



STAYING SAFE

a resource for
OLDER ADULTS
living in Alberta



About this handbook:

Everyone deserves to be safe and treated with respect. This handbook was created to help you identify an unsafe or abusive situation and understand your rights and options if someone in your life is hurting you.

Because each individual's situation is different and complex, this handbook contains a variety of resources that will provide additional information and connect you to organizations and experts that can help you navigate your unique situation.

Specifically, this handbook will provide the following helpful information:

- › Explains your rights
- › Gives you some options to think about
- › Tells you where to get help with different issues
- › Provides many valuable resources of where you can get help in the Resource Section

This handbook also contains stories of individuals who have found themselves in abusive situations and the steps they are taking towards **staying safe**. While these stories are based on fictional characters, they deal with real situations that could be similar to yours. These stories are used to illustrate steps that could be taken to resolve an abusive situation; however, not every situation is the same and everyone is encouraged to make choices that are in their own best interest.



If someone has hurt you and you need support or information, contact

The Alberta Family Violence Line provides information on Family Violence services and resources available by calling 310-1818. This phone number is accessible 24 hours per day, 7 days a week, with over 160 different languages available.

The Sexual Assault Alberta Crisis Line, available 24 hours a day, 1-866-403-8000 (call or text)

Acknowledgments

The Alberta Elder Abuse Awareness Council would like to thank West Coast LEAF and the Canadian Centre for Elder Law for allowing us to use their document, *Roads to Safety: Legal Information for Older Women in BC*, with updates and revised portions to reflect Alberta's acts, legislation, and services. Without their hard work in creating the document, we would not have been able to provide this useful tool to older adults in Alberta.

We are grateful to all of our funders who contributed to this project. Thanks to Atira Women's Resource Society and Amber Prince for their invaluable publication, *Your Rights on Reserve*, which helped ensure the relevance of the legal information contained in this handbook for elders on reserve.

This handbook explains the law and acts in general. It is not intended to provide specific legal advice on individual legal problems and should not be relied upon as legal advice. Information is current as of November 2021.

The contents of this handbook, and any errors, are the responsibility of the Alberta Elder Abuse Awareness Council and do not reflect the views of the funders or producers of this resource.

The contents of this handbook may not be commercially reproduced, but any other reproduction with attribution to West Coast LEAF, the Canadian Centre for Elder Law, and the Alberta Elder Abuse Awareness Council is encouraged.

ABOUT THE AEAAC COUNCIL



The Alberta Elder Abuse Awareness Council (AEAAC) is a group of Albertans dedicated to increasing awareness and supporting a community response to elder abuse.

What began in 2002 as a group of service providers sharing best practices and developing resources to raise awareness, has evolved into a much larger province-wide network of professional service providers and stakeholders that represent communities across Alberta who are passionate about increasing awareness and addressing elder abuse.

The AEAAC's goal is to promote the well-being and security of older adults in Alberta. The Council works to develop resources to address and educate communities about elder abuse.

The AEAAC supports the work being done in community through:

- › Sharing resources through the council's social media, website, and newsletter.
- › Providing training and education on a variety of elder abuse related topics including **Taking Action Against Elder Abuse** and **It's Not Right: Neighbours, Friends, and Families for Older Adults**.
- › Working closely with government by developing resources together, collaborating on projects, providing input, and sharing concerns about elder abuse.
- › Developing material to assist service providers and older adults to better understand elder abuse, legislation, and resources available to assist with cases of elder abuse.

For more information on AEAAC, please visit: www.albertaelderabuse.ca.

Table of Contents

BECOMING SAFE

Section 1:	You Are Not Alone: About This Handbook	
	› How To Know If You Are Being Mistreated	1
	› Elder Abuse and Family Violence	2
	› Who Do You Tell – Reporting Elder Abuse	5
Section 2:	Getting Ready to Leave	
	› Safety Planning	6
	› Identification (ID)	10
	› Other Documents	10
	› Planning Access to Your Money	11

SOME BASIC RIGHTS

Section 3:	Your Decision-Making Rights	
	› Mental Capacity	12
	› Sexual Assault and Consent to Sex	13
	› Health Care Decisions	14
	› If You Have Dementia	15
	› Substitute Decision Makers	16
	› Personal Directives	19
	› Powers of Attorney (Enduring Power of Attorney)	20
Section 4:	Your Rights If You Are An Immigrant	
	› Permanent Residency and Sponsorship	22
	› Supporting Yourself If You Leave Your Sponsor	23

LEGAL AND FINANCIAL SUPPORTS

Section 5:	Getting Legal Help	
	› Legal Assistance	25
	› Victim Services	27
	› Mediation	28
	› Tips on Finding a Lawyer	29
Section 6:	Financial Supports	
	› What Help Does Income Assistance Provide?	31
	› What If You Don't Have Important Documents?	33
	› How to Apply for Income Assistance	33
	› How to Get Your Monthly Income Assistance Cheques	34
	› What If You Are Denied Assistance	35

LEGAL AND FINANCIAL SUPPORTS

Section 7: Applying for a Pension

- › Old Age Security 26
- › Guaranteed Income Supplement 37
- › Canada Pension Plan 38
- › Alberta Senior Benefits 41

Section 8: Applying for Housing Supports

- › Affordable Housing 44

LEGAL STEPS FOR PHYSICAL AND FINANCIAL SAFETY

Section 9: Safety Orders

- › Types of Safety Orders in Alberta 46
- › How to Get An Emergency Protection Order 47

Section 10: Keeping Grandchildren Safe 49

Section 11: Steps to Protect Yourself from Financial Abuse

- › What Do You Do When You Are Being Taken Advantage of Financially 51
- › When To Change Your Power of Attorney or Personal Directive.. 51
- › Revoking a Power of Attorney or Personal Directive 51
- › Getting Help for an Adult Who Needs Protection 53

Section 12: Separation, Divorce, Division of Pension and Property

- › Setting A Clear Separation Date 54
- › Pension Division 55
- › Family Property 56
- › Homes on Reserves 57
- › Family Debt 58

RESOURCES 59

SAFETY CHECKLIST 68

SECTION

1

You Are Not Alone: About This Handbook

How To Know If You Are Being Mistreated?

Are you safe, or is someone taking advantage of you? We all want our families to love and support us. Everyone deserves to feel safe, be cared for, and to live with dignity and respect. **If you don't feel safe, respected and cared for, then something is not right.**

Have you been asked:

- ☐ To sign documents or to make changes to your Will, Power of Attorney, sell your house, or make changes to any other legal document or asset?
- ☐ To sign legal or financial documents that you don't understand?
- ☐ To give away your money or property?
- ☐ To purchase items, you don't want or need?
- ☐ To give loans or gifts that are more than you can afford?
- ☐ To loan money to someone who has no intent to pay it back?
- ☐ To unfairly shoulder expenses: for example, someone sharing a home with you and they are not contributing a reasonable amount towards food and house expenses?
- ☐ To work or to provide childcare for grandchildren for little or no money?
- ☐ To not see your grandchildren?
- ☐ To do anything sexual that you do not want to do?

Or is someone:

- ☐ Withholding medication or medical care from you?
- ☐ Putting you down, humiliating or making you feel worthless?
- ☐ Threatening to place you into a care facility if you don't do what they are asking?
- ☐ Cashing your cheques, asking you to cash your cheques and give them the money, or accessing your bank account without your permission?
- ☐ Are you being hurt (such as, pushed, hit, choked, hair being pulled, or being locked into a room)?

If you have answered yes to any of the above statements, then you are not being treated right and you may be being abused.

**Not all abuse is criminal, but all abuse is wrong.
You are not alone, help is available.**

Family Violence

Elder abuse is a part of the family violence continuum. Family violence is about power and control. When a person uses their power to take away another person's control or say over some or all parts of their life, this is using their power to control another.

What is Elder Abuse or Older Adult Abuse?

Elder Abuse is defined as any action or inaction by a person(s) in a trusting relationship that causes harm or distress to an older adult. Elder Abuse can take many forms, including physical, financial, sexual, psychological/emotional, neglect, and medication abuse. The two most common types of abuse of older adults are financial and emotional. It is also very common to have more than one type of abuse happening at the same time.

Financial Abuse

This is when an older adult's money or property is misused through trickery, theft, or force. It can include, but is not limited to:

- › Misuse of money or property
- › Convincing an older adult to buy something or to give money away
- › Stealing money or possessions
- › Misusing bank accounts, joint accounts, or credit cards
- › Forging a signature on a legal document or cheque
- › Misusing a power of attorney

Emotional Abuse

This may take the form of speaking aggressively towards an older adult, humiliation, isolation, intimidation, threats, and inappropriate control of an older adult's activities. It can include, but is not limited to:

- › Attacking their self-esteem
- › Forcing older adults to do degrading things
- › Denying privacy
- › Withholding affection to manipulate the older adult
- › Controlling their activities, what they are "allowed to do" or "not do"
- › Isolating an older adult from other people
- › Refusing to allow access to their grandchildren
- › Taking away their decision-making power while the older adult is still competent
- › Treating an older adult like a child

Physical Abuse

Is when someone uses physical force that causes discomfort to the older adult, which may or may not result in an injury, physical pain, or an impairment. This can include, but is not limited to:

- › Slapping, shaking, pushing, kicking, punching, or rough handling
- › Striking an older adult with an object or weapon
- › Deliberately exposing an older adult to severe weather
- › Unnecessary physical restraint
- › Forcing an older adult into confinement or isolation

Sexual Abuse

Is all unwanted forms of sexual activity, behaviour, assault, or harassment. It can include, but is not limited to:

- › Verbal or suggestive behaviour
- › Fondling
- › Unwanted sexual intercourse
- › Lack of personal privacy
- › Being forced to commit degrading acts
- › Unnecessary help with dressing, bathing, or personal care

Florence gave her son power of attorney so that he could make some financial and legal decisions on her behalf. She lives in his home in a small basement room. Her son and his wife moved her into the basement when the grandchildren started university and she was no longer needed to care for them.

Florence broke her hip last month falling down the stairs and now hardly leaves her basement room. She is supposed to receive physiotherapy, but her son does not want to pay for the appointments. Her son and his wife work all day, and she has no access to food when they are away. Her hip is not healing well, and she is in pain all day because her son is trying to save money on pain medication. Instead of spending Florence's money on things she needs, he is keeping it for himself.

When the hospital healthcare professional makes a visit, concerns are raised about abuse and neglect. Florence is reluctant to leave her home, but she knows she is not safe with her son and daughter-in-law. She recognizes that her son is not properly carrying out his responsibilities under the power of attorney and that she has the right to choose somebody else for this role, somebody she trusts.

Florence's Story



Neglect

Is the intentional or unintentional failure to provide basic care, necessities, or for the needs of an older adult. It can include, but is not limited to:

- › Failure to provide a safe, warm, and comfortable place to live
- › Denial of social contacts or interactions
- › Failure to provide for the older adult's personal hygiene needs, proper nutrition, or clean clothing
- › Not providing the proper clothing for the weather: for example winter boots, hat, and coat
- › Failure to prevent physical harm
- › Failure to provide aids for daily living such as hearing aids, walkers, canes, wheelchairs, etc.
- › Abandoning or deserting an older adult

Medication Abuse

This is the misuse of an older adult's medications and prescriptions. It can include, but is not limited to:

- › Withholding medication all together
- › Giving an older adult too much or not enough medication
- › Sedating an older adult with medication
- › Not refilling prescriptions as instructed

Discrimination

Sometimes discrimination might cause people to disrespect an older adult. People can have unfair ideas based on gender, age, race, culture, language, sexual orientation, ability, or class. They might wrongly believe that an older adult cannot make good decisions for themselves. Sometimes unfair treatment happens even in places where older adults go to get help. If you have been treated with disrespect or hurt in any way, it is never your fault and you are not alone. You can find support from someone who respects you.

**Often, the people who hurt us are the people we care about.
This can make it hard to speak out.**

Everyone deserves to be safe and treated with respect. This handbook was created to help you understand your rights and options if someone in your life is hurting you.

Unfortunately, sometimes older adults are not safe and people in their lives mistreat them.

It can be difficult to know what steps to take when you want the abuse to stop. It can take time to make change.

You might want to look through this handbook with a person that you trust in a safe place. It can help to get support when you are dealing with a stressful situation, looking for information, or trying to decide what to do.

Learning about your rights does not mean you have to take any steps you don't want to take. Even if you talk to a lawyer or support person to find out about your rights, you still have choices about whether or not you act on the information you receive. Also, you have legal rights even if you decide that you are not ready to leave your home now.

Violence in relationships is more likely to happen to women, but violence can happen to anybody.

Who Do You Tell? Reporting Elder Abuse

If you decide that you would like to tell someone about what has been happening to you, there are some options for whom you may wish to tell.

- › If your safety or well-being is in immediate danger, or if the abuse is criminal in nature, you can report it to the police.
- › If the abuse involves a health professional (such as a physician or nurse), or a member of a health discipline (such as an acupuncturist or social worker), the abuse should also be reported (to their applicable regulatory body).
- › If the abuse happened in a publicly funded facility (such as a nursing home, hospital, group home, seniors' lodge, women's shelter, homeless shelter, or an addiction and mental health treatment centre) you can report it to the Protection for Persons in Care (PPC). Reports can be made by telephone at 1-888-357-9339 (Monday to Friday, 8:15 am – 4:30 pm) or in writing to the address found in the [Resource Section on page 59](#) of this handbook.

Even though this handbook was written with older adults in mind, the information in it can be used by people of any gender or age.

NEXT STEPS:

You always have rights.

If you are thinking about leaving your home to get to a safe place, remember that you have legal rights when it comes to making decisions about your body and your life. The next sections set out some of your rights.

SECTION

2

Getting Ready to Leave

Safety Planning

Making the decision to leave a home where you are not safe can be scary. Even if you are living in a horrible situation, change can be difficult.

Some people find it helpful to do some planning ahead of time. This is not possible for everyone. Sometimes your home becomes so dangerous that you must leave right away. Other older adults have time to find out things like where they can stay, how they will get there, and who can assist with their health concerns. Some people might be able to gather some of their identification and important records in advance. Knowing about options can make it easier to leave.

The following pages contain some things you might be able to think about in advance.

Who will help you?

Figure out who might be able to assist you if you leave. You will likely need practical assistance and emotional support.

Help can come from many people and organizations, including:

- › Family members or friends you trust
- › Professionals you trust like your doctor
- › Organizations where you feel safe, like a place of worship, a seniors' centre, an Aboriginal Friendship Centre, a cultural society, or an immigrant services organization

You can find contact information for many helpful organizations in the [Resource Section](#) at the back of this handbook.

It might be a good idea to write down a few important phone numbers. Keep them in a safe place that you will be able to access if you leave (see [Safety Checklist](#) at the back of this handbook). If you are able, try to memorize numbers of two safe people as you may need them in an emergency.

You might decide to talk to somebody you trust about what is happening. Together, create a code word so that they will know that you need help without you having to say it when an abuser is listening. For example, maybe you could tell a trusted neighbour that when you talk about needing to buy more rice, this really means that you are in danger and want your neighbour to call for help for you.

It might be helpful to keep a written journal of the date, time, and details of any abuse or mistreatment. If you are worried someone may find the information, consider creating a code for yourself that will allow you to understand the entry, but others reading it would not know what it is.

If you decide to call someone for assistance (a shelter, service provider, victim's assistance worker, etc.) by phone, press several numbers randomly immediately after, so that the person hurting you cannot press the redial button and know whom you were speaking with. If you are using a cell phone, immediately delete the number from your call history '**recent call**' list.

Where will you get help in your own language?

If you do not speak English, contact the Family Violence Info Line at 310-1818 from anywhere in Alberta to find an advocate or service worker who speaks your language in your community.

The Family Violence Info Line is available 24/7 with services in 180 languages.

How can you get emergency help if you are deaf or hard-of-hearing?

If you use a TTY (teletypewriter), you can call **9-1-1** for emergency help through your TTY.

How will you get out of your home?

You might want to think ahead of time about the easiest, fastest, and safest way for you to exit. If you have mobility limitations, think about which route will be the easiest.

How will you get to a safe place?

Here are some options:

- › Write down bus schedules, routes, and closest stops
- › Save or borrow money for a taxi
- › Write down the number of someone you know who will drive you to a safe place
- › Make a copy of the keys to the family car

Every person's situation is unique. A shelter or another organization that helps older adults who have been hurt can help you make a safety plan that is right for you.

Where will you stay?

Perhaps you can stay with a friend or family member. You can call the Family Violence Info Line at 310-1818 to find out how to get to a safe shelter or other temporary safe housing. There are safe shelters that are especially for older adults, others are for women fleeing violence, and some provide shelter to anyone needing a safe place to stay regardless of age or gender. A safe shelter is a safe place to go if you have been abused. The location of safe shelters is not made public so that the people staying there cannot be found. Shelters are located in many communities across the province. See [Resource Section on page 59](#) for phone numbers to call.

How can you keep your plans secret?

Find a secret place to hide all of the information you are gathering.

If you are doing research on the internet about how to get safe, consider using a public computer (like at the library) where the history of your searches cannot be tracked by an abuser.

If you have already visited websites to get safety information and are worried that your abuser might find out by looking at the search history on your computer, go to the website google.com and type “**how to clear your history**” in the search bar and then follow those instructions.

If you are using your smartphone or computer to find and store safety information, try to use a security password that your abuser does not know. If you are using a computer that your abuser might also use remember to clear your website history or use an incognito or private browsing window so that the websites you have visited will not be stored.

Here are the instructions for deleting your browsing history:

- › On the tool bar of your browser, select ‘**tools**’
- › On that menu list, select ‘**internet options**’
- › In the ‘**history**’ box, select ‘**clear history**’
- › Your browsers also have 3 dots at the top right-hand corner to click on and choose ‘**history**,’ then select ‘**clear browsing data**’
- › Many websites providing information or services on family violence or elder abuse have a button on the website to ‘**hide the page**’ or ‘**clear the history**’ in order to hide it more easily from an abuser.



Here are the instructions for private browsing on the most common web browsers:

MICROSOFT EDGE:

Press **ctrl** + **shift** + **N** keys together

OR select 'InPrivate Window' 

MOZILLA FIREFOX:

Press **ctrl** + **shift** + **P** keys together

OR select 'New Private Window' 

INTERNET EXPLORER:

Press **ctrl** + **shift** + **P** keys together

OR select 'InPrivate Browsing'  from the **Safety** menu that you can open by clicking on **Settings**

GOOGLE CHROME:

Press **ctrl** + **shift** + **N** keys together

OR select 'New InCognito Window'  from the menu at the top right with the icon that looks like 3 horizontal stripes

Who will take care of your pet?

You might want to find someone in the community who can care for your pet(s) or find a friend who will let you stay with them and bring your pet(s). While most transition houses and shelters will not allow you to bring pet(s) with you, many will help you to find suitable lodging for your pet(s).

How can you keep items that are special to you?

It can be hard to leave things like photographs. You could give a friend a list of personal items and where they are located. Or you could drop off items at a friend's home before you leave.

How will you get the health care you need?

Write down all your medical conditions, medications, and doctors' names. If you are receiving treatment, find out about other hospital programs where you can get that treatment. Keep extra medication in a safe place so you can take it with you when you leave.

Identification (ID)

It can be helpful if you bring certain identification (ID) with you when you leave. Expired ID or photocopies of ID are usually better than nothing.

Here are some examples of ID to bring with you if you can:

- › Passport for you and any children or grandchildren you are caring for
- › Immigration papers
- › Citizenship papers
- › Social Insurance Card (SIN card) or a government letter with the SIN number on it
- › Birth certificate for you and any children or grandchildren you are caring for
- › Marriage certificate
- › Picture identification, such as your driver's licence
- › Alberta Health Care card for you and any children or grandchildren you are caring for
- › Band documentation, such as Secure Certificate of Indian Status (status card).

Other Documents

Consider bringing the following other documents if you have time and it is safe to do so. You might not have all of these documents. Some of them might not apply to your situation.

Legal documents such as:

- › Personal Directive (for an explanation, see [page 19](#))
- › Power of Attorney (for an explanation see [page 20](#))
- › Court documents regarding maintenance, custody, guardianship, or protection

Financial documents such as:

- › Bank information (list of all accounts, holdings, and lines of credit in your name or your spouse's name)
- › Bank account and credit card statements
- › Financial records for investments and savings, such as bonds, RRSPs (Registered Retirement Savings Plans), RRIFs (Registered Retirement Income Funds), GICs (Guaranteed Investment Certificates), trust funds, and so forth
- › Tax returns (available from Canada Revenue Agency) and a recent Notice of Assessment
- › Pension stubs, including CPP (Canada Pension Plan – for explanation, see [page 38](#))
- › Statements from income assistance, disability, or employment insurance benefits
- › Documents relating to a company owned by you or your spouse
- › Assessments of the value of your home or any other assets you and your spouse own

Employment documents such as:

- › Record of employment if you recently left a job
- › Recent pay stubs
- › Self-employment financial records

Other important documents:

- › Insurance information, policy number, claim number, contact names, if you have an open claim relating to a traffic accident
- › WCB (Workers' Compensation Board) stubs, claim number and contact names, if you have an open claim relating to an injury or illness that was the result of your employment
- › Life insurance policy
- › Extended health plan policy

Planning Access to Your Money

It can be helpful to plan access to your own money before you leave. Here are some options to consider:

- › Open your own bank account and get your own credit card
- › Withdraw some money from any joint bank accounts if it is safe to do so
- › Hide emergency money in a safe place (for example, in a safety deposit box, or with a friend).

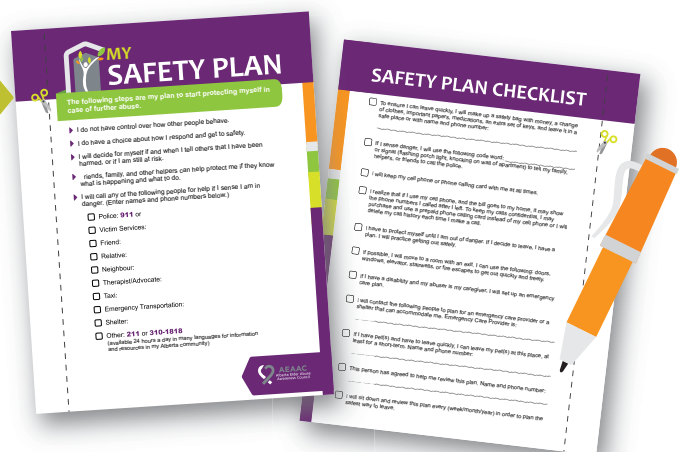


You can find additional help in the following resource:

www.cplea.ca/wp-content/uploads/FinancialSupport.pdf

Creating Your Own Safety Plan

At the end of this book you will find a helpful template you can use to create your own safety plan.



SECTION

3

Your Decision-Making Rights

Mental Capacity

The law in Alberta says that every older adult is assumed to be mentally capable of making their own decisions, unless proven otherwise.

This does not change just because a person gets older. This includes decisions about:

- › Legal matters
- › Where you live
- › What kind of health care you receive
- › What happens to your money or belongings
- › Who you spend time with
- › Whether you have intimate relations and with whom (sexual or other physical contact)



Capacity is the ability to understand information needed to make a decision and to understand the consequences of not making the decision. Further information on Mental Capacity can be found at www.cplea.ca/wp-content/uploads/MentalCapacity.pdf

Most people have noticed that their ability to think clearly and make decisions can vary. Sometimes people have difficulty thinking clearly if they have not eaten or slept properly, if they have missed taking their medications, or if they are dealing with a very difficult experience such as violence in a relationship. This is normal. The law recognizes that decision-making capacity can be different at different times. The fact that your ability to make decisions fluctuates does not mean that you lose all of your decision-making rights.

Sometimes people assume older adults cannot make their own decisions. They think they know what is best for you. They may mean well, or they may be trying to control you or your money. They may pressure you to sign documents that give them power over some of your decisions.

You have a right to decide what happens in your life, with few exceptions:

- › Your spouse and your adult children do not have the right to make decisions for you
- › If you are an immigrant, your sponsor does not have the right to make decisions for you
- › If you are ill or if you have a disability, your caregivers do not have a right to make your decisions

There can be exceptions. For example, if you temporarily do not have capacity to make your own health care decisions, someone else might be given authority to make those decisions for you. Still, this person must make those decisions based on what is best for you and what you have communicated about your wishes.

There can also be exceptions under the *Mental Health Act*. A Substitute Decision Maker, whom you have appointed under Power of Attorney or a Personal Directive would have the right to make decisions for you if their powers have come into effect. For more information, read the section on [Health Care Decisions, page 14](#).

If you find that people in your life do not respect your choices or listen to you, it might be a good idea to find a supportive person to help you stand up for your rights – a family member, friend, or advocate.

In reality, we all make decisions by talking to people we love or trust. You have a right to ask for help making decisions – no matter your age.

Sexual Assault and Consent to Sex

Every older adult has the right to consent to or refuse any kind of sexual activity.

No one can consent to sex for you, including your spouse, your partner, or any person you have had a sexual relationship with in the past.

You can change your mind at any point after saying yes. For example, you could say, “I don’t feel like it right now,” “Let’s not go any further,” or “Can we stop and do something else?” – anything that shows that you do not want to continue.

You have the right to say no:

- › No matter how old you are
- › Whether or not you have any disability or disease
- › No matter who wants sexual contact with you – even if you are married to, or in a relationship with, that person.

Any kind of sexual contact without your permission is sexual assault and is a criminal act.

If someone has sexually assaulted you, including a spouse, you have the same legal rights as a younger adult:

- › You can call the police
- › You can ask for an Emergency Order (see [Section 9, page 46](#) of this handbook)
- › If the person who hurt you is your substitute decision-maker, you can get them replaced with someone you trust
- › You can separate or get a divorce

You can also use services like medical treatment, emotional support, or counselling. Many organizations that provide this kind of help in Alberta are listed in the [Resource Section](#) at the back of this handbook.

Getting older does not affect your right to decide whether or not to have sex. You can choose to have sex even if you have a mental illness, cognitive disability, or brain disease, unless you cannot understand what is going on or you cannot clearly communicate that you consent (freely agree) to have sex. If you have a disease or disability that affects your memory or thinking, such as dementia, a person who wants to be sexual with you needs to be extra careful to make sure that you understand what is going on and who they are, and that you want to be involved in a sexual activity.

Others do not have the right to stop you from having sex if you and your partner consent. Some people have difficulty with the idea that older adults lead sexually active lives or experience sexual desire. This does not give them the right to control you.

Health Care Decisions

Every older adult has the right to make their own personal and health care decisions.

There are a few exceptions to this rule:

- › If you have a disease or disability that has affected your memory and understanding to the point that you cannot make your own decisions, your Personal Directive that you have created and named your Agent in can become enacted, or a person in your life such as a family member might apply to the court to become your Guardian. If you do not have anyone in your life apply to become your Guardian, a Public Guardian may be appointed to you.
- › If you are in a health care facility and are temporarily unable to make decisions, the health care provider can get consent from someone else, generally a family member. The person who makes a health care decision for you when you are unable to give consent yourself is called a Specific Decision Maker.

- › The health care provider should not get consent from someone:
 - › You have not talked to in the last year
 - › You are in conflict with, or
 - › Who has committed a crime against you

In emergencies, if you are unconscious or impaired by drugs or alcohol, a health provider may provide health care to save your life, prevent serious harm, or treat severe pain.

The legal document that allows you to name an Agent while you still have your capacity is called a Personal Directive. You can read more about [Personal Directives on page 19](#).

If you Have Dementia

- › Dementia is a medical condition caused by brain disease or injury. Dementia can affect memory, personality, and reasoning.
- › Every person's experience of dementia is unique. Some individuals with dementia can make all their own decisions.
- › You might need help to make your decisions – most people do!
- › You may have times of day when you feel your mind is clearer and you are better able to make good decisions for yourself.
- › You might have an Agent as a Substitute Decision-Maker because you are not mentally capable of making all or some decisions. You can read more about substitute decision-makers in the next pages.
- › You might have a Substitute Decision-Maker for some decisions but not for others
- › You have a right to talk to your Substitute Decision-Maker about your wishes or preferences. They have a legal duty to consider your views.



More information on how Dementia can affect your decision-making rights can be found at www.cplea.ca/wp-content/uploads/PlanningForIncapacity.pdf

Health decisions and the Mental Health Act

In some situations, the *Mental Health Act* makes it possible for a person to be given medical treatment and/or kept in a health facility against their wishes.

This can only happen if a doctor signs a special certificate saying that, because of a mental health issue, the person:

- › Needs treatment in the health facility, and
- › Needs to be in the health facility to protect their own health or safety, or the safety of others

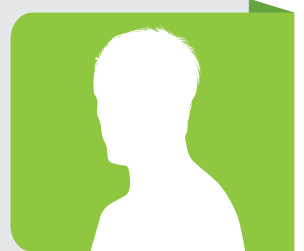
If one doctor completes a certificate, the person can be kept in the health facility for a maximum of 48 hours (two days). A person can be kept in the health facility for a longer period of time only if two doctors complete a certificate.

When a certificate has been signed to keep a person in a health facility under the *Mental Health Act*, it is common to say that person has been “certified.”

If you have been certified and you believe that this is unfair, you can ask your doctor to de-certify you (end the requirement for you to stay in the health facility or to receive treatment). If your doctor says no, you can ask for a panel to review your case. To request a review panel, you or someone else can ask the health care staff (usually nurses) for an Application for Review Panel Hearing. Once you have completed the form, the health care staff can send it in for you.

Muhammad's Story

Muhammad's son Amir has been his Power of Attorney since his wife died over 10 years ago. When Muhammad turns 80, Amir says he should move in with him and his wife. They will sell his home, and the money from the sale can help pay for the grandchildren to go to university. Muhammad does not want to move but Amir starts making plans to sell the house anyway. He accuses Muhammad of being selfish in preventing his grandchildren from going to school. When Muhammad's daughter finds out what is going on she becomes very concerned. His daughter helps him get Amir removed as Power of Attorney and offers to help out instead. Muhammad decides to stay in the home he has lived in for many years. Muhammad feels that his money and property are now safe, and he decides not to take legal action against his son for now.



Substitute Decision-Makers

Substitute Decision-Makers are people who have the legal authority to make certain kinds of decisions on behalf of another person.

These decisions can deal with:

- › Health
- › Legal matters
- › Personal care, or
- › Finances

In Alberta, there are different kinds of Substitute Decision-Makers, based on what decision-making authority is granted: Power of Attorney, Personal Directive, and Guardian and/or Trustee. They are each created through a different legal document.

- › You can name someone your substitute decision-maker in a legal document called a Power of Attorney or a Personal Directive.
- › If you cannot make your own decisions and you did not create a Power of Attorney and/or Personal Directive stating who you want as your substitute decision-maker, someone may apply to the court to become your Guardian and/or Trustee. The court should consider your best interests when choosing a Guardian or Trustee.
- › If you cannot make your own decisions and you did not create a Power of Attorney and/or Personal Directive stating who you want as your Substitute Decision-Maker, and no one applies to become your Guardian and/or Trustee the court may appoint the Office of the Public Guardian and Trustee to be your decision-maker. (See the [Resource Section](#) for contact information.)

A Substitute Decision-Maker can be:

- › A person or persons (often a spouse, adult child, trusted friend, or a professional advisor)
- › A corporate trustee (a trust company or authorized agency)
- › The Public Guardian and Trustee, who is responsible for protecting the legal, financial, personal, and health care interests of adults who need decision-making assistance in Alberta

David has Alzheimer's. Before his diagnosis, he created a power of attorney – a legal document to allow his daughter to make financial decisions on his behalf once he is no longer able to make them for himself.

David's Story

David is still capable of making decisions about where he lives and who he has relationships with. He also makes all his own health and personal care decisions.

His partner Robert has been treating him badly in recent months. Robert insults David's intelligence, his appearance, and has been trying to stop him from seeing some of his friends. David is considering a separation and has decided to move out of their shared condo.

David has the right to make this decision. He talks to his daughter, and she helps him to find a new home. She also connects him with a local LGBTQ+ (lesbian, gay, bi-sexual, transgendered, two-spirited, queer or questioning, plus) organization where David can meet other older adults who accept and support him as he is.

David is starting to think about his future care needs and wants to find an inclusive residential facility or a personal care worker who will understand his health and personal care needs.



Many people choose a family member, their spouse, or a friend as their Substitute Decision-Maker. You can choose anyone who is at least 18 years of age and understands the responsibilities they would have as your Substitute Decision-Maker. It is important to choose somebody you trust and to talk to that person about your wishes and what you want them to do.

Regardless of what kind of Substitute Decision-Maker you have, you have the right to:

- › Tell your Substitute Decision-Maker your wishes: your Substitute Decision-Maker is required by law to find out your preferences and consider them.
- › Have decisions made in your best interests: your Substitute Decision-Maker cannot use your money for themselves.

If a Substitute Decision-Maker is making decisions about something not included in their powers, they are violating your rights and might be breaking the law. You can get help from a lawyer, an advocate, or the Public Guardian and Trustee.

All Substitute Decision-Makers must:

- › Consult you before making a decision or making any decisions
- › Follow your instructions or wishes that they know about or are able to find out, and
- › Act in your best interests



The following is a list of helpful legal resources supplied by Centre for Public Legal Education Alberta (CPLEA):

- › Supported decision-making, co-decision making, guardianship, trusteeship, protective measures, investigations and capacity assessments
www.cplea.ca/wp-content/uploads/AdultGuardianshipAndTrusteeAct.pdf
- › To learn more about decision-making options available to people with good mental health capacity, reduced mental health capacity or who lack mental capacity
www.cplea.ca/wp-content/uploads/AdultGuardianshipAndTrusteeAct.pdf
- › For Albertans who are thinking about making or changing an Enduring Power of Attorney
www.cplea.ca/wp-content/uploads/MakingAnEnduringPowerOfAttorney.pdf
- › For Albertans who are thinking about making or changing a Personal Directive
www.cplea.ca/wp-content/uploads/MakingAPersonalDirective.pdf

Powers of a Substitute Decision-Maker

The powers of a Substitute Decision-Maker are set out in the law. The legal document or court order that creates the Substitute Decision-Maker's role might also include additional powers or restrictions.

Substitute Decision-Makers can be powerful. Here are some examples of powers Substitute Decision-Maker can have and decisions they can make:

- › Receiving, depositing, and spending your pension cheques (Power of Attorney)
- › Accessing bank accounts, credit cards, and paying bills (Power of Attorney)
- › Consenting to some forms of health care treatment, including surgery (Personal Directive)
- › Where you can live, including decisions about entering into a care facility (Personal Directive)
- › Whether you are allowed to work or enroll in school (Personal Directive)
- › Whether you can have contact with certain people, including someone who may be either abusive or supportive (Personal Directive)
- › Whether you can have a driver's licence (Personal Directive)
- › Personal Directives and Powers of Attorney are two types of legal documents that create Substitute Decision-Maker relationships. Some information about them are on the following pages.

Personal Directives

- › Are official instructions made following the *Personal Directive Act*.
- › Are recommended for everyone over the age of 18 to have.
- › The substitute decision maker in a Personal Directive is called an Agent and is someone you choose to make personal decisions for you, when you are not able to make them for yourself.
- › When you create a Personal Directive, you are called the Maker.
- › Capacity refers to your ability to understand the information that is needed to be included in your Personal Directive and your ability to understand the possible consequence of your choices.
- › A lawyer is not needed to create your personal directive. You can find the standard Personal Directive form at www.alberta.ca/personal-directive.aspx or call toll-free 1-877-427-4525 to ask for the form to be mailed to you.
- › If you wish to talk with a lawyer and need assistance to find a lawyer you may call the Law Society of Alberta's Lawyer Referral Service at 1-800-661-1095.

Power of Attorney (Enduring Power of Attorney)

- › A Power of Attorney (also often called an Enduring Power of Attorney) is a legal document that gives someone else authority to make financial decisions on your behalf.
- › You appoint an attorney of your choice in the Power of Attorney document. In this situation, “attorney” does not mean “lawyer.” An attorney is any person you name in the power of attorney document to make financial decisions for you. It could be anyone you trust.
- › To make a Power of Attorney the law requires that you understand what the document does and the consequences of signing it.

You can create a Power of Attorney or a Personal Directive:

- › **As a convenience** – maybe you want someone to handle some financial decisions or activities for you
- › **To plan for the future** – to name who you want to make decisions for you are unable to make your own decisions due to injury or illness

As long as you are considered legally capable, you can still make your own decisions. If you have mental capacity, you can also take away your Power of Attorney’s authority and/or replace them with someone else.

	Documents Made by You	Decisions Made by Court
Personal	› Personal Directive › Supported Decision Making › Specific Decision Making (one-time)	› Guardianship › Co-Decision Making
Financial	› Enduring Power of Attorney	› Trusteeship

NEXT STEPS:

What would happen if I left?

Maybe you are starting to think about leaving a relationship where you are being harmed and finding a safer place to live. But you might wonder what would happen if you made that choice. Would legal status in Canada change? Could you be deported? The next section provides legal information to help answer these questions.

SECTION

4

Your Rights If You Are An Immigrant Senior

If you came to Canada as an immigrant, you may be worried about what will happen to your immigration status if you leave a situation where you do not feel safe. In most cases, the person who is hurting you cannot get you deported, even if they are your sponsor.

Sometimes a person who is hurting you might give you incorrect information about your immigration status and whether you can be deported. You can get correct information by contacting Immigration and Citizenship Canada at 1-888-242-2100 or by going to the website at www.cic.gc.ca.

To understand your rights, it is important to know your immigration status:

- › Are you a **Canadian citizen**? If yes, then you have all the rights of a person born in Canada
- › Are you a **permanent resident** (also called a **landed immigrant**)? If yes, then you have almost all the same rights as a person born in Canada. You can only be deported in rare situations, for example:
 - › You are convicted of a crime
 - › You have lied about information in your application to the Canadian government
 - › You are out of Canada for longer periods of time than allowed for your category of immigrants
- › Are you a **convention refugee**, or here on a temporary visa or work permit? If yes, then the person hurting you has no legal ability to affect your immigration status.
- › Do you have no immigration status? You should talk to a lawyer to find out your rights if you have no immigration status. These are some situations where you might have no immigration status:
 - › Your sponsor has not completed the application process
 - › Your spouse or other family member applied for refugee status and listed you as a dependent
 - › You have stayed in Canada longer than the time allowed by your temporary visa

Are you considering leaving Canada in order to get away from someone who is hurting you? Leaving Canada can impact your status. Immigration Canada has rules about how long permanent residents can be outside Canada.

If the person who is hurting you is a permanent resident and is found guilty of a crime, that guilty person could be deported.

Permanent Residency and Sponsorship

If you immigrate to Canada in the family class category, a family member, such as your spouse or child, will have "sponsored" you. Sponsorship means that your family member has signed an agreement with the federal government to financially support you for a specific number of years, usually three to 10 years. During this time, you are not eligible for certain publicly funded services, and your sponsor is supposed to provide food, clothing, shelter, and medical care. For example, you are entitled to AHIP (Alberta Health Care Insurance Plan) during the period of your sponsorship agreement, but your sponsor is responsible for paying any premiums or additional fees not covered by AHIP. (See [page 41](#))

Most sponsored immigrants get their permanent resident status when they arrive in Canada.

If you came to Canada after October 25, 2012, you may be a conditional permanent resident if:

- › Your sponsor is your husband, wife, or common-law partner, and
- › At the time of the sponsorship application:
 - › You had no children, and
 - › You had been married or in a marriage-like relationship for less than two years.

Conditional residents get permanent resident status after being in Canada for two years. The government is currently reviewing conditional status. It is a good idea to get legal assistance if you have questions.

Your sponsor does not have the power to have you deported. Only Immigration, Refugees, Citizenship, Canada (IRCC) or the Immigration and Refugee Board have the power to make this decision.

If you are a conditional resident, you will have to prove to Immigration, Refugees, Citizenship, Canada (IRCC) Canada that you have experienced abuse or neglect in order to avoid deportation.

Here are some examples of evidence that can help prove abuse:

- › Notes about what happened in the relationship
- › Letter of support from a shelter or other people who have helped you
- › Letter from a family member
- › Police report
- › Medical report or doctor's letter
- › Court documents
- › Photographs
- › Email communication
- › Voicemail messages
- › Statements from anyone who saw your sponsor hurt you

If you are being hurt by your sponsor, you have a right to leave. You may qualify for income assistance and other government services. You may want to call 2-1-1 or the Family Violence Info Line at 310-1818 for more services and supports available.

Supporting Yourself if you Leave your Sponsor

If you leave your sponsor because you are not safe or someone is hurting you, you may be able to get government financial assistance.

Income assistance

If your sponsor cannot or will not support you, then you can apply for provincial income assistance.

Income assistance is financial help from the provincial government for people who:

- › Can't work
- › Are out of work
- › Are waiting for other income, or
- › Urgently need food, shelter, or medical care

For more information consult the Immigration, Refugees, Citizenship Canada (IRCC) website at: www.canada.ca/en/immigration-refugees-citizenship.html

You may qualify for Legal Aide or hire an Immigration Consultant (for a fee) to assist you.

See [Section 6: Financial Supports](#) for information about how to apply for income assistance.

Peter's Story

When Peter decided to leave his wife Lillian after years of psychological abuse, Lillian became very angry. She smashed the windows of their car which Peter normally used to drive to work. She also destroyed many valuables by throwing objects around their apartment.

With the help of a lawyer, Peter thought about his options and decided to apply to the court for an order for the division of property. There was a lot of evidence to show that Lillian had destroyed property on purpose, including a text message where she threatened to do that. The judge decided that a 50/50 division of family property would not be fair because Lillian had destroyed a lot of things on purpose to hurt Peter and leave him with less. He should get more than half of the remaining property.



Old Age Security (OAS)

OAS is a monthly pension payment from the government. To receive OAS, you must:

- › Be age 65 or older
- › Have been in Canada at least 10 years, and
- › Be a Canadian citizen or permanent resident, or be in Canada on a Temporary Resident Permit

Guaranteed Income Supplement (GIS)

The GIS is an additional benefit for low-income seniors who qualify for OAS. See [Section 7, page 37](#) for more information.

Alberta Seniors Financial Benefits

You are eligible to apply for the seniors financial assistance programs, if you:

- › Are 65 years of age or older
- › Have lived in Alberta for at least three months immediately before applying, and
- › Are a Canadian citizen, or have been admitted into Canada for permanent residency (landed or sponsored immigrant)

If you meet these criteria then you will be eligible to receive:

- › A monthly Alberta Seniors Benefit amount (amount determined based on income)
- › Dental and Optical Assistance for Seniors (amount determined based on income)
- › Special Needs Assistance for Seniors (amount determined based on income), and
- › Alberta Health Care Insurance Plan

The benefit calendar year resets every July 1.

See [Section 7](#) for more information.

SECTION

5

Getting Legal Help

If you have a legal problem, then you may want to find someone to help you. This section explains some options.

Only Lawyers can provide legal advice. Giving legal advice means applying the law to your situation and making suggestions about what you should do. Other people and organizations may be available to provide free legal information and assistance.

Legal assistance can include many different types of help, like helping you to fill out forms, going to court or to the police station with you, or helping you to appeal (challenge the decision) if you are denied important benefits.

The following are some different types of legal help.

Legal Assistance

Legal Information is general information about the law, your rights and your options.

Legal Advice is engaging a lawyer or legal counsel to assist with your legal matter and provide recommendations about what course of action would best suit your situation and based on what you want to achieve.

Family Duty Counsel: These are lawyers who assist people without a lawyer and can offer limited advice. Duty Counsel services are provided free of charge.

Pro Bono Clinics/Organizations: In several communities throughout Alberta, there are free legal clinics and centres available to provide low-income individuals with free legal guidance, advice, referrals, and representation. For a listing of these, check the [Resource Section](#) in the back of this handbook.

Mediation is a process conducted by a professional mediator to solve your family law problem by helping the people involved arrive at an agreement together. Be very cautious about entering into mediation with somebody who has physically hurt you.

Legal Representation means securing a lawyer to take your case and represent you in court.

Are you eligible for representation from Legal Aid?

Eligibility depends on:

- › Your legal problem, and
- › Your income and property – how much money you can access to hire a lawyer

Legal Aid representation is only available to people with low incomes. When you apply you must give proof of your income, expenses, and other things you own, such as property or vehicles (cars or trucks).

In general, if your income qualifies you and you fear for your safety or for the safety of children you care for, you may be able to get Legal Aid representation to assist with issues such as custody, guardianship, and Protection Orders. You will also be able to get Legal Aid if the Ministry of Children Services has started an investigation about a child or children in your custody.

Situations where you might be entitled to Legal Aid representation:

- › Your spouse or partner is hurting you and you fear for your safety. Legal Aid can provide you with a lawyer so you can apply for a Protection Order to help keep you safe from the abusive person. For more information about Protection Orders, see [Section 9, page 46](#).
- › You are a caregiver for a grandchild and you believe the child is being harmed or at risk of being harmed by the parents or other legal guardian(s). Maybe the child is experiencing abuse or neglect. Neglect means that the child's basic needs are not being met by the person(s) responsible for providing care. You may be able to get a lawyer to apply for a Protection Order or for custody.
- › You have custody or guardianship of one or more grandchildren and one of the parents or another family member is hurting you and interfering with your responsibilities for to care for the grandchildren. You may be able to get a lawyer to help you enforce your rights.

You may be eligible for Legal Aid representation even if there has been no physical or sexual assault, crime, or police report. If you tell the Legal Aid staff your story, they will consider whether you meet Legal Aid criteria. If you are afraid someone will hurt you, it is important to share this information with staff.

Clares' Law

Clares' Law came into effect on April 2, 2021. People at risk of Family Violence have the right to get information about potentially harmful intimate partners. More information or to apply online can be found at www.alberta.ca/clares-law.aspx.



How to Apply for Legal Assistance:

Legal Aid

- › Applications are over the phone: 1-866-845-3425
- › If you go to a courthouse you can get information, but a courthouse cannot give legal advice. Only lawyers can give legal advice.
- › Find a Legal Aid office near you at: www.legalaid.ab.ca

Pro Bono Law Alberta

- › Phone: 403-541-4804 or website: www.pbla.ca

Victim Services

Alberta has a province-wide network of victim-serving organizations that operate to support victims of crime. This includes both police-based victim service units that are co-located within police stations/RCMP detachments, and specialized community-based organizations. These programs have trained staff and volunteers who are available to help. **The services provided by these organizations are free.**

Victim Services provide practical and emotional support.

Here are some examples of ways they can help:

- › Sharing information about the criminal justice system and the court process
- › Helping you get ready for court and/or going with you to court
- › Providing you with information about legislated programs and services, including:
 - › Victim Impact Statements (a statement explaining the harms you have experienced as a result of the crime)
 - › Restitution (A court order to have the offender pay you back for expenses caused by the crime.)
 - › Victims of Crime Assistance Program (Victims of crime may be eligible for financial assistance and supports based on specific criteria)
- › Telling you about other helpful programs and services in your community.



For more information about services available to help victims of crime, go to www.alberta.ca/help-for-victims-of-crime.aspx. To find a victim-serving organization near you, go to www.alberta.ca/victim-services-units.aspx.

Mediation

The role of a mediator is to meet with everyone involved in a dispute to help them come to an agreement. A mediator is a trained professional with skills in communication and problem-solving.

Mediation may not be the right approach where a person has been physically hurt by another person involved in the legal conflict. The process will not work if the victim does not feel safe.

To make sure that mediation is a safe choice, a good mediator will look into whether there is a history of abuse between people before starting to work with them. You may ask to speak with the mediator alone to explain your concerns. You may also be able to explore a mediation style where you and the person who has been hurting you are in separate rooms.

Unless mediation has been ordered by a judge, you have the right to say no to mediation if you do not feel safe or comfortable with this approach.

A person who has not respected you in the past is unlikely to respect you during mediation.

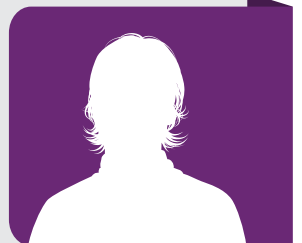
Betty's Story

Betty lives alone now. She misses her grandchildren so much. She practically raised them! Her daughter Melissa will not let Betty see the kids anymore now that the Ministry of Children's Services has returned them to Melissa's care.

Melissa was so angry when the Ministry put her kids in care with Betty, but it was the only way Betty could help keep the family together each time her daughter got treatment for her drinking problem.

Betty's sons only come over once a month: the day her pension cheque arrives. They pressure her to buy them things with her pension money. This means that Betty has to rely on food banks for herself, but at least she gets a little time with the kids and can help them get what they need. Last week, her oldest son came over with a document for her to sign. He said things would be easier if they got a joint bank account because he could get money from her pension cheque "without having to visit her."

When Betty's friend hears about the joint bank account idea, she is upset. "Your son shouldn't be making decisions about what you do with your money! It's your money!" She says, "It is great to help family, but it sounds like they're trying to control what you do." With the support of her friend, Betty says no to her son.



Tips on Finding a Lawyer

If you need a lawyer to help you with your legal problem, it can be hard to know where to start.

Here are some ideas:

- › Ask any lawyer you are considering if they have any experience with the kind of legal issue you are dealing with and if they are knowledgeable about violence against older adults.
- › Get recommendations from friends and family whose judgment you trust.
- › Ask for suggestions from people you know through community organizations, clubs, and support groups.
- › Find out if the lawyer has a relationship with local agencies that work with seniors or with family violence. Lawyers may be willing to tell you where they volunteer their time in the community or may reveal this information on their websites.
- › If you are staying at a safe shelter, ask staff for recommendations.
- › When you meet with a lawyer for the first time, bring a list of questions.
- › Consult another lawyer you know. For example, the lawyer who drafted your will may be able to recommend a lawyer who works in the area of family law.
- › Consider non-legal skills, such as language ability or a background in mediation or counselling, which may be helpful in your case. For example, if Punjabi is your first language, you may find communication easier if your lawyer speaks both English and Punjabi.

For assistance to find a lawyer you can call the Law Society of Alberta's Lawyer Referral Service at 1-800-661-1095.

You have the right to be treated with respect and without discrimination. Trust your instincts. You do not have to hire a lawyer you are not comfortable with. If the lawyer talks down to you because you are an older person, an immigrant, or an Indigenous person, you can find someone better.



SECTION

6

Financial Supports

If you do not have an income, you may be thinking that it will be very difficult to leave your home. One option is that you may be able to get income assistance.

Income assistance is financial support from the government for people who meet one or more of these requirements:

- › Out of work or earning very little
- › Waiting for other income
- › Unable to work, or
- › In immediate need of food, shelter, or urgent medical attention

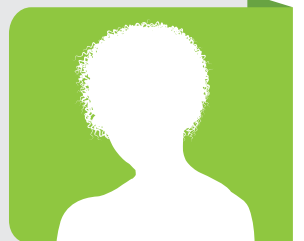
Only people who meet the requirements above can get income assistance or disability benefits.

Income assistance can be a good option if you have applied for Canada Pension Plan (CPP), Old Age Security (OAS), Guaranteed Income Supplement (GIS), Alberta Senior Benefits (ASB), or federal child and family benefits for dependents and are waiting for your application to be approved (while you are under age 65). If you apply for income assistance while you are waiting for other benefits, you may be asked to sign an agreement that you will repay the income assistance you receive.

Alice's Story

Alice's daughter Leah has a drug problem. Alice spends a lot of time with her grandson Leo when his mother is at work or out partying at night. One day, Leo tells Alice that his mom brings guys back to the apartment and he has seen them doing drugs together. Alice is really worried about Leo. Alice tries to talk to her daughter, but Leah yells at her and tells her to mind her own business. More and more often, Leah asks Alice for money. Leah says she wants to get things for Leo. Alice usually says yes. One day when Alice says no, Leah says that if Alice does not give her the money, she will not let her see Leo ever again. Alice is scared and gives her the money.

Afterward Alice talks with her friend and together they go see an advocate. The advocate helps Alice call child protection. Eventually the Ministry agrees that Leo can stay with Alice.



Income assistance can also be helpful if you are going through a separation or divorce and still waiting for property to be sold and divided, or for spousal support to be decided.

What Does Income Assistance Provide?

Income assistance rates are very low. The monthly amount you can receive depends on many factors, such as any income you have coming in, any assets you might own, who lives in your household, etc.

If you are eligible for income assistance, the government may also pay Emergency Financial Assistance in some situations. Assistance can cover things such as:

- › Eviction payments
- › Damage deposits
- › Food
- › Clothing
- › Child care
- › Temporary accommodation
- › Transportation
- › Utility arrears
- › Essential home repairs
- › Essential appliance repairs, and
- › Funeral costs

To get money or any of the above benefits, you will have to provide proof of need and cost. Many of the benefits listed above require you to prove that you need them and that you cannot afford them. Some benefits require proof of the costs of any purchases you plan to make; some benefits may require repayment (similar to a loan); and some benefits must be pre-approved before you purchase anything.

All of the benefits listed above have different eligibility requirements. Some of them have applications separate from the application for income assistance, and others do not.

To find out more, call the information line for Alberta Supports at 1-877-644-9992 and talk to someone who can assist you further.

Assured Income for the Severely Handicapped (AISH) Program

This program provides financial and health benefits to eligible Albertans with a permanent medical condition that prevents them from earning a living.

To apply:

- › You can find out more on the AISH website at www.alberta.ca/aish.aspx
- › *Your Guide to AISH* is available on the website and through the Alberta Supports Contact Centres here www.open.alberta.ca/publications/9781460136607
- › AISH offices are located in the Alberta Supports Centre. To find the AISH office in your area go to www.alberta.ca/aish.aspx

If you are approved:

- › You will receive a phone call and letter saying that you are eligible for AISH and to setup a meeting with an AISH worker.
- › Your benefits will be backdated to the month the AISH office received all of your information to complete your application.

If you are not approved:

- › You will receive a letter with an explanation as to why you are not eligible to receive AISH. This could be due to financial, medical, or other reasons.
- › You may appeal this decision.

Appeal Process

- › An appeal is when you ask for the decision to be reviewed if your application was not approved, or if the AISH benefits you do receive have changed or stopped.

How to Appeal

- › Connect with your AISH office to provide you with further information. If you are unsure whether you are a person who can appeal you may contact the Appeals Secretariat.

Appeals Secretariat

- › This is a neutral government office that runs separately from the AISH program.
- › Phone: 780-427-2709 or toll-free in Alberta by dialing 310-0000 before the number
- › Email: css.appeals@gov.ab.ca

If you are living on reserve, income assistance benefits will probably be accessed through your Band. These benefits will be similar to, but may not be exactly the same as, the income assistance benefits described above.

If you are caring for one or more grandchildren, you might qualify for some other financial support. For more information see [Section 10: Keeping Grandchildren Safe on page 49](#).

What If You Don't Have Important Documents?

You will need identification (ID) to apply for income assistance and many other services. But maybe you had to leave home very quickly without taking your ID and important documents with you.

If You Have Lost or Need to Replace Any of the Following Pieces of ID:

If you have lost your **social insurance number**, call Service Canada toll-free at 1-800-622-6232 (TTY 1-800-926-9015).

If you have lost your **passport**, call Passport Canada toll-free at 1-800-567-6868 (TTY 1-866-255-7655).

If you have lost your **immigration documents** (including your permanent resident card), call Immigration, Refugees, Citizenship, Canada (IRCC) Canada toll-free at 1-888-242-2100 (TTY 1-999-576-8502).

If you have lost your recent **income tax records**, contact the Canada Revenue Agency (CRA) toll-free at 1-800-959-8281.

If you have lost personal documents issued by your province, like your **driver's licence**, **health care card**, or **birth certificate**, contact your provincial government at 310-0000 (toll-free if dialed before the phone number in Alberta) 780-427-7013.

If you are an Indigenous person who is also recognized by the government as a Status Indian and you have lost your **status card** (Secure Certificate of Indian Status), contact your Band office or the Indigenous Services Canada, Alberta Region Head Office at 780-495-2773 or the Southern Alberta Field Services Office at 403-292-5901.

How to Apply for Income Assistance

Generally, you apply for income assistance online at www.alberta.ca/income-support-how-to-apply.aspx. The online application asks a lot of questions, and you might want to ask someone to help you complete it.

If you are escaping any kind of violence – including emotional abuse, intimidation, or stalking – you should indicate that you are fleeing abuse.

- › You do not have to prove abuse.
- › Your word is enough.

In urgent situations a worker may arrange for emergency financial assistance to provide for essential food and shelter. A worker should assess immediate needs based on the Ministry's policy. Assistance could include food vouchers for restaurants or grocery stores, bus tickets, or vouchers for shelter in a hotel.

If you are living on reserve, you can ask your Band office how to apply for income assistance. Usually the Band Council deals with income assistance, but sometimes the Tribal Council or another organization on reserve does this.

Getting Income Assistance After Separation

If you were receiving income assistance with your ex-spouse, you will have to contact your worker about your change in living circumstances.

A separate file in your name will need to be opened. You might need to prove the costs of your new housing. You can tell your worker that you are fleeing an abusive relationship in order to get an interview sooner.

If you are divorced or separated, the worker will usually ask you to try to get spousal support from your ex. The choice is yours. You may wish to get legal advice before you make a decision. The amount of any spousal support you receive will be deducted from your income assistance payments.

Income Assistance and Child Support

Maybe you are taking care of grandchildren and there are no formal arrangements through Children's Services or child support arrangements with the parents. In this situation, the government may ask you to try to get child support. As with spousal support, the choice is yours; you are not required to go after child support in order to get income assistance.

How to Get your Monthly Income Assistance Cheques

You can get your income assistance cheques by regular mail or by direct deposit (if you have a bank account). You will need to give the government a mailing address as soon as possible, even if your cheques are being deposited directly into the bank or credit union for you.

What If You Are Denied Assistance

You can challenge that decision. If you are denied assistance you should find an advocate to help you, ask about deadlines for appealing (challenging) the decisions, ask for the reasons in writing, and ask to be considered for emergency financial assistance or appeal benefits.

If you are living on reserve, you can challenge a decision not to give you income assistance benefits by asking your Band Social Development Worker for a “Request for Administrative Review Form.” It can be a good idea to get help with the form from someone with legal knowledge and experience.

It is important to act quickly because your time to challenge the decision (called filing a reconsideration request) is limited.

NEXT STEPS:

You have come a long way.

You have already taken steps to meet your immediate financial needs and have looked into your legal options and rights. You might now feel ready to apply for government pensions or subsidized housing. These processes can take a while, so it might help to start them soon. The next sections set out some steps you might take.

Laila is 80 years old. She migrated from Afghanistan four years ago. She lives with her daughter and son-in-law. Her son-in-law is always yelling at everyone in the house, and he hits her daughter often. It is very painful to watch how he treats her daughter.

At home, Laila is always afraid. Her son-in-law has never hit her, but he is a large man and she knows he will hurt people when he is angry. When Laila tries to protect her daughter, her son-in-law threatens to beat her up.

Laila's Story



A woman at the settlement office hears Laila's story and offers to help her find a room in a safe house and get a peace bond. Laila's daughter is not willing to leave her husband. Laila does not want to leave her daughter behind, but she decides she must leave in order to keep herself safe. Once the peace bond is in place and she has a new place to live, she starts to feel safer.

SECTION

7

Applying for a Pension

Old Age Security

The Old Age Security (OAS) pension is a monthly payment available to most people 65 years of age and older who meet the Canadian legal status and residence requirements. Your history of paid work does not affect whether you can get OAS. You can receive the OAS pension even if you have never worked or are still working.

If you are living in Canada when you apply for OAS, you must:

- › Be 65 years old or older
- › Be a Canadian citizen, permanent resident or on a Temporary Resident Permit at the time Service Canada approves your OAS pension application, and
- › Have resided in Canada for at least 10 years after turning 18

If you are living outside Canada when you apply for OAS, you must:

- › Be 65 years old or older
- › Have been a Canadian citizen or a legal resident of Canada on the day before you left Canada, and
- › Have resided in Canada for at least 20 years after turning 18

If neither of the above situations applies to you, you may still qualify for OAS from another country, from Canada, or from both countries if you have:

- › Lived in one of the countries with which Canada has established a social security agreement, or
- › Contributed to the social security system in one of the countries with which Canada has established a social security agreement.

As of July 2013, you can delay your OAS pension for up to 60 months (five years) after the date you become eligible in exchange for a higher monthly amount.

The amount of your OAS pension will depend on how long you have lived in Canada after the age of 18.

How and When to Apply for Old Age Security

Service Canada often contacts people the month after they turn 64 years old. They will tell you if you are automatically enrolled for OAS or need to complete the application form. If Service Canada does not contact you after you turn 64, you need to contact Service Canada in order to apply for OAS. Here are some options:

- › Do you want to start receiving your pension at age 65? Apply right away. If you are already 65 or older, you should apply as soon as possible so you don't lose any payments. Service Canada may be able to give you missed payments for up to a maximum of 11 months from the date they receive the application.
- › Do you want to delay receiving your OAS pension? Then you don't need to do anything until close to the time when you want your OAS pension to start. Apply up to 11 months before the date you want to start receiving your OAS pension.
- › Are you unable to apply due to a medical condition and needing someone to apply on your behalf? Are you applying later than you wanted due to a medical condition? Ask Service Canada for a Declaration of Incapacity form. This may allow you to receive your pension with an earlier start date.
- › Are you in jail? Apply for your pension anyway. Your payments will start once you get out of jail.

To apply, complete and mail the Application for the Old Age Security pension form. You can get this application form from Service Canada at www.canada.ca/en/services/benefits/publicpensions/cpp/old-age-security/apply.html.

If you change bank accounts, you need to provide Service Canada with new direct deposit information. If your financial decision maker changes, you need to tell Service Canada.

Guaranteed Income Supplement

The Guaranteed Income Supplement (GIS) provides a monthly non-taxable benefit to Old Age Security (OAS) recipients who have a low income and are living in Canada.

To receive the GIS you must meet all of the following requirements:

- › You are a legal resident of Canada
- › You are receiving an OAS pension, and
- › You (or in the case of a couple, you and your spouse) have income below a specific level

Eligibility for the GIS is reviewed every year. If you still qualify, the benefit will be automatically renewed as long as you file your taxes on time each year. If you do not file your taxes on time, you can get a GIS renewal form in the mail from Service Canada. The amount of GIS you receive depends on your marital status and your previous year's income (or in the case of a couple, your combined income).

If you were assessed for the GIS when you were in a relationship with a spouse, it is important to contact Service Canada when you stop living with your spouse. Service Canada will check your eligibility again and may increase your GIS benefits.

GIS and Immigration

If you are a sponsored immigrant, you are not eligible to receive the GIS during your sponsorship period unless:

- › You have lived in Canada for 10 years after the age of 18, or
- › Your sponsorship agreement ends because the sponsor:
 - › Suffers personal bankruptcy
 - › Is imprisoned for more than six months
 - › Is convicted of a crime involving hurting you, or
 - › Dies

If you are an immigrant but were not sponsored by anyone, you may or may not be eligible to receive the GIS. Your eligibility depends on the number of years you have resided in Canada and your other income.

Canada Pension Plan

There are three kinds of Canada Pension Plan (CPP) benefits:

- › Retirement benefits
- › Disability benefits
- › Survivor benefits (based on your spouse's entitlement)

Eligibility for CPP is based on pensionable earnings. This means that you must work to be able to receive CPP when you are older. The amount of your monthly pension will depend on your paid work history and the contributions paid into the plan by you and your employers. CPP benefits do not depend on your current income.

The standard age to begin receiving a CPP retirement pension is age 65. You can start receiving your pension as early as age 60. Starting your pension earlier than age 65 will reduce your monthly payments.

CPP benefits are taxable. Receiving CPP might impact other pensions you receive.

How to Apply for CPP

You need to fill out a form. You can apply online or pick up an application form at the nearest Service Canada office.

To apply, you must be at least a month past your 59th birthday, and have made at least one valid contribution to the CPP.

Amount of CPP Pension

The amount of your pension depends on your work history and when you start receiving your pension. In general, the higher your wage and the more months you have worked, the higher your pension. There is no financial benefit in delaying taking the pension after age 70.

A certain number of months with the lowest earnings may be automatically dropped from the CPP retirement pension calculations.

Gloria is getting worried. Her adult son, whom she lives with, is struggling with mental health issues and drug use. He is getting more and more rough in the way he treats her.

Sometimes he pushes her to the ground, and she fears that she will get injured, especially because she has osteoporosis and her bones can break easily.

Gloria does not feel comfortable phoning the police to report her son's violent behaviour because she doesn't trust that the police will treat her or her son with respect. She doesn't want her son to go to jail, and she knows that there are far too many Indigenous men in prison already. Gloria knows many Indigenous women and men who have had abusive and unfair experiences with the police and in the courts.

Gloria's Story



She decides to find out about other options to increase her safety. Gloria goes to an organization in her community that is run by and for Indigenous people where she feels her concerns will be understood. She meets an advocate who does not pressure her to do anything she is not comfortable with. The advocate helps her decide on some steps to increase her own safety. She also finds great comfort from connecting with women Elders and participating in ceremonies with them.

Applying for the CPP Child-Rearing Provision

If you had no earnings or low earnings some years because you were the primary caregiver for your children who were under the age of seven, you can apply to have those years excluded from the calculation of your CPP. This can make your CPP monthly pension go up. The option to have your low-earning years left out of your CPP calculation is called the CPP Child-Rearing Provision. To apply for the CPP Child-Rearing Provision for your retirement benefits, you must complete a special section of the application form. You can apply for the provision even after you have already started receiving your pension.

You must provide one of the following for each child:

- › The child's name, date of birth, and Social Insurance Number, or
- › The child's birth certificate (the original or a certified true copy)

You may also be required to provide proof of the date of entry into Canada if you have children born outside of Canada.

CPP Credit Splitting (Divorced or Separated)

If you earned less than your spouse during your marriage or common-law relationship, you may be able to increase the amount of your monthly pension by applying for credit splitting. Under credit splitting, the CPP contributions you and your spouse or common-law partner made during the time you lived together can be equally divided after a divorce or separation. In certain situations, credits can be divided even if one spouse or common-law partner did not make contributions to the CPP.

To apply for CPP credit splitting, you must complete the CPP Credit Split form and mail the form to Service Canada.

CPP Disability Benefits

You may be able to get CPP disability benefits if you made contributions to CPP and are disabled and cannot work at any job on a regular basis.

To qualify for a CPP disability benefit, you must:

- › Have a severe and prolonged disability (not a temporary condition)
- › Be under the age of 65, and
- › Meet the CPP contribution requirements

You must apply in writing using the application form. The CPP disability benefits kit can be found online. Mail the completed forms to Service Canada. Working with a service provider or advocate to complete the paperwork can be very helpful.

CPP Child of Disabled Contributors Benefit

Do you have custody of grandchildren? If you are receiving disability benefits through CPP, you may be eligible for a child benefit in respect to each of the children or grandchildren in your custody. Children must be under 18 or between 18-25 and attending school full-time. Under current government policy, this benefit ends when you turn 65 and switch to retirement benefits.

You may also receive this benefit if you adopt your grandchildren.

CPP Survivor Benefits

If your spouse has died but contributed to CPP, you may be eligible for a monthly survivor's benefit. This may be true even if you separated from your spouse before he or she died or if you have remarried.

Alberta Senior Benefits

Alberta Senior Benefits, administered by the Ministry of Seniors and Housing, provides a range of benefits to older adults age 65+.

Their Benefits Include:

Alberta Senior Benefit – monthly benefit amount to eligible seniors with low-income to assist with living expenses. This benefit is calculated based on income, marital status, and accommodation. It is re-assessed yearly based on your current tax return.

Supplementary Accommodation Benefit – provides financial assistance to eligible seniors with low-income who reside in a designated supportive living or long-term care setting.

Special Needs Assistance for Seniors – provides financial assistance to eligible seniors with low-income toward the cost of some appliances, and specific health, and personal supports.

Dental and Optical Assistance for Seniors – provides financial assistance to eligible seniors with low to moderate income for basic dental and optical services.

Alberta Health Care Insurance Plan Coverage for Seniors – provides coverage for medical needs such as prescription drugs, diabetic supplies, ambulance services, home nursing care, chiropractic services, and clinical psychological services.

Seniors Property Tax Deferral Program – allows eligible senior homeowners to defer all or part of their annual residential property taxes through a low-interest home equity loan.

Seniors Home Adaptation and Repair Program – helps eligible seniors finance home repairs, adaptations, and renovations through a low-interest home equity loan.

Eligibility

- › Must be 65 years of age or older
- › Have lived in Alberta for at least three months immediately before applying (you may be asked for proof of residency – bills, a rental agreement, pension stubs, or correspondence, etc. – anything with your Alberta address and dates proving you've been an Alberta resident for three months or more).
- › Be a Canadian citizen, or have been admitted into Canada for permanent residence

If you and/or your spouse/partner have chosen to defer or delay receipt of Old Age Security, you are not eligible for the following Seniors Financial Assistance programs:

- › Alberta Seniors Benefits
- › Special Needs Assistance for Seniors
- › Dental and Optical Assistance for Seniors Program

How to Apply

You should get a Seniors Financial Assistance application package in the mail six months before your 65th birthday.

Complete the Seniors Financial Assistance application form to enroll in the Alberta Seniors Benefit, Special Needs Assistance for Seniors, Dental and Optical Assistance for Seniors, and Coverage for Seniors programs (one application form enrolls you into all of these programs).

To avoid delay in receiving benefits, you are encouraged to complete the application as soon as you receive it.

If you did not get this package, call the Alberta Supports Contact Centre at 1-877-644-9992.

Each July, a new information booklet is released called the *Seniors Financial Assistance Program Information Booklet* and it will provide up-to-date information about what items, and to what amount, are funded under the Special Needs Assistance for Seniors program.

You will also receive a letter each year explaining your benefit eligibility for programs, monthly Alberta Seniors Benefit amount, and amounts remaining for use and when they renew for the Optical and Dental Assistance for Seniors program.

You only need to apply once!

Each year the Ministry will update with Canada Revenue Agency to get your most recent tax return to review your eligibility and adjust your benefit amounts.

The Seniors Property Tax Deferral and Seniors Home Adaptation and Repair programs require separate application forms and additional information.



Tip: Be sure to file your income tax return each year and on time!

Keeping Your Information Up-To-Date

You must notify Alberta Seniors and Housing (Alberta Seniors Financial Assistance Programs) about:

- › Changes to your marital status
- › Address changes
- › Banking changes
- › If you are going to be out of the province for more than one month
- › If you move out of Alberta
- › If you appoint a Power of Attorney to act on your behalf

Nadia lives in a long-term care facility. She has early onset dementia. Her husband Anton has visited her since she moved there and they sometimes have sex in her room. Lately the facility staff notice that Nadia has been sad and appears upset after her husband's visits. After talking to Nadia, they approach Anton and ask him to take a break from initiating sex. He is very upset, but Nadia seems happier now. The following month, Nadia's daughter has a meeting with the director of care. She says her parents have a loving relationship and her father has been depressed. She tells them to stay out of their private lives. The director of care says that Nadia has the right to refuse sex, and her behaviour suggests she does not want to have sex with her husband right now.

Nadia's Story



SECTION

8

Applying for Housing Supports

Affordable Housing

Affordable housing is housing offered at a reduced cost for people who have low income.

Rent is generally calculated as a percentage of your income. There are often fixed rates if you are receiving income assistance or disability benefits. There are a number of organizations that provide affordable housing in Alberta.

Once deemed eligible by a housing provider, affordable housing applicants are given priority based on need. Priority of need is determined by a number of factors, including, but not limited to:

- › income
- › assets
- › number of dependants
- › current housing condition.

Types of affordable housing may include, but are not limited to:

- › Community Housing
- › Seniors Self-contained Housing (Seniors Apartments) or (usually must be over the age of 65)
- › Seniors Lodge (usually must be over the age of 65)
- › Special Needs Housing
- › Rent Supplement Programs
 - › Rent Assistance Benefit (formerly the Direct to Tenant Rent Supplement)
 - › Temporary Rent Assistance Benefit

How to Apply for Affordable Housing

Phone Alberta Supports Contact Centre at 780-422-0122 or your local housing provider or refer to the [Resource Section on page 60](#).

You can find additional information on how to apply to affordable housing in Alberta by going to the Government of Alberta's affordable housing website at www.findhousing.alberta.ca/. As well, many of the addresses of Alberta's affordable housing providers are available through the website: www.housingdirectory.ascha.com. Applications for affordable housing should be made to the housing provider in your region.

Many affordable housing providers give priority to people with certain needs – those fleeing abuse, seniors, and others who meet their categories of people in need. If you want to get extra consideration for homelessness, a serious health condition affected by current housing, or fleeing family violence, you may want to talk to someone from the housing provider directly.

NEXT STEPS:

What legal options can help keep you safe from someone who hurt you?

If you are concerned that your abuser might try to harm you, somebody you care about, or your property, you can take action now to increase your physical and financial safety. The next sections provide legal information to help take these steps.

Thao came to Canada 12 years ago. She lives with her son and daughter-in-law, who have two young children. Thao spends her days taking care of the children while her son and daughter-in-law are at work. She wants to improve her English, but she has no time to herself. Thao's daughter-in-law is very unkind to her. She calls Thao stupid and sometimes locks her into her room when guests come over. Once she got so angry with Thao that she held a knife in front of her face and said she might cut her.

Thao's Story

A woman Thao meets at church notices how her daughter-in-law treats her. One day this woman talks to Thao after church and helps her find a victim assistance worker who speaks Vietnamese. The worker helps Thao make a plan to leave and connects her with a safe house – a safe place for women who have experienced abuse to stay. The staff at the safe house listen to Thao's story and believe that her safety is at risk. They say that she can stay at the safe house for now. Then they help Thao get income assistance (financial support from the government) and find a free English class.



Eventually Thao finds an apartment to share with some other women. After a year Thao starts to see her family again. Now that she has her own place to live, she feels comfortable having her grandchildren visit her there and spending time with her son and daughter-in-law in public. But she decides not to visit her son and daughter-in-law's house, as she still does not feel safe there.

SECTION

9

Safety Orders

Safety Orders in Alberta

In Alberta, there are four types of safety orders that you can apply for to get protection from a person you fear:

- › An Emergency Protection Order
- › A Queens Bench Protection Order
- › A Restraining Order,
- › Or a Peace Bond

For more information, please refer to the legal resources at the end of this [section on page 48](#).

These safety orders provide you with protection and help keep you safe from someone who might hurt you.

These are legal documents that list certain conditions a person must follow such as:

- › Staying away from you
- › Staying away from your children or grandchildren
- › Not communicating with you
- › Staying away from places where you or other family members go, including a school, a business, or a home – even if the person you fear owns the home
- › Stop harassing, watching, following, telephoning or interfering with you directly or indirectly
- › Attending counselling or taking an anger management course
- › Not having weapons, such as guns

Violating a protection order or peace bond is a criminal act. You can call the police to help make someone obey a protection order or peace bond, or to get that person removed from your home.

- › Recordings of threatening phone messages
- › Copies of threatening letters, notes, or emails

You can get a safety order whether or not anyone has been charged with a crime.

It is recommended that you seek assistance from a lawyer to apply for a protection order, restraining order, or peace bond. If you cannot afford a lawyer, contact Legal Aid Alberta at 1-866-845-3425, check with your local legal clinic, see www.lawcentralalberta.ca/clinics for a list of clinics across Alberta or contact Resolution and Court Administration Services, visit alberta.ca/rcas.aspx or call 1-855-738-4747. Resolution and Court Administration Services can provide you with a kit to make an application for a restraining order.

Each safety order is applied for separately, and has differences in:

- › Eligibility of who can apply for the order (relationship of the victim and the person the order is against)
- › How to apply for the order (which forms to use, which level of court it is applied through, and the process to get the order – application, hearing, etc.)
- › The type and severity of past behaviours, actions, or threats that the person has done or said to warrant the concern for your safety or the safety of your children or grandchildren.
- › How quickly the order comes into effect
- › How long the order can last (often up to one year, however peace bonds cannot be renewed, but you can apply for a new one.)

How to Get an Emergency Protection Order (EPO)

If you have been assaulted or you are in a family violence situation, contact your local police or RCMP detachment they can apply right away for an EPO. The court grants the EPO and the police enforce it.

EPO's are only granted in family violence situations. They can prevent a family member from contacting you and your family, they can stop a family member from coming to your home, work or other places.

Any steps you have taken to try to be safe from the person you fear, such as moving, changing your phone number, or changing the place you go and your activities is helpful information.

Once you have a Safety Order

The police and RCMP can enforce all safety orders. It is a crime to disobey the terms of a protection order. The person could be fined, sent to jail, or put on probation if they break the terms and conditions of a safety order. Or they may just be reminded to stay away from you.

It is a good idea to keep a copy of the safety order with you at all times. It may be helpful as well to give copies to people at places you go frequently if you think the person you fear might try to reach you there.

These places could be:

- › A church or place of worship
- › A school where you pick up children regularly
- › Your bank or credit union
- › The homes of family members or friends

While the safety order is in place, call the police if the person you fear breaks the terms and conditions of the order.

You should not contact the person you fear while there is a safety order in place unless this is specifically allowed in your order.



The following is a list of helpful legal resources supplied by Centre for Public Legal Education Alberta (CPLA):

- › What you need to know about Peace Bonds
<https://www.cplea.ca/wp-content/uploads/PeaceBond.pdf>
- › What you need to know about Restraining Orders
www.cplea.ca/wp-content/uploads/RestrainingOrders.pdf
- › A booklet on separation and divorce in Alberta, including specific sections for people who are married and not married.
www.cplea.ca/wp-content/uploads/separationdivorce.pdf
- › How to Get an Emergency Protection Order
www.cplea.ca/wp-content/uploads/EmergencyProtectionOrders.pdf

SECTION

10

Keeping Grandchildren Safe

You may feel you cannot leave the person who is hurting you until you have a plan to keep children you care for safe. Many grandparents spend a lot of time caring for their grandchildren and protecting them from harm.

The list below gives some options if your grandchildren are not safe. Not all of these options will apply to your situation. It can be important to get legal advice if you are thinking about taking any of the steps in this list.

- › You can apply for legal aid. You might be able to get a lawyer to help you get custody or a protection order. See [Section 5: Getting Legal Help on page 25](#).
- › If you are seeking a protection order or peace bond to keep you safe from a person you fear, you can ask that your grandchildren be named in the order as well. Learn more in [Section 9: Safety Orders on page 46](#).
- › If the parents are getting a divorce, you can apply for custody. You will have to ask for the court's permission to apply for custody because you are not one of the people involved in the divorce case. Divorces are dealt with in Court of Queen's Bench.
- › *The Divorce Act* was updated in March 2021 and gives grandparents more options when family violence is involved. *The Divorce Act* can be viewed at www://laws-lois.justice.gc.ca/eng/acts/D-3.4/page-1.html
- › You can apply for guardianship, parental responsibilities, or contact time for any of your grandchildren. You can get involved in an existing family law case started by the parents or start your own case.
- › You can contact the Ministry of Children's Services. They have a legal duty to assess the situation when someone reports that a child's safety or well-being is at risk. They may remove the children from the home, and if you have appropriate housing, they may put the children temporarily with you.
- › If someone has already contacted the Ministry of Children's Services, you can ask to participate in the hearing. You can tell the social worker or judge if you would like the children to stay with you.
- › If the Ministry has removed your grandchildren from their home because their parents are not able to take care of them right now, your grandchildren might be allowed to live with you temporarily with an agreement from the parent(s). The parent(s) must arrange this by setting up an agreement under the Kinship Care Program. There are time limits on how long your grandchildren can stay with you in this program, and not everybody is eligible. To find out more, connect with the Ministry of Children's Services.

- › If the Ministry says your grandchildren cannot return to their parents, it might be possible for permanent custody to be transferred to you or another family member. This can be done through the Kinship Care Program – the law that deals with child protection.

For more information about who can apply and how, please refer to the Ministry of Children's Services <https://www.alberta.ca/become-kinship-caregiver.aspx>.

Courts generally prefer to keep children with their parents if this is safe and possible.

These are some examples of factors a court might consider in giving custody to a grandparent:

- › Whether the child is being hurt or neglected
- › Chronic drug or alcohol use by the parent(s)
- › Instability of the parents' lifestyle and living situation
- › Abandonment of the children
- › Poor parenting skills
- › Whether the grandparent is already taking care of the children and is unofficially the guardian

Decisions of a judge must always be based on the best interest of the children.



Helpful Legal Resource from Centre of Public Legal Education Alberta (CPLEA)

- › Grandparents and Grandchildren in Alberta. This booklet is for grandparents who want to know about their options for staying in contact with their grandchildren in Alberta or in regaining contact if it has (or might be) taken away.
www.cplea.ca/wp-content/uploads/grandparentsandgrandchildren.pdf

SECTION

11

Steps to Protect Yourself from Financial Abuse

What To Do When You Are Being Taken Advantage of Financially

1. Tell someone; a family member, friend, service provider or someone else you trust.
2. Gather paperwork and important documents, such as birth certificates, bank statements, ownership documents, and marriage certificates. Keep them in a safety deposit box or with someone you trust.
3. Cancel joint bank and credit card accounts.
4. Change your online passwords and/or your card pin number, to stop your abuser from having access to your accounts.
5. Open a bank account in your name.
6. Check your credit cards and your bank accounts for any activity you don't recognize.
7. Check your credit report for any activity you don't recognize.
8. Financial abuse is a crime, report it to the RCMP or local police.
9. Update your Power of Attorney and Personal Directive.

Powers of Attorney and Personal Directives (introduced in [Section 3](#)) are legal documents that allow you to appoint someone to make certain types of decisions on your behalf.

When To Change Your Power of Attorney or a Personal Directive

- › If a person you have appointed as your Power of Attorney and/or your Personal Directive is hurting you, stealing from you, or not doing a good job, you can take away their powers in order to protect you.
- › You can change who is your Power of Attorney and/or your Personal Directive at any time before they have been enacted (put in force) as long as you have the mental capacity to do so. This means you can cancel, create a new one, or choose not to have one anymore.
- › You must give written notice to indicate your revoking any previously created Power of Attorney and/or Personal Directive.
- › It is important to update these documents throughout your life time to ensure they are current about who you want to have make decisions for you.

Revoking a Power of Attorney or Personal Directive

If a person you have appointed in a Power of Attorney or Personal Directive is hurting you, stealing from you, or not doing a good job, you may want to take away their powers in order to protect your money and your property.

You can change your Power of Attorney (Enduring Power of Attorney) or Personal Directive at any point before they have been enacted. You can revoke (cancel) your Power of Attorney or Personal Directive, create a new one, or choose not to have one anymore – as long as you have the mental capacity to make those decisions. You can, and should, make updates to these documents regularly throughout your life to ensure that they still convey your wishes about who will have decision-making power for you, and how they are to make decisions for you.

In general, you are legally capable to make decisions if you understand what you are doing and the possible consequences, and have not been deemed to lack the mental capacity to make your own decisions. For example, you must understand that revoking a Power of Attorney or Personal Directive means that you must make those decisions yourself or name a new person. Changes and updates can be made at any time to these documents before they are enacted (meaning you still have your mental capacity to make decisions).

In order to revoke a Power of Attorney or Personal Directive you must give written notice to indicate that you are revoking any previously created Power of Attorneys and/or Personal Directives.



Further information **on revoking a Power of Attorney or a Personal Directive** can be found within these documents produced by the Legal Resource Centre of Alberta.

[Power of Attorney](#) (page 13) and [Personal Directive](#) (page 14)

Some specific steps for revocation may have been set out in the Power of Attorney or Personal Directive documents. Find out whether your document requires any special steps to be revoked, and complete those steps.

Remember that informing people of the revocation is just as important as the revocation itself. If no one tells the bank that your Power of Attorney is revoked, then the bank might keep letting a person take money out of your account even though you have taken away that person's legal authority to do so.

Other Situations that Can End a Power of Attorney or Personal Directive

There are situations where all or part of your Power of Attorney or Personal Directive might stop being valid even if you do not revoke it: for example, if the person you appoint becomes incapable or dies.

What if you can't find your Power of Attorney or Personal Directive?

You may think there is a Power of Attorney or Personal Directive written but don't know where the document is. You may not remember what it says. Perhaps you lost your copy or the original. Maybe you gave the documents to someone you trust and don't remember who. Maybe someone is trying to stop you from finding all your legal documents.

Here are some tips on how to find your Power of Attorney or Personal Directive if you feel safe looking for it:

- › Check the Personal Directives Registry. If you registered your Personal Directive in the registry you may be able to find out more information about what is in the document. There is currently no Power of Attorney registry in Alberta.
- › Have you or anyone in your family ever hired a lawyer or notary? Contact them to see if they have a copy.
- › Do you or anyone in your family have a safety deposit box, at home or at the bank or credit union, where you store important documents like passports? Check to see if a copy is in the box.
- › Do you or anyone in your family have a computer or file drawer at home where you keep important documents, information, or valuables? Look there.
- › Do you have a bank or credit union account? See if the financial institution has a copy on file.
- › Do you live in a care facility? See if they have a copy on file.
- › Look in the freezer. Some people keep documents in a container in the freezer to protect them from fire.
- › Are there family members you trust? One of them may have a copy of the document or know where it is stored.
- › Have you had the same family doctor for years? They may have a copy on file.

If you cannot find your document, and you have capacity, you can create a new one. You just need to ensure that you include the clause that you are revoking any previously written documents.

Getting Help for an Adult Who Needs Protection

If you are helping an adult who is experiencing financial abuse and is not capable of taking action to protect their money, consider contacting the Office of the Public Guardian and Trustee (OPGT). The OPGT can sometimes act quickly to protect the money or property of vulnerable adults. You can read more about the [OPGT on page 62 of the Resource Section](#) at the back of this book.

SECTION

12

Separation, Divorce, Division of Pension & Property

If you are thinking of or have decided to end your marriage, separate or divide your property, we recommend you contact a lawyer or legal advocate to help you with as it can be complicated and confusing. See [Section 5: Getting Legal Help](#).

Further legal information on divorce and separation can be found here: www.cplea.ca/wp-content/uploads/separationdivorce.pdf

Setting a Clear Separation Date

When separation happens, you and your spouse generally become:

- › Entitled to an equal half of all family property – regardless of how the property was owned before separation, and who purchased the property
- › Responsible for one half of all debt – regardless of who borrowed the money

Therefore, making the separation date clear can be very important.

Separation generally means physically living apart with the intention of ending the relationship. Separation can occur when one of you either moves out of the family home or announces and acts on a clear desire to end the relationship. If you cannot leave your family home and must continue to live with your spouse (assuming that staying in the family home is safe for you), you can still announce a separation and take clear steps to show your intention to end your relationship. For example, you can start sleeping in a different room and buying your own groceries.

To protect your legal rights, it is often a good idea to record the separation date in writing. The court will look for evidence that one spouse has communicated to the other a desire to separate permanently. If you are the one announcing the separation, it can be important to state clearly and in writing that the separation is permanent. One option is to write a letter with the date on it and keep a copy of it. Even if it is a short email, it can be evidence. There is no requirement to make a formal legal document to announce the separation.

The other spouse does not have to agree to the date of separation. Only one spouse needs to have the intention to separate and act on the intention.

Pension Division

There are different types of pension plans and pension investments. They are each subject to different rules and laws, and some pension benefits may count as family property. This area of law is complicated. Legal advice about pension division is strongly recommended.

There are basically three kinds of pensions:

- › Pensions earned through employment
- › Public pensions administered by the Government of Canada, such as Canada Pension Plan (CPP), Old Age Security (OAS), and the Guaranteed Income Supplement (GIS)
- › Investments such as Registered Retirement Savings Plans (RRSPs) and Registered Retirement Investment Funds (RRIFs)

Alberta family laws apply to **most pension benefits earned through employment in Alberta**. Pensions that come under Alberta law are considered family property if they were acquired during the relationship. This means that the basic rule of a 50/50 split of family property may apply to the pension benefits that accumulated during your relationship. You may be able to apply to the court for your share of these pension benefits.

If the pensions benefits resulted from work outside of Alberta, then Alberta laws may not apply. Some pension plans related to federal employment don't come under Alberta law, such as pensions for RCMP members, federal government workers, or those in the Canadian forces. It is a good idea to get legal advice about the division of pensions earned through employment, as it can be difficult to tell whether or not they fall under Alberta law.

If your ex-spouse receives CPP, you can look into credit splitting. Credit splitting is discussed in [Section 7: Applying for a Pension, page 36](#).

If your ex-spouse receives OAS or GIS, you cannot apply for any of this pension money. But if you tell the government that you are separated from your spouse, your GIS will be reassessed and the payments might go up. See the [Resource Section](#) at the back of this handbook for the contact information for Service Canada.

Investments such as RRSPs and RRIFs, acquired during the relationship are generally family property. You may agree to divide the investments or ask the court to decide how to divide them. To divide RRSPs, you must generally make direct transfer between RRSPs using a special form, and the division must follow the terms of a court order or agreement. There may be negative tax consequences if you do not follow these steps.

The bank or credit union may charge fees or impose a financial penalty to divide up a plan. It is a good idea to get legal assistance with the division of pension investments.

The Basic Rule About Dividing Family Property and Family Debt

“Family property” and “family debt” are property and debt that a couple acquires during a spousal relationship. This applies to both married and common-law relationships.

In general, Alberta’s family laws let spouses:

- › Keep property or debt that they brought into the relationship, and
- › Equally divide any property or debt that they acquired during the relationship (50/50). It doesn’t matter which spouse is the legal owner of the property or who borrowed the money.

Even though the assumed starting point in Alberta law is an equal division of family property and debt, there are some situations where family property and debt are not divided 50/50.

Family Property

Family property is not just the family home. Family property is any property that you or your spouse acquired between the day you got married or started living together in a marriage-like relationship (whichever came earlier) and the day you separated.

Amaka's Story

Amaka and Ajani have been married for 55 years. Ajani has always been a person who gets angry easily, and now that he has retired, the situation is even worse. Ajani has needed a cane or assistance to move around since his last stroke. Amaka spends all day at home taking care of his needs. Trying not to make him angry is exhausting. She hates having to help him out of bed or into the bath. If he is not happy with how she touches him, he pushes her and knocks her over. Amaka wants to leave Ajani. She is worried about leaving because she does not know how she will support herself or who will care for Ajani. When she mentions her concerns to her sons, they just say that it is her job to take care of her husband. She does not want her daughter to have to take over because she is afraid that Ajani will hurt her too.

One day Amaka talks to her granddaughter, Jenny, about what is going on. Jenny is a social worker and does a lot of community work. Jenny introduces Amaka to an advocate who discusses some options with her. Jenny helps Amaka apply for income assistance so she can get her own apartment and helps her move in. Together they apply for her Old Age Security, and part of Ajani’s Canada Pension Plan benefits, which increases Amaka’s monthly income. Jenny even finds someone to help Ajani apply for home support and register for a meal service. This takes more pressure off Amaka.



Homes on Reserves

What happens if you leave your marriage or common-law relationship and your family home is on reserve land that falls under the *Indian Act* (a law that deals with local First Nations governments, reserves, and Indian status)?

If you are living on reserve, Alberta laws about dividing or selling real property (houses or buildings) might not apply to you. To find out your rights, check with your Band. Some Bands have adopted their own laws to deal with family homes located on reserve. If your Band has not created its own laws about this, a law called the *Family Homes on Reserves and Matrimonial Interests or Rights Act* covers the division of real property on reserve after separation or divorce. This law applies in situations where a home on reserve is involved and at least one of the people in the relationship is a Status Indian or member of a First Nation.

Some Bands have created their own laws to deal with family homes. You can contact your Band office to find out whether your Band has adopted its own laws about this.

If not, a law called the *Family Homes On Reserves and Matrimonial Interests or Rights Act* will apply as long as the spouses or common-law partners are living on reserve and at least one of them is a member of a First Nation or Status Indian.

The *Family Homes on Reserves and Matrimonial Interests or Rights Act* covers protections and rights of people and families living on reserve. The *Act* also allows a court to make an order to allow only one of the spouses to live in the family home for a certain period of time. for example:

- › The right to live in the family home
- › Your rights after your spouse or common-law partner dies
- › How the value of a home on reserve can be divided after the breakup of a marriage or common-law relationship

If you are not a member of a First Nation yourself but have been living on a reserve with a spouse or common-law partner, your rights under the *Family Homes on Reserves and Matrimonial Interests or Rights Act* may be limited. However, you do still have rights.

It is a good idea to get legal assistance to fully understand your rights if you have been living on reserve.

Different rules may apply to property located outside of Alberta, including whether you can divide the property and when you must apply to divide it. It is a good idea to get legal advice if some of the property owned by you or your spouse is outside of Alberta.

Family Debt

Family debt is all debt incurred by you or your spouse from the date of marriage or the date you began living together (whichever is earlier) and the date you separated. Debt incurred after the date of separation is not part of family debt unless it was incurred to care for family property.

The law assumes that responsibility for family debt is shared equally between spouses in most cases. It doesn't matter who contributed to the family debt.

On the other hand, debt incurred by a spouse before the spouses married or began to live together belongs to that spouse alone.

As with family property, family debt can sometimes be divided unequally by a court order or agreement even though the assumed starting point is a 50/50 split.

It is a good idea to get legal advice if you moved back in with your partner after you first separated (even if you live apart now). In certain situations, you might not be considered legally separated if you spent time living with your ex within a year of separating.



Resources

Elder Abuse Shelters in Alberta

Calgary: Kerby Centre Rotary House
Elder Abuse Resource Line: 403-705-3250
Website: www.kerbycentre.com

Edmonton: Sage Seniors Safe House
Direct Shelter Phone: 780-720-1520
9:00 AM – 4:30 PM Monday – Friday
(except on holidays)
Website: www.mysage.ca/help/seniors-safe-house

Lethbridge: Lethbridge Elder Abuse
Response Network (LEARN)
Phone: 403-394-0306

Red Deer: Elder Abuse Shelter & Helping
Elder Abuse Reduction (HEAR)
24-Hour Resource Lines: 403-346.6067 or
toll-free 1-877-454-2580

Health Resources in Alberta

Alberta Health Care Insurance Plans (AHCIP)

Provides eligible Alberta residents with health and dental benefits.

For both Alberta Blue Cross and AHCIP: forms are available for Alberta residents to apply, change or update their account information, or to request a Statement of Benefits paid.

A complete list of what is and is not covered can be found at www.alberta.ca/ahcip-what-is-covered.aspx

Alberta Health Services (AHS):

Is responsible to provide health care services across our province to all Albertans.

www.albertahealthservices.ca

Primary Care Networks:

Provide a team-based, health care model with doctors, nurses, mental health therapists, social workers, and dietitians all working together to provide their patients with comprehensive care.

To find a doctor in your community go to www.albertafindadoctor.ca

Health Link Alberta:

Call **8-1-1**, this phone line is a trusted source of health information. Available in over 240 languages. This line also includes specialized Dementia advice.

Hospital and Emergency Rooms

www.albertahealthservices.ca
www.myhealth.alberta.ca

Alberta Provincial Resources

2-1-1:

Is a toll-free number available across Alberta to provide you with information about community and government services, including shelters, legal advocates, counselling programs, victim services, and more.

Website: ab.211.ca

Family Violence Info Line:

Available 24/7 in over 180 languages.

Phone: toll-free 310-1818

Website: www.alberta.ca/family-violence-find-supports.aspx

Sexual Assault AB Crisis Line:

Alberta's one line for sexual violence is available to anyone looking for support or referral to specialized sexual assault service providers.

Resources

Sexual assault is any unwanted sexual contact without voluntary consent.

Call or text 1-866-403-8000

Website: www.aasas.ca

Alberta Supports Contact Centre:

Can help you to access over 30 programs and 120 services for seniors, people with disabilities, abuse, family violence prevention, homelessness, and financial assistance.

Apply in person at a Alberta Supports and Alberta Work Centres.

Apply online for benefits and supports at www.alberta.ca/alberta-supports

Call toll-free 1-877-644-9992 (available in over 100 languages)

Or in Edmonton 780-644-9992

Escaping Abuse Benefit

Is one of a number of financial benefits that may be available for Albertans fleeing abuse.

This benefit of over \$1,000 is provided to help set up a household in a community and to remain independent of the abuser.

The applicant does not have to have recently left the abuser to receive this benefit, as long as the reason they are setting up a new household is because they left their former home due to abuse.

For more information call the crisis line at 1-866-644-5135

Alberta Ombudsman

The word ombudsman is gender-neutral term that means “people’s representative.”

Their purpose is to protect the rights of all Albertans to be treated fairly when being

provided with a public service.

If you have a complaint about a public service you received that was not handled satisfactorily, an Ombudsman may be able to help you. Ombudsmen do not take sides, rather they look deeper into the issue.

To make a complaint and for more information www.ombudsman.ab.ca/contact-us/

You may call toll-free 1-888-455-1756 or Calgary 403-297-6185 or Edmonton 780-427-2756

Seniors Outreach

Offers information and referral services to assist seniors, family members, caregivers, neighbours or anyone involved with dealing with issues of abuse. This is not a crisis number, but will give information about abuse.

Call 780-539-6255

Alberta Seniors Information Services

For information on financial, health-related and protective services for seniors. This line will provide information on the following programs, as well as others.

Phone: 1.877.644.9992 toll-free Monday to Friday 8:15 am – 4:30 pm

Alberta Seniors Benefit

Provides a monthly benefit to eligible seniors with low-income to assist with living expenses.

www.alberta.ca/alberta-seniors-benefit.aspx

designated supportive living or long-term care facility.

to make their own decisions, when no one else is can help them.

Call 1.877.427.4525 or visit their website www.seniors.alberta.ca/opg/guardianship/options

Resources

Supplementary Accommodation Benefit

Provides financial assistance to eligible seniors with low-income who live in a designated supportive living or long-term care facility.

Special Needs Assistance for Seniors

Provides financial assistance to eligible seniors with low-income towards the cost of some appliances and specific health and personal supports.

Dental and Optical Assistance for Seniors

Provides financial assistance to eligible seniors with low to moderate income for basic dental and optical services.

AHCIP Coverage for Seniors

For medical needs, such as prescription drugs, diabetic supplies, ambulance services, home nursing care, chiropractic services and clinical psychological services.

Seniors Property Tax Deferral Program

Allows eligible senior homeowners to defer all or part of their annual residential property taxes through a low-interest home equity loan.

Senior Home Adaptation and Repair Program

Helps eligible seniors finance home repairs, adaptations and renovations through a low-interest home equity loan.

Income Assistance

Apply online or in person for money to pay for basic expenses like food, clothing, and shelter.

Website: www.alberta.ca/income-support-how-to-apply.aspx

AISH (Assured Income for Severely Handicapped)

Financial and health benefits for eligible Albertans with a permanent medical condition that prevents them from earning a living.

Website: www.alberta.ca/aish.aspx

To find the AISH office in your area go to www.albertasupports.ca

Appeals Secretariat

This is a neutral government office that runs separately from the AISH program.

Phone: 780-427-2709 or toll-free in Alberta: 310-0000 before the number

Email: css.appeals@gov.ab.ca

Replacement of driver's licence, health care card, or birth certificate

Call 310-0000 (toll-free if dialed before the number in Alberta) 780-427-7013

Protection for Persons in Care

There first priority is to protect vulnerable adults living in care.

Phone: 1-888-357-9339 toll-free

Website: www.alberta.ca/protection-for-persons-in-care.aspx

Office of Public Guardian and Trustee

Provides services, tools, and support for financial and personal matters to vulnerable Albertans and their families.

This includes help managing AISH benefits and CPP Disability benefits

Can become a legal public guardian or trustee for an adult who lacks the capacity to make their own decisions, when no one else can help them.

Call 1-877-427-4525 or visit their website www.alberta.ca/adult-guardianship

Resources

Housing Resources

If you are fleeing your home due to abuse and you are renting, you can apply for a Certificate to Terminate Tenancy which will allow you to break your rental agreement.

For more information go to Safer Spaces website www.saferspaces.alberta.ca or call 780-422-4080 or toll-free 310-0000

Affordable Housing

Affordable housing programs for families, seniors, and individuals with special needs and building construction standards for affordable housing including Seniors Lodge and Seniors Apartments.

Phone Alberta Supports: 780-422-0122

To find addresses of Alberta subsidized housing agencies in your area, check out their website www.housingdirectory.ascha.com

Legal Resources

Protection/Restraining Order

When abusive behaviour is occurring, you can apply to the court to be protected from the abuser.

A protection order or restraining order requires that person to stop certain behaviour such as contacting, harassing, stalking, or abusing the person who requested the order.

www.cplea.ca/wp-content/uploads/RestrainingOrders.pdf

Emergency Protection Order (EPO)

Is used to keep a violent family member from contacting you or coming near you and your children. This is a free service.

Can be applied for after hours through police officers 24/7 to have a hearing with the justice of the peace.

EPOs are granted for up to one year only.

www.cplea.ca/wp-content/uploads/EmergencyProtectionOrders.pdf

Peace Bond

Is a court order to keep the peace and be on good behaviour for a period of time - usually a year. The person must not be charged with a criminal offence and may have other stipulations such as not having any weapons or staying away from a person or a place.

www.cplea.ca/resources/peace-bonds

Power of Attorney

Is a legal document giving someone you trust, the right while you are still alive, to act on your behalf with respect to your current and future financial affairs.

Enduring Power of Attorney

Is a legal document – an agreement between you and a person you trust that allows them to make financial decisions on your behalf, if you are no longer capable of making your own decisions.

Recommended for every Albertan who is at least 18 years of age.

www.cplea.ca/wp-content/uploads/MakingAnEnduringPowerOfAttorney.pdf

Resources

Personal Directive

A document you create when you name someone you trust to make your personal decisions for you if you're incapable because of illness or injury.

Recommended for every Albertan who is at least 18 years of age.

www.cplea.ca/wp-content/uploads/MakingAPersonalDirective.pdf

Will

A properly prepared will allows you to direct where your property will go after your death. Recommended for every Albertan who is at least 18 years of age.

www.cplea.ca/wp-content/uploads/MakingAWill.pdf

Family Law Act

Is provincial legislation that applies to Albertans who are married or unmarried.

It covers guardianship, parenting, contact, child support, and partner support.

www.cplea.ca/publications-and-resources/family-law/

Protection Against Family Violence Act

Is provincial legislation intended to protect victims of family violence by issuing protection orders (emergency protection orders and Queen's Bench protection orders).

www.cplea.ca/pafva-infographic/

Keeping Grandchildren Safe

Kinship Program

Children can receive temporary placement with extended family such as a grandparent, or someone who they are significantly connected with.

Alberta Foster Kinship Association:
toll-free 1-888-643-1889

Parenting Order

Sets out decisions that guardians have to make for a child and the time they can spend with the child.

Website: www.alberta.ca/applying-parenting-order.aspx

Law Society of Alberta's Lawyer Referral Service

This service will provide contact information for up to three lawyers that may help meet your needs.

The first 30 minutes are free when you mention that you received the lawyers contact information from Lawyer Referral. This time is intended for you to discuss your legal issues and explore your options, evaluate potential costs, and help determine if the lawyer is a good fit for your legal issue.

Phone: 1-800-661-1095

Website: www.lawsociety.ab.ca

Legal Aid

Is a publicly funded non-profit organization that provides affordable legal services in family law, domestic violence, child welfare, immigration, and youth, and adult criminal defense.

Applications are completed over the phone 1-866-845-3425

Or website www.legalaid.ab.ca

Resources

Pro Bono Law Alberta

A non-profit organization which creates and promotes opportunities for lawyers to provide a pro bono (free) legal service.

Applications to receive their services are online www.pbla.ca

Separation

Is when you and your spouse have lived apart for at least one year before a divorce judgment is made by the court.

You may start the divorce action during the one-year separation period, but must wait for the one-year time frame to be completed before filing the divorce.

www.cplea.ca/resources/separation-and-divorce/

Divorce

The legal dissolution of a marriage by the Court of Queen's Bench.

There are three legally accepted grounds for divorce: separation, adultery, cruelty.

Website: www.alberta.ca

www.cplea.ca/resources/separation-and-divorce/

Canada Pension Plan (CPP)

A monthly pension, to qualify you must have made at least one valid contribution to the CPP and be at least 60 years of age. You must apply for this pension.

Canada Pension Plan (CPP) Disability

Is a monthly payment you can receive if you are under 65 years of age, have made enough contributions into the CPP, have a mental or physical disability that regularly stops you from doing any type of substantially gainful work, and have a long-term disability.

You must apply for this benefit.

[www.canada.ca > cpp > cpp-disability-benefit](http://www.canada.ca/cpp/cpp-disability-benefit)

Old Age Security (OAS)

A monthly pension for those 65 and older – the amount you receive depends on how long you have lived in Canada. It is taxable.

Guaranteed Income Supplement (GIS)

Is a monthly payment you can receive if you are 65 or older, live in Canada, receive the OAS pension, and you are low-income. It is not taxable.

Website: www.canada.ca/en/services/benefits/publicpensions.html

Social Insurance Number (SIN)

Is a nine-digit number that you need to work in Canada or to have access to government programs and benefits.

Is issued to one person only and it cannot legally be used by anyone else.

Call Service Canada toll-free at 1-800-622-6232 (TTY 1-800-926-9015)

Federal Resources

Service Canada

Provides Canadians with a single point of access to a wide range of government services and benefits.

You can set up your online **My Service Canada Account** and sign in to it for Employment Insurance (EI), Canada Pension Plan (CPP), Canada Pension Plan Disability, and Old Age Security (OAS).

Call Service Canada toll-free at 1-800-622-6232 (TTY 1-800-926-9015)

Resources

Passport Canada

A Canadian passport is the passport issued to citizens of Canada. It enables the bearer to exit and re-enter Canada freely – travel to and from other countries in accordance with visa requirements.

Toll-free at 1-800-567-6868 (TTY 1-866-255-7655)

Immigration Documents

Immigration is the process through which individuals become permanent residents or citizens of another country.

Legal documents may include Landing Document or Confirmation of Permanent Residence, Passport (from their own country if they have one), Permanent Residence Card, Citizenship Certificate.

To report lost documents, call your local police or RCMP.

To replace a lost permanent resident card, call Immigration, Refugees, Citizenship, Canada (IRCC) Canada at 1-888-242-2100 (TTY 1-999-576-8502).

For more information: www.cic.gc.ca

To find newcomer services near you www.cic.gc.ca/english/newcomers/services/index.asp

Temporary Resident Permit (TRP)

Is an immigration option for victims of family violence to give you legal immigration status in Canada.

You must apply for a special Temporary Resident Permit (TRP); you may also get this permit for your children if they are in Canada.

Canada Revenue Agency (CRA)

Contact the CRA for Income tax record information or to file income taxes (even previous years).

Call toll-free at 1-800-959-8281 or visit: <https://www.canada.ca/en/services/taxes/income-tax.html>

Indigenous Resources

Indigenous Services Canada

Responsible for policies relating to Indigenous peoples in Canada

Works collaboratively with partners to improve access to high quality services for First Nations, Inuit, and Metis.

For more information: www.canada.ca/en/indigenous-services-canada.html

For a lost status card call; your Band office or Alberta Regional Head Office at 1.780.495.2773 or the Southern Alberta Field Services Office at 403.292.5901

For Treaty Annuity Payment information: www.sac-isc.gc.ca

National Indian Residential School Crisis Line

Is a 24-hour phone line offering emotional support and referrals to survivors of residential schools in Canada. Call toll-free phone: 1-866-925-4419.

Alberta Native Friendship Centres Association

Is the Provincial/Territorial Association of 21-member Friendship Centres that offer supports and resources. They have three main areas of focus: networking and partnership building, fully integrated indigenous cultural values and effective engagement of Friendship Centres with all sectors.

For more information and to find a Friendship Centre near you:

Website: www.anfca.com

Phone: 780-423-3138

Resources

Helpful Community Resources

Directory of Senior Centres in Alberta

Connect with other seniors for a variety of activities and information.

Website: www.open.alberta.ca/publications/directory-of-seniors-centres-in-alberta

Food Banks of Alberta

The Food Bank's mission is to provide adequate and accessible food to those in need.

Website: www.foodbanksalberta.ca

Red Cross Health Equipment Loans Program

The Canadian Red Cross may be able to lend you accessibility equipment such as wheelchairs or walkers on a short-term basis. In some cases, they may also be able to deliver and install advanced equipment like hospital beds, specialized mattresses, and patient lifts.

A directory of local services across Alberta and contact information can be found at: www.redcross.ca/how-we-help/community-health-services-in-canada/alberta-health-equipment-loan-program

Caregivers Alberta

Empowering family caregivers and promotes their well being by providing group and one-on-one supports that helpcare givers connect with others, navigate the system, and look after themselves while providing care for others.

Call 780.453.5088 or toll-free at 1.877.453.5088

Email: office@caregiveralberta.ca

Website: www.caregiversalberta.ca

Alzheimer Society of Alberta and the North West Territories

Provides information, support, and counselling to people with dementia and for their loved ones.

Website: www.alzheimer.ca/ab/en

Help Seeker App

A free network of location-based services, resources, and support that allows you to privately browse thousands of community, provincial and federal health and social services, programs, resources, helplines, and benefits for mental health, counselling, addictions, family violence, affordable housing, shelters, food support services, and more. The app is free to download to your phone or device.

Website: www.helpseeker.org

It's Not Right: Neighbours, Friends, and Families for Older Adults

Is a presentation designed to educate and engage community members everywhere to recognize the warning signs of elder abuse and offers steps to help older adults who may be being mistreated or abused. Presentations are available across Alberta: to find out more information or to book a one-hour awareness presentation in your community go to the Alberta Elder Abuse Awareness Council's website www.albertaelderabuse.ca Click on Menu (top right corner). Click on Training/Education.

World Elder Abuse Awareness Day (WEAAD)

Occurs every year across our globe on June 15 to raise awareness for Elder Abuse.

For more information www.albertaelderabuse.ca

Further Acknowledgements

Originally produced by West Coast LEAF and the Canadian Centre for Elder Law, adaptation produced by Alberta Elder Abuse Awareness Council.

Originally written by Krista James and Alana Prochuk, adapted by Colleen Lewis and Shantel Ottenbreit.

Original legal research by Kendra Milne, Krista James, Eric Hou, and Zoe Suche.

Originally designed by Nadene Rehnby and Pete Tuepah, Hands on Publications. Alberta adapted version designed by Amy Arendt of FuseSocial, Shared Services.

Original consultations conducted by Shahnaz Rahman, Alana Prochuk, and Krista James, and documented by Alana Prochuk, Maria Kari, Eric Hou, Teava Lotfi, Victoria Tortora, and Rosanna Ho.

Originally edited by Alana Prochuk. Copy edited by Kasari Govender, Krista James, and Kathleen Cunningham. Proofreading and plain language editing by Tript Johal and Linda Forsythe.

Original general review completed by Kim Hawkins, Kendra Milne, Kathleen Cunningham, and Krista James. Legal review of information on Indigenous law by Amber Prince. Legal review of immigration information by Alistair Clarke. Legal review of information on decision-making rights, powers of attorney, and representation agreements by Martina Zanetti.

Thank you to the many people who have reviewed this document, or sections in it, for content and areas of expertise - LaVerne Nobel, Nicole Wiebe, Marie-Claude Scahill, Tanya Purdue-Fischer, Pat Powers, Lori Therrien, Alison Whittmire, Jeff Surtees - we appreciate all of your time and feedback.



WORLD ELDER ABUSE AWARENESS DAY

One way we can all take part in raising awareness about elder abuse is by participating in **World Elder Abuse Awareness Day**.

This internationally recognized day highlights elder abuse as a global social issue which affects the health and human rights of millions of older persons around the world.

AEAAC, along with many other organizations, engage in a province-wide, collaborative effort to promote World Elder Abuse Awareness Day on June 15 to bring attention and encourage important conversation about this topic.

Further information can be found at www.albertaelderabuse.ca/weaad





MY

SAFETY PLAN

The following steps are my plan to start protecting myself in case of further abuse.

- ▶ I do not have control over how other people behave.
- ▶ I do have a choice about how I respond and get to safety.
- ▶ I will decide for myself if and when I tell others that I have been harmed, or if I am still at risk.
- ▶ Friends, family, and other helpers can help protect me if they know what is happening and what to do.
- ▶ I will call any of the following people for help if I sense I am in danger. (Enter names and phone numbers below.)

☐ Police: **911** or

☐ Victim Services:

☐ Friend:

☐ Relative:

☐ Neighbour:

☐ Therapist/Advocate:

☐ Taxi:

☐ Emergency Transportation:

☐ Shelter:

☐ Other: **211** or **310-1818**

(available 24 hours a day in many languages for information and resources in my Alberta community)



AEAAC
Alberta Elder Abuse
Awareness Council

SAFETY PLAN CHECKLIST



- ☐ To ensure I can leave quickly, I will make up a safety bag with money, a change of clothes, important papers, medications, an extra set of keys, and leave it in a safe place or with name and phone number:

- ☐ If I sense danger, I will use the following code word: _____ or signal (flashing porch light, knocking on wall of apartment) to tell my family, helpers, or friends to call the police.

- ☐ I will keep my cell phone or phone calling card with me at all times.

- ☐ I realize that if I use my cell phone, and the bill goes to my home, it may show the phone numbers I called after I left. To keep my calls confidential, I may purchase and use a prepaid phone calling card instead of my cell phone or I will delete my call history each time I make a call.

- ☐ I have to protect myself until I am out of danger. If I decide to leave, I have a plan. I will practice getting out safely.

- ☐ If possible, I will move to a room with an exit. I can use the following: doors, windows, elevator, stairwells, or fire escapes to get out quickly and freely.

- ☐ If I have a disability and my abuser is my caregiver, I will set up an emergency care plan.

- ☐ I will contact the following people to plan for an emergency care provider or a shelter that can accommodate me. Emergency Care Provider is:

- ☐ If I have pet(s) and have to leave quickly, I can leave my pet(s) at this place, at least for a short-term. Name and phone number:

- ☐ This person has agreed to help me review this plan. Name and phone number:

- ☐ I will sit down and review this plan every (week/month/year) in order to plan the safest way to leave.



IF YOU ARE IN DANGER

If you think you are in danger,
call 9-1-1 for emergency help

If you are deaf or hard-of-hearing
use a TTY (teletypewriter),
dial 9-1-1 through your TTY

If someone has hurt you and you need support or information, contact

The Alberta Family Violence Line provides information on Family Violence services and resources available by calling 310-1818. This phone number is accessible 24 hours per day, 7 days a week, with over 160 different languages available.

The Sexual Assault Alberta Crisis Line, available 24 hours a day, 1-866-403-8000 (call or text)

If you require information on services available in your area

Call 211 for service information, available by

Calling 211

Text “info” to 211, or

Visit ab.211.ca and then click “live chat”

Everyone deserves SAFETY and RESPECT

