



Greetings!

My Friends at [Hull & Hull LL.P.](#) have recently delved into the troubling area of Coercive Control of Partners and Elder Abuse where the behaviour is even more troubling. While the law to criminalize Coercive Partner Control is being examined, when it comes to Elders, it has been swept under the carpet. With respect to the elderly this is particularly prevalent by those who are acting under a Power of Attorney prior to the death of the Testator. There is much that I can do, by properly designing your estate plan to at least minimize the chances of such behaviour occurring. Should you wish to speak to me about any issues you have identified that may apply to you, please [contact](#) me.

[Coercive Control and Elder Abuse](#)

By [David M Smith](#)

The Standing Senate Committee on Legal and Constitutional Affairs has

been studying [Bill C-332](#), which proposes to make coercive control by intimate partners a standalone offence.

The Bill is modelled after Scotland's domestic abuse legislation, which seen by some as the best example of a targeted law against coercive control crimes.

In its infancy, the Bill protected some older victims of family abuse, targeting coercive control by adult children and others against seniors. However, in subsequent drafts, the legislation narrowed its scope to apply to intimate partners only.

The bill passed second reading in the Senate in December. After further study, it will likely be passed.

[Dementia Justice Canada](#) is, per its mission statement on its website, “a small nonprofit dedicated to safeguarding and strengthening the rights and dignity of people with dementia through legal research and law reform advocacy. A particular focus is criminal justice reform.”

In its January 4, 2025 submission to the Standing Senate Committee (see “Active Campaigns” link on the website link above), Dementia Justice Canada makes a compelling case to expand the Bill's scope with vivid examples all too familiar to lawyers who practice in consent and capacity litigation. As the author notes:

Elder abuse victims are not commonly considered within the dominant discourse around coercive control. The focus is almost exclusively on domestic violence. Yet, coercive control is a tactic of abusive adult children and others in relationships of trust and dependency with an older adult.² *“I will throw you down the stairs, old hag!”* an abusive son yells at his elderly mother, who has become fearful of his escalating demands for money and access to her medications. *“No one else cares about you,”* he lies as he changes her soiled diaper. *“I’m all you’ve got.”* Often motivated by personal gain, elder abusers commonly engage in behaviours that intimidate, exploit and isolate their victims. They might repeatedly threaten violence to get money, withhold food, mobility equipment and incontinence products, or block visitors without lawful authority. *“Dad is sick,”* a daughter lies when her father's friends call. *“The guys don’t care about you anymore,”* she tells him. She also intercepts his letters, cancels the landline and does not give him access to a cell phone or the internet.

It summarizes its submissions as follows:

For too long, the mistreatment of seniors has been dismissed as a civil matter to be remedied privately between family or considered too challenging to prosecute because of the older victim's incapacity or unwillingness to testify. But elder abuse is a crime against society, not just the individual, and it must be punished as such.

No politician wants to stand in the way of a well-intentioned domestic

abuse law. But the inconvenient truth for lawmakers is that the psychological torment targeted by Bill C-332 is not only perpetrated by intimate partners. Coercive control is also a common tactic of adult children and others in relationships of trust and dependency with an older adult.

It will be interesting to see if the Standing Committee suggests modifications to the Bill in light of such compelling submissions.

At the [Offices of Howard S Dymont](#), I can guide you through the intricacies of estate planning and ensure that you are personally protected as well as your assets being distributed according to your wishes, in the most financially prudent manner.

I invite you to [set up a Zoom](#) appointment with me to discuss your Estate Planning and drawing your Wills, both Primary and Secondary and Powers of Attorney.

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