear that the doctor, who had participated, indicated that the circle was the "best and most productive time" he had ever spent with his patient.

The process cannot be rushed.

Community development by its very nature takes time. We learned how essential it was

to bring community partners together to assess the viability of this initiative and then to write a proposal for funding. We could have hired a

professional to write a proposal for funding. However, then we would have missed an important piece. As we participated together in this challenging process, shared values and goals emerged, an outcome that was vital to the health of the project.

In addition, the restorative justice process itself cannot be rushed. Adequate preparation of all participants is required before bringing them together to address the harm that has occurred. This may take weeks or months. In one situation, the process was rushed because some family members wanted resolution of the issues before a religious holiday. What resulted was a difficult circle process with limited gains. The lesson learned was that one cannot proceed to circle before all participants are adequately prepared and ready to proceed.

One needs the courage to take a risk. The project partners were concerned that a process be in place that would be safe for all participants. It was essential that the older adult not be re-victimized by the process. As noted earlier, extensive time was given to model development. Eventually though, one needs to take the risk and begin to accept referrals, trusting that sufficient groundwork has been laid to develop a sound model.

Mark Yantzi was the impetus to move ahead with this phase of the project. After updating him regarding the guiding principles and how we planned to proceed, he looked at me and said, "So when are you going to start accepting referrals?" He encouraged me to move ahead suggesting that we begin with less serious situations. He also indicated that we should not be afraid of making a mistake; this is how one learns. He shared his experience in "the Elmira case," which began the Victim Offender Reconciliation Program, indicating that he would approach that same situation differently today.⁴¹

It was also constructive to remind myself that while the circle process was new to addressing elder abuse, it was in fact a very old process that has been used throughout history. In September of 2000 we announced to the Elder Abuse Resource Team at the Community Care Access Centre that we were ready to accept referrals.

It is essential to clarify issues around confidentiality. The guiding principle regarding confidentiality is "people have the right to choose what personal information may be shared." At the beginning of each

⁴¹ Cooley, D. (1999). *From Restorative Justice to Transformative Justice* (Discussion Paper). Law Commission of Canada, No.JL2-6, p. 12.

circle, participants are reminded that information disclosed in the circle stays in the circle." Understandably, professional participants in the circle needed to document according to the standard of practice. It was essential to clarify this and adapt the release of information to reflect the limits of confidentiality. Confidentiality is often an area of concern, especially with an interdisciplinary team.⁴²

**For more information on confidentiality
see: www.advocacycentreelderly.org**

LESSONS LEARNED, A SUMMARY FROM THE FIELD

By CJI Program Coordinator Julie Friesen

It is more effective to **focus on receiving referrals earlier** in the situation before it has reached the point where it is too difficult for people to respond constructively. To this end, it remains critical to continue to educate the community about identifying situations of conflict and abuse so that we can get involved earlier before people are unwilling to find new ways to work at improving the situation.

As in any new program that offers a different way of approaching elder abuse, referrals will likely increase as the program continues. Referrals are low because **people are just learning about a restorative justice way** of responding to elder abuse.

Ongoing funding is necessary to **continue to train facilitators** in issues involving older adults (ways to interview, etc.) and to continue to update facilitators on issues of abuse.

Ongoing funding is needed to **continue to support facilitators** who deal with emotional and stressful situations. (For example, to offer self-care groups).

We knew it would be **difficult to motivate other family members** not directly involved in the abuse situation to be involved in the circle. It continues to be an issue.

⁴² Whal, J. et al. (2002). *Abuse Education, Prevention and Response, A Community Training Manual for those who want to address the Issue of the Abuse of Older Adults in their Community, 3rd Edition*. Toronto: Advocacy Centre for the Elderly Available: www.advocacycentreelderly.org.

CHAPTER 6

PROJECT EVALUATION

To test how well your program is going, ask yourself the question, would you put your parents through this process?

~ Kathleen Cleland Moyer, Co-executive Director,
Conflict Resolution Network Canada ~

INTRODUCTION

Dr. Michael Stones, Lakehead University, is directing the project evaluation with Dr. Rick Linden, University of Manitoba, providing consultation regarding restorative justice. Mennonite Central Committee (Ontario) has recruited two data collectors. It should be noted that the collaborative intended to begin the formal evaluation in the early stages of the project. However, due to the resignation of Dr. Elizabeth Dow, there was a significant delay in initiating this aspect of the project. Time was required to secure an evaluator and evaluation funding. Formal evaluation began in June of 2002. It is anticipated that the evaluation process will continue beyond the current project. Fortunately, an additional eighteen months of funding was secured from the Ontario Trillium Foundation. This funding is to strengthen and evaluate the *Restorative Justice Approaches to Elder Abuse Project*, to apply the model to the ethno-cultural community and to effectively extend the project into the community of Cambridge.

Dr. Michael Stones has agreed to extend the evaluation into the second phase of this project. After the evaluation process was in place, the coordinator's role changed to being available to the data collectors for consultation if, while they were collecting data, they developed concerns about the well-being of the senior whom they had interviewed. The project coordinator did not participate directly in the evaluation process.

In terms of process, CJI contacted the data collectors when referrals were received. The data collectors were responsible to obtain the necessary information, to secure it in a locked file at MCC, and to forward completed files to Dr. Michael Stones.

EVALUATION FRAMEWORK

This section of the chapter was written by Dr. Michael Stones.

The purpose of evaluation is to determine whether *The Restorative Justice Approaches to Elder Abuse Project* achieves its aims. The project has two main aims:

- To provide community education about the restorative justice approach to elder abuse that results in new learning and change in attitude among participants;
- To provide intervention for clients that adheres to the principles of restorative justice and results in psychosocial benefit to the client and others.

The methodology will use three approaches to evaluate the degree to which the project meets its aims:

1. Process Evaluation
2. Evaluation of *Community Education* initiatives
3. Evaluation of *Client Intervention* outcomes

PROCESS EVALUATION

The purpose of process evaluation is to ensure that the activities of the project are of good quality and meet projected timelines. Because the project team maintained detailed records of activities and timelines since the project's inception, perusal of this database will enable the evaluators to assess past activities.

The evaluation of quality and timetabling of present and future activities will make use of Goal Attainment Scaling (GAS) procedures, now used extensively in evaluation research.⁴³ The requirements of GAS include the setting of scaleable goals for each activity undertaken. A numerical code associated with each activity indicates the degree of success or

⁴³ Kiresuk, Thomas J., Smith, A., and Joseph E. Cardillo, Joseph E. (Eds.) (1994). *Goal Attainment Scaling: Applications, Theory, and Measurement*. New York, NY: Lawrence Erlbaum.

failure in meeting the goal within the specified time. The advantages of this approach over many other process evaluation procedures are that goals become clearly articulated, the system is self-correcting (e.g., programmers learn to become more realistic about goal setting), and the resulting data are amenable to quantitative analysis. Goal setting for the overall project will be at the level of the management team, with subsidiary goals articulated at the sub-committee level.

In addition to GAS, process evaluation will include qualitative data from members sampled randomly from the management team and subcommittees. The methodology for this purpose will include standardized interviews with open-ended responding. These data will be coded after-the-fact.

EVALUATION OF COMMUNITY EDUCATION ACTIVITIES

The educational aims of the project are to promote knowledge about elder abuse and neglect, and about restorative justice, and to sensitize attitudes about elder abuse and neglect. Activities toward these aims include a series of seminars, talks, and workshops. Evaluation relevant to these aims will use quantitative methodology.

Materials

Previous research on reactions to elder abuse presentations indicated structurally distinct components associated with three reliable scales of established convergent and discriminant validity.⁴⁴ These scales measure the *Clarity* and *Impact* of elder abuse presentations and *Attitudes* toward elder abuse and neglect. The attitude measure showed sensitivity in previous research, with attitudes of greater extremity after presentation of information on elder abuse and neglect. These scales, together with items on knowledge about restorative justice⁴⁵ (and demographics) comprise the *Educational Evaluation* materials.

⁴⁴ Stones, M.J. & Pittman, D. (1995). "Individual differences in attitudes about elder abuse: The Elder Abuse Attitude Test." *Canadian Journal on Aging*, 14, pp. 61-71;

Kipper, K. (2001). *Rewording Elder Abuse: A test of Six Frameworks*. [unpublished MA thesis] Thunderbay: Lakehead University;

Lithwick, M., Reis, M., Stones, M.J., Macnaughton-Osler, K., Gendron, M.J., Groves, D., Canderan, N. (1997). *Exploring definitions and developing community-based projects on the awareness and prevention of elder abuse in different cultural communities*. CLSC René-Cassin and Foundation for Vital Aging.

⁴⁵ Rick Linden and Don Clairmont. (1988). *Making It Work: Planning and Evaluation Community Corrections & Healing Projects in Aboriginal Communities*. [Online] Solicitor General Canada, APC-TS 3 CA, Available: <http://www.sgc.ca/epub/Abocor/e199805b.htm>

COMPUTED RELIABILITIES AND VALIDITY OF THE MEASURES USED IN THE EDUCATIONAL INTERVENTION

Table 1:
Scale Reliabilities (Diagonal) and Inter-Correlations

Scale	Clarity	Impact	Attitudes
Clarity	.804	.175	.018
Impact	.175	.727	.049
Attitudes	.018	.049	.936

Table 1 shows the scales used for the *Educational Evaluation* to have high reliability but low inter-correlations.

Table 2:
Multivariate Validity of the Scales against Different Types of Elder Abuse Presentation

Measure	Explained Variance
Averaged Standard Score	17% ($p < .001$)

Table 2 indicates that the measures are sensitive to different types of presentation about elder abuse.

Evaluation Design for Community Education Activities

The design involves a comparison of responses by participants in the community education initiatives with those by demographically comparable control groups and pre-existing normative data. The selection of control group participants will use a sampling plan similar to that used to identify participants in the community education initiatives (members of church groups, community organizations). These control participants will receive the assessment package minus the items on *Clarity* and *Impact* (because the measures are completed in the absence of any informational presentation). The pre-existing normative data on the *Quality*, *Impact*, and *Attitude* measures derive from earlier use of the measures in three Canadian provinces (Newfoundland and Labrador, Ontario, Quebec). The analysis will compare data sets using a General Linear Model with Type 3 sums of squares.

EVALUATION OF CLIENT INTERVENTION OUTCOMES

The client intervention outcomes include anticipated benefits to mental and physical health, and outcomes specifically associated with adherence to the principles and aims of restorative justice.

Materials

Assessment of the victim's psychosocial status, and change in psychosocial status, will make use of the Minimum Data Set for Home Care Screen (MDS-HCS), which is part of the Resident Assessment Instrument for Home Care (RAI-HC).⁴⁶ The Resident Assessment Instruments are a family of tools with the primary function to provide indications for care planning. The MDS-HCS is a component of the assessment tool used in the RAI-HC, with the latter now mandated for use by Community Care Access Centres (CCACs) throughout Ontario. The MDS-HCS items have high inter-rater reliability, with extensive validity testing yielding generally positive findings. The MDS-HCS provides extensive assessment of multiple dimensions of physical health, mental health, and social well-being in community residents, and information about supportive social structures and the home environment.

Evaluation of outcomes relevant to adherence to the principles and aims of restorative justice will include standardized interviews with the victim, offender, and members of the intervention team. The interviews will take place within three months of the closure of primary intervention. Included within the standardized interviews are *Restorative Justice Outcomes*, as described by Rick Linden and Don Clairmont.⁴⁷

Additional information used in the evaluation will include data on the type and circumstances of abuse and neglect, and changes from before to after intervention. These data are contained within files accessible to *The Restorative Justice Approaches to Elder Abuse Project*.

Design

The intent is to obtain pre-intervention, post-intervention (within 3 months), and follow-up assessment (within 9 months) of measurement

⁴⁶ Hirdes, J.P., Fries, B.E., Morris, J.N., Steel, R.K., LaBine, S., Beaulne, P., Schalm, C., Stones, M.J., Teare, G., Smith, T., Marhaba, M., & Pérez, E.(2000). "Integrated health information systems based on the RAI/MDS series of instruments." *Hospital Management Forum*, 12. pp. 30-40.

⁴⁷Rick Linden and Don Clairmont. (1988). *Making It Work: Planning and Evaluation Community Corrections & Healing Projects in Aboriginal Communities*. [Online] Solicitor General Canada, APC-TS 3 CA, Available: <http://www.sgc.ca/epub/Abocor/e199805b.htm>

on the MDS-HCS. When compared with normative data available from multiple databases, the analyses will address not only changes over time but also relative levels on indexes derived. The findings will therefore have relevance to the impact of abuse and neglect on well-being and the effects of intervention. The analysis will use General Linear Model procedures using Type 3 sums of squares. A sample size calculation indicates adequate power (>.8) to detect real change with a sample of 24 or more clients.

The standardized interviews will be post-intervention, with the timing and specific content determined on a case-by-case basis after consultation with *The Restorative Justice Approaches to Elder Abuse Project* team.

EVALUATION RESULTS

(see Appendix 8 for referral statistics)

Statistically speaking, from October 2000 to February 28, 2003, CJI intake staff received forty four inquiries for information about the project. Twenty four cases were assigned to a screener or facilitator. Ten cases were completed. Six are in progress. Eight situations were deemed not appropriate for the circle process.

Formal evaluation results were unavailable at the time of printing.

Formal evaluation results will be posted on the following website as they become available:
<http://flash.lakeheadu.ca/~mstones/restorativejustice.html>

ANECDOTAL FEEDBACK

Anecdotal feedback, however, has been positive. For example, a family doctor who attended a 3-hour circle felt it was "the most productive hours he had spent with his patient." An elderly client whose power of attorney had initiated an estate auction was pleased that an understanding was reached with her nephew about the control of her finances and property, that her nephew apologized for the sale of property and that they were able to understand each other again.

The following are a sampling of comments received throughout the process:

"I believe that the circle may be an option for a family when there seems to be no other options available for their particular dilemma." ~ Drama troupe member after role play of abuse situation followed by demonstration circle

An elderly woman mouthed "thank you" to the case manager, who was visiting a few weeks after the circle. Through the circle process, her disputing family reached a consensus about where she should live. After moving to a "safe place" she was no longer confused. The family indicated that they had "their Mom back." The circle did not include her husband who had been charged with assault related to his interactions with her. One condition of his release from custody was that he was not allowed to have contact with her.

"The Restorative Justice Project for Elder Abuse has been a great resource that assists police in referring cases of elder abuse and neglect that are very personal and difficult to deal with. These cases are being dealt with in a manner that does not destroy their relationships and at the same time allows for a better understanding of the intertwining dynamics involved." ~ Joanne Van Deursen, Domestic Violence Coordinator, Waterloo Region Police Services

"The circle process builds a powerful community that allows people to be honest with themselves and others. In an almost magical way it opens up possibilities that were never previously discussed in the family. It also helps people to recognize that there is support for them. I remember hearing one older woman tell her circle, 'I never knew that so many people loved me.'" ~ Circle facilitator

"In the circle everyone is valued. I was amazed how the circle got rid of barriers that are normally present in conflict situations. Also, very diverse comments came together at the end to create a unique and balanced perspective on the future. I found it very empowering." ~ Circle participant

CHAPTER 7

WHAT IS THE FUTURE?

INTRODUCTION

In the spring of 2003 as I put the finishing touches on this manual, I am amazed by all the fruit that has grown from one little seed. Initially, our dreams for using restorative justice to respond to elder abuse were small. We requested funds to pilot this approach in one contained area of our region. I am grateful for the vision of the Ontario Trillium Foundation. They came back to us and requested us to "think big." They asked us to rewrite our proposal, and request adequate funds to pilot this approach across our region. They anticipated that restorative justice might become a model for addressing elder abuse across our province.

The process of developing this model has been exciting and challenging.

I offer the following summary that considers the past as we look to the future.

LOOKING BACK

PARTNERSHIPS

It is well noted in the literature that an interdisciplinary team approach is key to addressing elder abuse effectively. This project was privileged to have the support of very diverse partners - health, justice, social services, ethno-cultural, faith, and First Nations communities. We came together to address this complex issue in a new and innovative way. I am happy to report that we worked well together. We had shared values and goals.

ACCOMPLISHMENTS AND OUTCOMES

The collaborative accomplished the following:

Raised awareness of elder abuse and restorative justice across our region. Community-based agencies, cultural and religious groups, and volunteers have gained knowledge and understanding about elder abuse and restorative justice.

Trained 45 volunteer facilitators including members of the ethno-cultural community.

Made it possible for people affected by elder abuse to **gain an understanding about elder abuse and restorative justice** and to participate in a culturally sensitive process that brings them together to reach a consensus about why the abuse happened, what is required to repair the harm and what is required to facilitate healing so that harm does not happen again.

Strengthened existing partnerships. For example, with regards to police services, the domestic violence coordinator now screens for situations of elder mistreatment. The project coordinator has also been invited to collaborate with the domestic violence coordinator to develop training material so that each officer in our region is aware of elder abuse and available resource options including restorative justice.

WE HAVE BEEN REWARDED WITH UNEXPECTED OUTCOMES.

Interest in the project. Other jurisdictions in this province have expressed interest in becoming a pilot site for the application of this model. We have also received provincial, national, and international requests for the dissemination of information.

Mime troupe. The development of The Harmony Interage Theatre Troupe has been an exciting surprise. Herbert Johnson, a senior active in an existing drama troupe, has been a leader in the development of this troupe, which is vital to the second phase of the project. The use of mime and interactive theatre is a particularly effective means of reaching the ethno-cultural communities.

ESL curriculum for elder abuse and restorative justice. (See www.crnetwork.ca/about/elderabuse.asp). The curriculum was developed in response to discussions with the Multicultural Working Group, and is a means of raising awareness with new immigrants.

Generous support. Experts in the areas of elder abuse and restorative justice gave liberally of their wisdom and time at minimal financial cost to the project. Their generosity is greatly appreciated.

Restorative justice and child abuse. Our project planted the seed in others to bring together agencies that work with children and their families who are experiencing abuse. That collaborative is in the process of securing funding.

CHALLENGES

Working in partnership also brings challenges. We have been shaped by these factors, which have also strengthened us and helped us grow.

Culture differences. Each agency or organization with representation on the collaborative has its own culture. This sometimes caused tension. For example, as a case manager and a registered nurse employed at the CCAC, I am required to adhere to standards of practice as outlined by my college and employer. I found myself searching for restorative justice standards. I needed to gain an understanding of the culture at Community Justice Initiatives. What are realistic expectations for training of volunteers, and standards of practice including record keeping and release of information? Through ongoing dialogue, we find answers to these questions.

Language. Another expression of differing cultures was around the naming of abuse. CJI believed that using the term "elder abuse" is a barrier for people in accessing the services of the project. On the other hand, police services suggested that "elder abuse" might be too soft a term for a Criminal Code offence. The seniors on the advisory council believed that seniors knew and understood the term elder abuse, and that it was essential to use the term. Eventually we reached a consensus, at least about the brochure. However, this discussion continues.

Time constraints. There was a commitment from senior management that their agencies would participate in education and training. Some of this was completed. However, the realities of the time pressures on professionals working directly with the older adults, and the competing requirements for mandatory training made it impossible to attain our goals entirely.

Translation of brochures. This has been a challenging process, and far more complex than anticipated. There have been many discussions about who should translate and who should verify the translations. In

our attempt to move this aspect of the project forward, we reached a consensus that we would print “draft brochures” and circulate these within specific ethno-cultural communities. For example, the Romanian translation has been circulated within that community, the Spanish translation has been circulated to members of “Los Amigos” a Spanish-speaking seniors group. The feedback from seniors and other stakeholders will be used to modify the translations as required. The final translation of brochures will be completed in the second phase of the project.

LOOKING AHEAD

"Restorative justice is a response to conflict that brings victims, wrongdoers and the community together to collectively repair harm that has been done in a manner that satisfies their conception of justice."⁴⁸ As we look ahead, we continue to ask the basic questions. Is restorative justice a fair and just way to address elder abuse? Does it satisfy all participants' conception of justice? Does it provide an opportunity for change and healing to people affected by elder abuse?

Evaluation of a restorative justice program is essential. The formal evaluation for this project has been initiated. Results will be posted as they become available. With all due respect, I would hope for similar evaluation of the traditional court approach to elder abuse. A comparison of the findings might provide direction for the future.

PROJECT COORDINATOR'S ASSESSMENT

My reflections on the project include both perceived benefits of this alternative to the formal justice system and a recognition of some limitations of this process. With regards to the **benefits**:

The older adult has an effective voice in the process. Their stories are listened to without passing judgment.

Family values are respected. The family comes together to address the harm in a way that relationships may be healed.

Older adults are less fearful of this process.

Conflicts are addressed in the early stages, thus preventing an escalation to more serious harm.

⁴⁸Cooley, D. (1999). *From Restorative Justice to Transformative Justice*. [Discussion Paper]. Law Commission of Canada, No.JL2-6, p. 25.

The process respects cultural diversity, values, and preferences. We have strong interest and support from our ethno-cultural communities.

There are no financial barriers to this service. It is free of charge. Requests for service are responded to within one working day.

The process brings together legal, health, social services, and the faith and cultural community to provide support and to find solutions for the complex needs of people affected by elder abuse.

The path toward healing is long and arduous. We need to be patient with the process.

Taken together, these benefits seem to address some of the barriers people experience with the formal legal system.

Regarding **limitations**, there is recognition that restorative justice is not a magic wand. Sometimes the gains seem limited. The path toward healing is long and arduous. We need to be patient with the process.

In addition, not all situations are appropriate for the restorative justice process. For our project, eight of twenty-four cases were considered inappropriate to proceed. When cases are deemed inappropriate, they are referred back to the traditional justice system or referred to community support services.

The experience of this project is that both traditional justice and restorative justice are essential to address elder abuse. No single approach or service can meet the complex needs of people affected by elder abuse. To adequately address this issue, a broad integrated community response is needed.

PROVINCIAL DIRECTION

On March 28, 2002, the Ontario government announced a \$4.3 million provincial strategy to combat elder abuse. This strategy involves coordination of community services, training for front-line staff and a public education campaign. The Ontario Network for the Prevention of Elder Abuse (www.onpea.org) is working closely with the Ministry of the Attorney General and the Ontario Seniors' Secretariat to implement the strategy over a five-year period.

The government of Ontario should be congratulated for their commitment to "combat elder abuse." The strategy provides an exciting opportunity for all of us to participate in building safe communities for our seniors. No seniors should have to carry the awful secret of elder abuse to their graves. My hope is that this government commitment will also be the impetus for more extensive, broad inter-ministerial considerations regarding elder abuse at both the provincial and federal levels. Considerations could include discussion about the root causes of abuse, including gaps in service, how to address these findings so that abuse may be prevented, and what services and resources need to be in place to adequately support people affected by elder abuse.

Regarding the future application of this restorative justice approach to elder abuse, I would like to acknowledge the interest and support of representatives from both the Ministry of the Attorney General, the Ontario Seniors' Secretariat, and the Office for Victims of Crime. This support is vital to broader application of the model. The project has received multiple requests for information and multiple requests to pilot this model in other jurisdictions across the province. Together we can develop a provincial strategy to disseminate information gained by *The Restorative Justice Approaches to Elder Abuse Project* and to respond to regional requests to implement and evaluate this approach in other jurisdictions. People in the province of Ontario, who are affected by elder abuse and mistreatment, have the right to equal access to a service that provides an opportunity for change and healing.

No seniors should have to carry the awful secret of elder abuse to their graves.

CONCLUSION

Most families have the potential of the phoenix to rise from the ashes and disasters of the destructive past. They have a potential for true rebirth and restoration after destruction or damage. ⁴⁹

~ Terry Hargrave, author of *Families and Forgiveness: Healing Wounds in the Intergenerational Family* ~

In this manual, we have shared our community's experience implementing a restorative justice response to elder abuse. My hope is

⁴⁹ Hargrave, T. (1992). *Families and Forgiveness, Healing Wounds in the Intergenerational Family*. New York, NY: Brunner/Mazel, Inc. p.185.

that this manual will benefit other communities. There is still much to learn.

The restorative justice process is a resource option that provides an opportunity for change and healing. The challenge for all of us is to find ways for legal, health and social services, faith and cultural communities to work together with the people affected by elder abuse. We need to understand why older adults are abused, what is needed to repair that harm and to facilitate healing, and what must be put into place by families, communities, and government to ensure the prevention and resolution of elder abuse. That is pivotal to building safe communities for our seniors.

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APPENDICES

**WATERLOO REGION INTER-AGENCY
ELDER ABUSE PROTOCOL
SEPTEMBER 2000****BACKGROUND**

The initiative to establish an inter-agency elder abuse protocol began in September of 1998. The Waterloo Region Committee on Elder Abuse invited community stakeholders, who provide care to seniors, to a meeting to discuss possible partnerships around intervention responses and educational strategies to resolve and prevent abuse towards older adults in our community. It was concluded that a common approach to address elder abuse in Waterloo Region is required. As a result, in May of 1999, the Inter-Agency Elder Abuse Protocol Working Group was established. (Membership of the Inter-Agency Elder Abuse Working Group is below) The draft protocol represents the culminated efforts of this Working Group. The protocol should be considered a “work in progress” that will evolve over time as community agencies begin to use and apply it.

The Inter-Agency Elder Abuse Protocol is directed to professionals who are working with seniors who may be experiencing abuse. The protocol is not intended to replace individual agency protocols but rather is an attempt to provide a ‘thinking tool’ for a collaborative response to elder abuse. Accordingly, the protocol does not provide answers, but provides a broad framework for decision-making and communication with other agencies. Professionals should follow individual agency protocols and/or professional guidelines or standards of practice, where these exist. Individual agency protocols will be appended to this protocol as they are developed.

It is expected that professionals will become knowledgeable regarding the complex issue of elder abuse. The reference guide entitled *Elder Abuse: What You Need To Know*, published by the Waterloo Region Committee on Elder Abuse, discusses what can be done to support and empower older adults experiencing abuse. Please refer to this guide regarding: recognizing abuse, assessment, supporting the abused person, approaches to intervention, elder abuse in long term care facilities and residential settings, documentation, and community resources.

COMMUNICATION

The Inter-Agency Elder Abuse Working Group has recommended the development of an inter-agency case review working group to provide a forum for information sharing and strategizing related to suspected and confirmed elder abuse situations. It is anticipated that key learnings forthcoming from this forum will contribute to the evolution and fine-tuning of the draft Inter-Agency Elder Abuse Protocol. It is anticipated that the core membership of the case review working group will be drawn from the agencies currently represented on the Inter-Agency Elder Abuse Working Group, with additional representatives invited as required. The Inter-Agency Elder Abuse Working Group will facilitate the ongoing evaluation of the draft Inter-Agency Elder Abuse Protocol.

PURPOSE

The purpose of the inter-agency protocol is to facilitate: the identification of elder abuse, communication with community partners a coordinated community response, community education strategies.

GUIDING PRINCIPLES

Client autonomy: The person has the right to determine and control his or her affairs to the full extent of his or her ability.

Client safety: The person has the right to live in safety and security.

Client confidentiality: The person has the right to confidentiality. Information about the person's affairs should be shared with other professionals only as it pertains to providing services to the person and as authorized by the person.

Client Dignity and Respect: The person is entitled to have his or her privacy, dignity, interests, and cultural and religious values respected.

Client access to information: The client has the right to access the information necessary to make meaningful and informed choices.

The least restrictive means: Interventions and service delivery should be the least restrictive of the individual's rights, abilities, and personal liberties and least disruptive of life-style.

(Adapted from Gallagher et al., Victoria Elder Abuse Project, 1993).

DEFINITION OF ABUSE

Elder abuse is the mistreatment of an elderly person by someone he or she should be able to rely on; a spouse, a child, another family member, a friend or a caregiver.

This definition includes all types: physical, emotional, psychological, verbal, financial and sexual abuse and neglect.

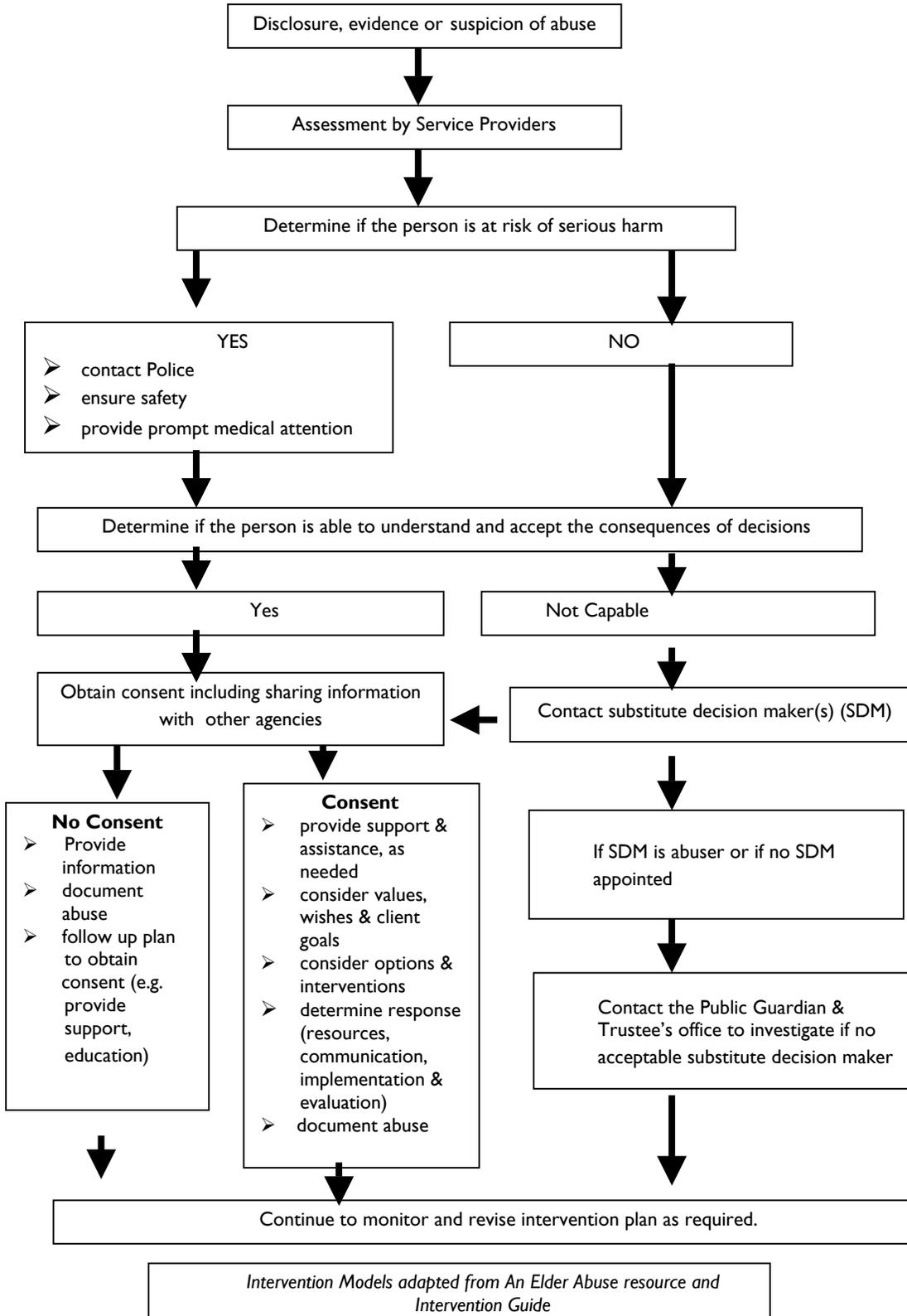
(Source: adapted from Waterloo Region Committee on Elder Abuse)

INTER-AGENCY ELDER ABUSE WORKING GROUP**Membership**

Inta Bregzis (CCAC of Waterloo Region)
Helen Eby (Sunnyside Home)
Marcia Fuller (PACE)
Arlene Groh (CCAC of Waterloo Region)
Steve Hibbard (Waterloo Regional Police)
Angela Shorey (Comcare)
Carol Nafziger (ParaMed)
Janice Paul (K-W Friendship Group)
Betty Lyn-Enns (RAISE Home Support)*
Noreen Steinacher (St. Mary's General Hospital)
Claire Sullivan (Grand River Hospital)
Kim Voelker (CCAC of Waterloo Region)
Melanie Walker (Cambridge Memorial Hospital)

* resigned

WATERLOO REGION INTER-AGENCY PROTOCOL



APPENDIX 2**INTER-AGENCY CASE REVIEW WORKING GROUP****TERMS OF REFERENCE****Background**

The Inter-Agency Elder Abuse Working Group was charged with the development of an inter-agency elder abuse protocol to provide a broad framework for a collaborative response to elder abuse. The protocol, along with the reference guide entitled *Elder Abuse: What You Need to Know*, developed by the Waterloo Region Committee on Elder Abuse, was shared with community service providers who work with seniors.

The Inter-Agency Elder Abuse Working Group recommended the development of an inter-agency case review working group to provide a forum for information sharing and problem-solving related to suspected and confirmed elder abuse situations. The inter-agency elder abuse protocol is intended to serve as a resource by the case review working group.

Purpose

- To provide a forum for inter-agency communication and problem-solving related to suspected and confirmed elder abuse cases.

Objectives

- To review individual cases involving elder abuse in order to facilitate the development of an integrated and coordinated community response.
- To promote inter-agency communication with a view to role clarification with respect to the nature and scope of participating agency involvement in elder abuse situations.
- To apply the draft inter-agency elder abuse protocol and make recommendations for improvement.
- To develop “best practices” for addressing elder abuse situations at the community level.
- To develop and implement education strategies in the community and evaluate their effectiveness.

Confidentiality

- Client names and any other identifying information will not be disclosed amongst participating agencies unless consent is obtained from the client or substitute decision-maker.

Membership

Membership of the Case Review Working Group will be fluid and determined based on the case(s) under review. Core membership will be drawn from the following agencies/sectors:

- CCAC of Waterloo Region
- CCAC contract service providers
- Homemaking
- Nursing
- Therapy
- Home Support
- Hospitals (Cambridge Memorial, Grand River, St. Mary's)
- Long Term Care Facilities
- Waterloo Region Police Services
- Office of the Public Guardian & Trustee (resource).
- Resource persons will be invited to participate as required

Meeting Frequency

- Meetings will be held quarterly, or as required.

Sponsoring Agency

The CCAC of Waterloo Region will serve as the host agency, responsible for coordinating meetings and mailings, as required.

APPENDIX 3**STEERING COMMITTEE****RESTORATIVE JUSTICE APPROACHES TO ELDER ABUSE
PROJECT****TERMS OF REFERENCE****Purpose**

- To oversee and provide direction to the Restorative Justice Project
- To ensure that milestones are met
- To provide consultation to the Project Coordinator

Membership

The core membership includes:

- Waterloo Region Police Services (1)
- Community Justice Initiatives (1)
- Conflict Resolution Network Canada (1)
- Waterloo Region Committee for Elder Abuse (1)
- White Owl (1)
- KW Multicultural Centre (1)
- Community Care Access Centre (1) (Chair)
- Mennonite Central Committee (1)
- Senior Representatives (2)
- Restorative Justice Project Coordinator

Resource persons are invited to participate, as required

Meeting Frequency

The Committee meets on a quarterly basis or as required to carry out its stated purpose.

Reporting

Minutes and work in progress are prepared and distributed to all core members and copied to other individuals/groups as required.

Minutes reflect the main decisions and recommendations, as well as the status of activities in progress.

APPENDIX 4**ADVISORY COUNCIL****RESTORATIVE JUSTICE APPROACHES TO ELDER ABUSE
PROJECT****TERMS OF REFERENCE****Purpose:**

- To provide a voice for seniors for the project.
- To review and make recommendations regarding the activities of the project.

Membership:

The core membership includes representation from:

Health
Academia
Social Work
Community services
Youth
Legal/police
Business
South Asian community
Vietnamese community
Hmong community
Spanish speaking community
Somali community
Portuguese community
First Nations

Membership should include a range of ages with older adults in the majority. One person below 30 years of age who has demonstrated commitment to Gerontology. Membership is for duration of the project.

Limited to 15 people.

Resource persons are invited as required.

Meeting Frequency:

Approximately four times per year or at the request of the coordinator.

Reporting:

Minutes are prepared and distributed to all core members and to the Steering committee.

Minutes reflect the main recommendations, as well as the status of activities in progress.

APPENDIX 5**MULTICULTURAL COMMUNITY LINKS WORKING GROUP****RESTORATIVE JUSTICE APPROACHES TO ELDER ABUSE PROJECT****TERMS OF REFERENCE****Purpose**

- To be a resource for the development, implementation and evaluation of a restorative justice model.
- To establish strategies to increase awareness in the multicultural community.
- To assist in the development of education materials.

Membership

The core membership includes:

YMCA of Kitchener-Waterloo Cross-Cultural and Community Services
Waterloo Regional Police Services
Kitchener Downtown Community Health Centre
K-W Counselling Services
Catholic Family Counselling Centre
Waterloo Region Community Health Department
K-W Multicultural Centre
Seniors
Community Care Access Centre of Waterloo Region
School of Social Work, Wilfred Laurier University
K-W Latin Canadian Community, Group Amigos
South Asian community- Club 55
Spanish Community

Resource persons are invited to participate as required.

Meeting Frequency

Approximately every other month.

Reporting

Minutes are prepared and distributed to all core members and copied to other individuals/groups as required.

Minutes reflect the main decisions and recommendations, as well as the status of activities in progress

The Chair (Project Coordinator) reports to the Restorative Justice Steering Committee on a quarterly basis.

Revised January 2001

APPENDIX 6**COMMUNITY JUSTICE INITIATIVES****RESTORATIVE JUSTICE APPROACHES TO ELDER ABUSE****ORIENTATION TRAINING MANUAL**

1. Acknowledgements
2. Definition of elder abuse
3. Review of approaches or models to facilitate a circle
4. Guiding principles of a circle
5. Interviewing skills / Screening
6. The life of a case
7. Case development
8. Stages of the circle
9. Community resources

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- Barry Stuart, author and facilitator of training for project participants. Community Care Access Centre of Waterloo Region
- Arlene Groh, coordinator of the Restorative Justice Approaches to Elder Abuse project
- Participants in the training for facilitators of the Restorative Justice Approaches to Elder Abuse project
- Susan Sharpe, author of Restorative Justice: A Vision for Healing and Change
- Waterloo Region Interagency Elder Abuse Protocol Working Group
- Dean Peachey

This manual is part of the Restorative Justice Approaches to Elder Abuse Project, an initiative of :

- Community Care Access Centre of Waterloo Region
- Community Justice Initiatives
- K-W Multicultural Centre
- Conflict Resolution Network Canada
- Waterloo Region Committee on Elder Abuse
- Waterloo Region Police Service
- White Owl

The Ontario Trillium Foundation has generously provided 3-year start-up funding for this project.

Community Justice Initiatives
Julie Friesen and Ada VandenBerg

GUIDING PRINCIPLES

We are committed to providing services using the following guiding principles to inform all of our communication and activities with clients.

Clients have the right to:

Autonomy: to determine and control their own affairs to the full extent of their ability.

Safety: to live in safety and security.

Confidentiality: to have information shared only by their authorization

Dignity and respect: to have their privacy, dignity, interests, and cultural and religious values respected.

Access to information: to access all information necessary to make informed choices

The least restrictive means: to receive interventions and services that are the least restrictive of their rights, abilities, personal liberties, and lifestyle.

Adopted from the Victoria Elder Abuse Project, 1993, by Gallagher, et al.

Mission Statement:

The project mission is to provide an opportunity for change and healing to people affected by elder abuse. We invite the “harmed” older adult, the person who has caused the harm, their supporters, and community members to discuss why the situation happened, how to repair the harm and how to prevent further harm.

DEFINITION OF ELDER ABUSE

Elder abuse is the mistreatment of an elderly person by someone he or she should be able to rely on – a spouse, a child, another family member, a friend or a caregiver. This includes physical, psychological, financial, and sexual abuse and neglect.

Physical abuse includes pushing, shaking, hitting, rough handling, restraining, sexual mistreatment.

Psychological abuse includes threatening, yelling, bullying, name-calling, humiliating, and belittling.

Financial abuse includes forcing sale of possessions, withholding money, theft, misuse of power of attorney, coercing changes in a will.

Sexual abuse is defined as any sexual advances or acts that occur without the consent or full comprehension of the other participant, and includes inappropriate touching, fondling, rape, and exploitation.

Neglect includes failing to provide food, drink, medical care, mobility aids; leaving person in unsafe or isolated conditions.

For more information on elder abuse, please refer to the book, ***Elder Abuse: What you need to know***. All facilitators will be given a copy upon training.

CURRENT RESTORATIVE JUSTICE MODELS

Susan Sharpe describes restorative justice as an orientation, not a program, and identifies a set of values that characterize justice, namely “invite full participation and consensus, heal what has been broken, seek full and direct accountability, reunite what has been divided, strengthen the community to prevent further harm.” Over the past 25 years several restorative justice models and practices have evolved, narrowing them down to three:

- **Victim-Offender Mediation.** Victims and offenders meet face to face to express what led to the offence, the impact of the harm, how to repair the harm, and how to minimize further harm. The meeting is facilitated by one or two trained community mediators.
- **Community Conferencing.** Also called Family Group Conferencing, this model is similar to Victim-Offender Mediation, but includes supporters of the victim and offender as well as others who may

have been involved in the incident, such as doctors, case workers, police, etc.

- **Community Peacemaking Circles.** The offender, victim and supporters for both come together, arranging themselves in a circle. They pass a talking piece in the order that they are seated. This ensures that each person has the opportunity to speak and that only one person speaks at a time. Participants speak when holding the talking piece. This process continues until consensus is reached about the matters that have brought the group together, or until participants agree to close the meeting. The circle is facilitated by a "keeper" who ensures that the circle process and guidelines are honored.

Yukon's Judge Barry Stuart, who is closely associated with this model, describes three types of circles: healing, sentencing, and community peacemaking

Facilitators are encouraged to use whichever model they feel is appropriate for them and the participants, as long as the guiding principles and the restorative justice principles are honored.

INTERVIEWING ELDERLY PERSONS

When arranging an interview, offer to conduct it at home, especially when there are physical challenges or cognitive or emotional concerns. Elderly people are often most at ease in a familiar environment. If the person who is alleged to have caused the harm lives with the client, hold the interview elsewhere or arrange to have the interview when the alleged abuser is out of the home.

Jacki Pritchard describes three basic stages of the interview:

1. **Beginning:** interviewer builds rapport, sets the agenda
2. **Middle:** participants tell their story, interviewer asks questions, prompts, and encourages expressions of feelings, identifies what they hope to achieve.
3. **End:** interviewer summarizes, sets data if applicable.

When interviewing...

- ask about and/or be aware of communication barriers such as hearing, language, culture
- if there are hearing difficulties, seat yourself to enable eye contact; speak clearly
- pace yourself so that clients are comfortable
- ask non-threatening questions

- be reassuring, avoid patronizing
- be aware of how difficult it is for participants in conflict to be together
- do not blame or judge
- commend the client for seeking help
- try to limit initial interview to one session
- take a break if client demonstrates fatigue or drowsiness
- probe (without threatening), especially when addressing areas of concern
- avoid making inappropriate facial or verbal expressions
- ask the older adult what the safety concerns are and what plan needs to be in place to address safety. Safety needs to be assessed before, during and after the circle.
- do not rescue
- be especially aware of your own as well as the clients' body language
- do not use the word abuse or mistreatment unless the client first introduces the term
- assure the client that their problems could have happened to anyone
- ask how long the problems have been going on
- draw out feelings and do not shy away from expressed emotion
- ask if there are particularly stressful concerns right now
- ask if they can identify why problems may have occurred in the first place
- remain focused on the present
- ask if there are any concerns about meeting with the other participants, for example, will one person dominate? withdraw? not show up? How should we address that?
- if you are taking notes, do not conceal them, explain that you need them for yourself only to remember significant items, and that they will be destroyed after the case is closed.
- do not patronize or treat adults like children
- avoid bringing in unnecessary information
- do not assume anything

SCREENING FOR A CIRCLE

Issues to Consider

- First and foremost - consider safety
- Living arrangement - is abuser in the home? Is abuse presently occurring?
- Abuse of alcohol? Medication?
- Social isolation
- Past abuse
- Cognitive impairment
- Mental / emotional illness

- Financial problems / dependence
- Ability to advocate on own behalf
- Safety after the circle is completed
- Acknowledgement of a problem
- Caregiver stress
- Cultural norms

ABOUT ABUSE

Known reactions to abuse

- denial, often with an emphasis that everything is going very well
- resignation, stoicism, acceptance of incidents as being part of growing old and vulnerable
- withdrawal
- depression, hopelessness
- confusion
- anger and physical or verbal outbursts

Why is abuse a hidden crime?

- fear of losing the relationship with the person who is doing the harm
- shame
- fear of offender
- isolation
- belief that no one can help
- fear of police
- unsure what abuse is
- unsure who to go to
- inability to get away from the abuser
- being accustomed to the abuse
- discomfort about dealing with abuse
- unresolved personal issues

CASE DEVELOPMENT

The “spirit” of case development

- Participants are often unfamiliar and uncomfortable with the conflict resolution process.
- Imagine being asked to voluntarily meet with someone you do not like.
- Avoid a pushy hard sell.
- Emphasize listening to their concerns. Concentrate more on listening to them, rather than convincing them.
- Try to understand the participant and build on their ideas rather than argue against them. Consider using “and” rather than “but.”

- Look for the positive.
- Focus on exploring how the participants see the future.

Who to contact in case development

- a. Older person and/or people who have been harmed by the behavior and people who may attend in support of them. (first contact)
- b. Person who has harmed and people who may attend in support of that person.
- c. Others involved in the incident if everyone agrees that they need to be invited, such as case worker, doctor, pastor.

Remember that you are trying to build an environment of support and accountability. You will need to discuss with each of the primary participants who they need to be present. Do not automatically exclude someone just because someone else does not want that person present.

Purpose of case development

- a. Introduce yourself and your role.
- b. Explore and help participants' clarify their understanding of the incident.
- c. Motivate participants to face and resolve the situation and explore the ways that the participants can deal with their concerns.
- d. Gain their confidence and trust as a fair facilitator.
- e. Explain and invite the participants to consider the circle process if it is appropriate. Acknowledge the difficulty of meeting. Correct their misconceptions about the process. Clarify your role and their responsibilities.
- f. Explore ways of meeting the participants' needs (the circle process as one option) and enable people to make *informed* decisions about participating.
- g. If the participants express a willingness to participate, prepare them for the circle process.
- h. Continue to assess whether or not situation is appropriate for a circle process.

Most common mistakes

- Rushing to ask the participants to take part in the circle process, instead of exploring their concerns first.
- Being judgmental, preachy, or giving advice
- Debating with the participants instead of moving them from their positions to their interests (for example, if they are hesitant or apprehensive, say: "This process may not be right in your situation. What are some of your concerns about it?")

CASE DEVELOPMENT PROCESS

Step 1: Obtaining a case

CJI staff will contact you to see if you are interested in facilitating a case. You should start the case within two days of receiving it. If you cannot start right away, inform the Program Coordinator at CJI.

Step 2: Getting the information

You will receive the name, address, phone numbers of the participants involved, as well as a description of the situation. You will also receive forms to track the amount of time taken on a case. It is important to complete the forms and track your time.

Step 3: Making the initial call.

Relax and mentally rehearse what you are going to say.
Review any necessary case information.
Avoid using jargon like “transformative, restorative justice, mediation” and if you must use jargon, explain the terms.
Express the desire to hear their issues and concerns.
Be friendly, don’t rush the conversation to a “yes” or “no” answer.
If necessary, give the participants time to decide whether they would like to participate...if necessary, give them some time to think about it and suggest calling again in a few days.
If safety is an issue, explore what we can do to help them feel safe.
Use neutral language to describe the incident.
Dial *67 to block your phone number.

*Sample phone script: Hi, my name is [name] and I am calling from the Restorative Justice Project of Community Justice Initiatives. Our program gathers people together who have been affected by a problem or difficult situation and helps them deal with it so that it doesn’t continue. There is no cost. I was wondering when would be a good time for us to meet so that we can get some details about what happened and explain how we may be able to help out. Can you think of someone you want to bring with you to meet me?
Note: use neutral language – do not use “abuse.”*

Step 4: Setting up the meeting

Meet them at their house or at CJI or other mutually agreeable safe place.

Encourage them to bring someone along who will support them.

Step 5: The meeting

Topics to cover:

- a. Introduce yourself and give your reason for talking with the participants: *You are exploring the possibility of getting people together to talk about what happened and work out a way to deal with the situation.*

A joint meeting:

- Gathers together the people who have been affected by a situation, along with their supporters or people who are significant to them.
- Focuses on the harm that occurred, and what can be done to repair it. (The emphasis is on a particular incident and behavior, not on someone's personality.)
- Provides opportunity for each person to speak, to say how they have been affected and to discuss what can happen now to resolve the situation.

- b. Gather information

Ask questions like:

- What has been happening? How long has this been going on?
- What is your current living arrangement?
- What would be some of the difficulties of participating in a circle? Or What would be the hardest thing for you about participating in a joint meeting?
- How might we handle some of those difficulties?
- Would you feel safe meeting with _____ ?
- What could you / we do to help you feel safe?
- Who do you think should be involved in a time to talk about what is happening?
- Do you have an idea about how other people feel about what has been happening?
- What would you like to be able to say to the others who were involved in the incident?
- Can you think of any ways that you might want to see as an outcome of a circle meeting?
- Who would like to come with you and support you at a circle? (the supporters can be family and friends or others like church leaders, counselors, doctors, etc.)

(see interview section for other questions)

- c. Motivate the participants to face and resolve the situation.

- Remember that people often find it difficult to confront one another face-to-face, especially when they are in conflict with each other.

- d. Explain what will happen in a joint meeting, and correct misunderstandings:

- Help the participants understand the basic structure, goals and logistical items (such as how long a meeting might last) of the joint meeting. Also share that the meeting is not a time to only focus blame, but also to look at ways of improving the situation.
 - If the participants agree to participate in the circle, explain that they will be asked to share their perspective and listen to the other parties' perspectives.
 - come to the circle ready to explore ways to resolve the issue(s) (brainstorm with them about possible solutions they are already considering).
 - research questions that they have before the circle process (for example, what their legal rights are around the issues).
 - honor ground rules.
- e. Clarify the role of the facilitator.
- To provide ground rules and structure for a fair discussion.
 - To help reach an agreement everyone can live with.
 - Not to be a judge or make decisions for them.
- f. Explore what options they have if a joint meeting does not occur. Explore other community resources (See Community Resources)
- g. If the participants agree to a circle process
- Explore who should be involved and talk about ways to contact them
 - Ask for times they are available
 - Clarify that this meeting is confidential and check out what information you can bring to the other participant.
- h. Saying good-bye
- If they did not want to participate, let them know that if they change their mind, they are welcome to contact CJI and ask them if there is anything else that you can do for them (for example, give a message to the other participant).

Thank them for meeting with you.

Step 6: Keep track of your time.

Fill out the appropriate forms.

If there is going to be a circle process, contact the office for a location.

THE CASE PROCESS

Intake (completed by office staff)

- a. Receive contact (phone, letter, visit) from individual or agency.
- b. Record addresses and phone numbers of persons involved.

- c. Determine if the older person is a client of Community Care Access Centre (CCAC). If yes, then the older person must give written permission for staff to talk with CCAC worker. The conversation with the CCAC worker helps staff to determine if the circle process should continue.
- d. If there are significant safety concerns, CJI staff member visits older person and supporters to initially determine if the circle process should continue.
- e. CJI staff member brings concerns to Pilot Project Committee to screen for appropriateness. If the situation is not appropriate for a circle process, the older person is referred to other resources.

Assign Facilitators (completed by office staff)

- a. Contact two facilitators.
- b. Prepare file for facilitator (includes case information, previous contact made with participants, and name and phone number of co-facilitator). The information will be placed in the volunteer's file in the kitchen.
- c. Facilitator picks up case from office.

Case development (completed by facilitators)

- a. See case development above.

Joint Meeting (completed by facilitators)

- a. See circle process manual for more information

Returning Paperwork to the Office (completed by facilitators)

- a. Facilitators return all information and notes to office.
- b. Facilitators debrief with program coordinator.

Follow-up (completed by office staff or facilitators)

- a. The circle should take responsibility for monitoring the understanding gained through the circle.
- b. Facilitators should follow-up with the participants at a time specified in the circle.
- c. For project purposed, CJI completes an evaluation.

STAGES OF A CIRCLE

Step I: Preparation

- a. The following questions may be helpful to discuss with your co-facilitator:
 - Is there anything about this case that makes you uneasy? (assess potential biases)

- How do you want to separate the tasks?
- What cues will we use to say that we want the other person to take the lead? For example, “Kevin, can you take it from here?” or “Jean, can I suggest something?” or non-verbal cues such as eye contact
- How comfortable are you with silence in the circle?
- Are there specific skills that you would like feedback on when we debrief after the circle is completed?

Space/Supplies

How many chairs will you need?

How will you arrange the seating? Do you need name tags?

Do you have space for people to meet beforehand?

Is there enough room to allow the participants to feel safe and comfortable?

water / coffee / snacks etc. for everyone

Kleenex

pens and paper

Step 2: Getting Started

Welcome the participants

Introduce the participants and their role in the circle

Review the process / purpose of the circle

Reinforce that participation is voluntary

Step 3: Storytelling / Perspectives

Help guide the circle to allow everyone an uninterrupted chance to talk. This is a chance for participants to share their thoughts about what has occurred, what is currently happening and what they may see for the future.

Strategies for Storytelling / Perspectives Phase

- Don't rush.
- Silence can be a powerful tool.
- Encourage the talker to address the other participants and not the facilitators.
- If they are not talkative, use different questions to encourage them to tell the story.
- Foster an environment where people feel safe to share their story – be patient and reassure participants who may be nervous, scared and angry.
- Anger is natural. However, you may have to help the participants transform their anger to a place where they are able to arrive at an understanding that is constructive.

- Help people move from blaming the person to dealing with the action of which they disapprove.
- Allow people to express their emotions. This can be a crucial element of the circle.

Step 4: Discussing what has been said.

Help the participants discuss what they have just heard and observed. Use the strategies described in Step 3.

Step 5: Discussing options

Ask the group what they hope to see as a result of today's circle. Help the group discuss different possibilities and how they will concretely approach those options.

Strategies for the Discussing Options Phase

- Encourage everyone to participate
- Remember to take a break if necessary
- If someone is still angry and unable to make reasonable demands, first allow the participants to check with that person. If no one in the circle confronts them, tentatively break the negotiation to check how that person is feeling
- Help people move from their positions to their reasons that they hold those positions E.g. "What is it about that solution that appeals to you?"
- Encourage the participants to think of different options and then agree to options that everyone believes is just.
- Help the participants arrive at a concrete agreement and ensure that arrangements for monitoring the agreement are in place. In other words, who will do what, when, where, how and with whom. Encourage the participants to take responsibility for monitoring.

Step 6: Documenting the agreement

The circle may or may not wish to formally write the agreement. Even if they do not wish to write the agreement, confirm that responsibilities are clear. If they request a written agreement, record what the participants have agreed to and confirm that what you have written is accurate.

Invite the participants to help themselves to refreshments while you write the agreement. Encourage some of the participants to talk informally with each other.

Ask the participants to sign the agreement.

Thank everyone for attending. Let them informally talk together.

Step 7: De-brief with co-facilitator

Following a circle session, it is helpful to discuss the session with your co-facilitator. Reflect upon what happened and what tasks need to be completed. Give each other constructive feedback on what actions / statements seemed to be helpful and which were not. Feedback is a good way to pick up new skills and reflect on how you will facilitate your next circle.

TROUBLE-SHOOTING THE CIRCLE

Preparation before conducting the circle is the best way to avoid surprises or the need for trouble-shooting. If necessary, review the “Case Development” manual before proceeding with preparation for the circle. The list of scenarios below is not exhaustive.

If a person denies responsibility for the incident and remains firm on the denial, let the circle talk with that person. If the denial continues, the circle may need to end.

If one of the participants walks out of the circle, the circle can usually continue provided it was not a key participant who walked out.

Strong emotional displays are not uncommon and should not be stopped, unless it is excessive and causes distress to other participants. Allow the other circle participants to react before you step in to deal with the outburst.

If someone cries or sobs, acknowledge but do not over-react. Crying often elicits attention and sympathy, sometimes causing those who are “crying internally” to be ignored. Allow the circle to respond first.

Offensive language may occur and should only be addressed if it is excessive and causing serious distress to other participants. Allow the circle to respond first.

COMMUNITY RESOURCES

There are many resources and services available for older persons. If you believe a client needs protection, counselling, legal advice, or other services: Please be aware that phone numbers may change with time.

Contact CJI. (Phone:(519) 744-6549

Refer to: *Elder Abuse: What you Need to Know.*

IN AN EMERGENCY CALL THE POLICE-911

Resources

Community Care Access Centre (CCAC): a central point of access to information and a broad range of community based services. It is funded by the Ministry of Health.

Phone: (519) 748-2222

Waterloo Region Committee on Elder Abuse (WRCEA):

operate an information line staffed by volunteers. Professionals from the community respond to calls during working hours Monday to Friday.

Phone: (519) 883-2280

Waterloo Region Community Health Department: provides the WRCEA call line; has resource centre with information about elder abuse.

Phone: (519) 883-2280 (call-line)

(519) 883-2200 (resource centre)

Waterloo Region Police Services(WRPS): provides emergency services, protection, advocacy, and advice about questions involving criminal charges.

Phone: (519) 653-7700

Ontario Office of the Public Guardian and Trustee: investigates allegations of abuse or neglect of people who do not understand the consequences of their decisions.

Phone: 1-800-366-0335

1-416-327-6683

EMERGENCY SHELTERS

CCAC, WRCEA and WRPS maintain a list of retirement homes that will provide emergency shelter for a senior who is at risk of abuse and is at a retirement level of care. This emergency shelter is available free of charge for 48 hours.

SAFETY CONCERNS

If there is a risk of imminent, call the police (**911**). You will need to give your name and number in case the police need to call back for more information. The police will not disclose your identity.

If there are concerns, especially safety concerns, contact CJI or CCAC for assistance. Remember to involve the older adult as much as possible in addressing the situation. Need to take direction from the older adult who is capable.

APPENDIX 7**COMMUNITY INTAKE COMMITTEE****TERMS OF REFERENCE****Purpose:**

Review a referral when intake staff or facilitators, have identified concerns about whether it is appropriate to proceed with the restorative justice process.

Membership:

Core membership includes:

Orvan Solomon
Melissa Uhlig
Ada VandenBerg
Dave Haughey
Margaret Janzen
Mark Yantzi
Arlene Groh

Additional resource persons may be invited to attend.

Chair: Melissa Ulig or her designate.

Meeting Frequency:

Meeting to be called by chair when concerns identified.

Four persons present constitutes a quorum

Committee may reconvene as requested by chair.

Mandate:

Using principles of restorative justice to guide discussion, determine if appropriate to proceed with process.

Reach a consensus regarding acceptance or rejection of referral

Determine the process to be used.

Refer to alternate community services as appropriate.

Provide information to referral source as to why referral rejected.

APPENDIX 8**RESTORATIVE JUSTICE APPROACHES TO ELDER ABUSE
PROJECT UPDATE****Date: February 27, 2003**

Compiled by: Melissa Uhlig, CJI Program Coordinator

Referral statistics**Total inquiries for information about the project: 44****Total Cases Assigned to Screener or Facilitator: 24****Total Cases in progress: 6****Situations not appropriate for circle process = 8**

Reasons:

1. Incapable of participating, referred to community services
2. Alleged abuser unwilling to participate
2. Senior Citizen decided to end service with CCAC before RJ Project was involved
3. Senior Citizen decided to end service with CCAC before RJ Project was involved
4. Older adults decided not to participate at this time – follow-up scheduled
5. One half of the older adult couple decided not to participate at this time
6. Older adult did not feel this process was appropriate for her issues
7. Family members wanted information only and did not feel it was the right time to proceed

Cases completed = 10

Results:

1. Facilitated circle – still issues remaining with abuse of alcohol
2. Agreement around finances reached between aunt and niece
3. Three facilitation sessions completed; agreed to family counseling
4. Other family members unwilling to participate in a circle with their mother who is estranged from several of her children; facilitators connected her with volunteer visitor program
5. Facilitated circle with siblings – agreement around which retirement home mother will live in – unresolved about what to do with father

6. Facilitated circle with mother and sisters and daughter regarding care of uncle – resolution to contact capacity review board
7. Older person decided that she did not feel the need to talk about financial issues with niece – re-connected with her recently – still felt that situation was better
8. Older person and son talking about the sale of the family home – older person unable to continue because is now in institutional care (mental illness)
9. Disagreement over who can visit older adult. Shuttle diplomacy results in a consensus agreement of visitation with older adult.
10. Older adults decide that they would like to move from home of daughter and son-in-law. Communication between CJI intake worker and multicultural centre results in moving them forward on the subsidized housing list. Older adults want to consider participation in a circle after three months. CJI will connect with family after 3 months.

Presenting issue at intake:

Verbal abuse = 8

Financial abuse = 8

Multiple abuse issues = 4

Physical abuse issues = 4

Where senior will reside = 1

Sale of home = 1

Lack of communication between older person and children = 1

Conflict after change of power of attorney = 1

People involved in circles: 137

Volunteer statistics

of facilitators = 45

Note: one other referral received through the project that was appropriate for Community Mediation Services because the conflict situation did not directly involve an older adult – that situation ended in an agreement between the parties

