

# LEGAL ISSUES IN FINANCIAL EXPLOITATION

## IS FINANCIAL EXPLOITATION A CRIME?

Some, but not all, types of financial abuse are crimes. According to the Criminal Code of Canada, crimes could include physical and sexual abuse, chronic psychological abuse, neglect, loss of rights (under the Canadian Charter of Rights and Freedoms), theft, breach of trust and breach of power of attorney, extortion, false pretenses, fraud and intimidation. In addition to the Criminal Code of Canada, there may be provincial statutes that protect you, such as the Nova Scotia Powers of Attorney Act. A lawyer can help identify what options you have.

## WHAT TO DO IF YOU HAVE EXPERIENCED FINANCIAL ABUSE OR AN ECONOMIC CRIME

- **You should know:** you are not to blame; you do not deserve to be abused; you have a right to live without fear; you have a right to your own money and property; you have the right to a safe, healthy relationship and to have your own life; you cannot control the abuser's behaviour; and abuse can often get worse over time.
- **You should report it:** Call your local police. They will investigate to determine if the abuse is a crime, and will recommend about how to proceed. You may also be able to sue in civil court for the return of money or property. For economic crime and consumer fraud issues, you can also report scams at: [www.phonebusters.ca](http://www.phonebusters.ca) or call: 1-888-495-8501
- **You should speak with a lawyer** about your particular situation or call the Legal Information Society's Legal Information Line to learn about what options might be available to you. Call **455-3135** (Halifax Regional Municipality) or **1-800-665-9779** (toll free in NS).
- **Talk to someone you trust:** a friend, relative, clergy or health practitioner, or anyone else you trust. Call a senior's resource centre, crisis line, or legal information agency. Call the Seniors' Secretariat for information on programs and services in your area: (902) 424-0065 or 1-800-670-0065 (toll free in Nova Scotia).

- **If you are not ready**, or do not want to do anything right now, that is your choice—it is okay. But the information on this sheet can help if you decide to take action later on.
- **You can also:** revoke a power of attorney if it is being misused. You or your lawyer can write a letter and send it to your attorney, bank, credit card company and other places where you do business. Close any joint bank accounts that you have with the person who is financially abusing you. Get a restraining order to prevent the abuser from contacting you if you are in fear of the abuser. You have to go to court to get a peace bond.
- Sometimes, cases can be resolved without going to court. A police investigation can act as a warning to the abuser and, in some cases, this may be enough to stop the abusive behaviour. In other cases, a letter from the victim's lawyer can prevent more exploitation.

## LEGAL ADVICE IS IMPORTANT

Sound legal advice, particularly from a lawyer who deals with the growing field of Elder Law, can have many benefits. This may include reduced stress, a less complicated and speedier resolution to problems, and having someone who understands and has experience in similar cases. In addition, getting legal advice may help you avoid costly mistakes that can occur when trying to deal with things on your own. Getting legal advice is a worthwhile investment.

## HOW TO GET LEGAL INFORMATION OR ADVICE

- You can search the yellow pages of the telephone book, or ask family and friends for referrals.
- You can also call the Legal Information Society of Nova Scotia's **Lawyer Referral Service** at 1-800-665-9779 (toll free) or 455-3135.
- The Nova Scotia Barristers' Society has a listing of law firms on its website as well as a list of lawyers who provide services in French at: <http://www.nsbs.ns.ca/>

**Education and awareness are your most useful tools to prevent financial exploitation.**

See the Seniors' Secretariat website to learn more about *Financial Exploitation and Prevention*

(<http://www.gov.ns.ca/scs/elderabuse.asp>) or call the Secretariat for more print material at:

**(902) 424-0065 or 1-800-670-0065 (toll free in Nova Scotia).**

*This information sheet was produced as a supplement to the Seniors' Secretariat website information on Financial Exploitation of Older Adults.*