

## RESTORATIVE JUSTICE: A HEALING APPROACH TO ELDER ABUSE

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#### INTRODUCTION

Elder abuse is often referred to as a hidden crime; many older adults carry this tragic secret to their graves. This concern led the individuals involved with *The Restorative Justice Approaches to Elder Abuse Project* to seek a healing, safe approach to elder abuse. The project evolved from in-the-field experiences of the project's partners and a survey of relevant literature on elder mistreatment. Findings from the field indicated: fairly frequent occurrences of cases believed to involve abuse or neglect, a reluctance to report abuse by both seniors and service providers, a consequent failure to intervene in cases of abuse, shared perceptions that the retributive justice system failed to resolve abuse issues.

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

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

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

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

"Steps similar to those taken to combat domestic violence should be taken to combat different forms of elder abuse ... since the elderly are reluctant to use traditional legal recourse. [These authors recommend] full use of the provisions of Section 717 of the Criminal Code authorizing alternative measures. If there is one area where these measures are appropriate and could be effective, it is elder abuse. Since in the most cases older persons want not to punish their children, but rather to recover their property or reach an amicable understanding with their children, the use of these provisions, notably mediation, should be encouraged."<sup>1</sup>

#### ABOUT THE PROJECT

The *Restorative Justice Approaches to Elder Abuse Project* is a collaborative of seven very diverse community agencies--- health, justice, social services, ethno-cultural, faith, and First Nations--- in the Kitchener-Waterloo area of South Western Ontario. This region has a large ethno-cultural community, is the home of the first Victim Offender Reconciliation Program in the world, and is the home of The Waterloo Region Committee on Elder Abuse (WRCEA), a committee that since 1992, has contributed greatly to the community's response to elder abuse.

The collaborative is in the fourth year of a 4.5-year Ontario Trillium Foundation funded project to design, implement, and evaluate a restorative justice approach to address elder abuse. Dr. Michael Stones, Lakehead University, is directing the evaluation with Dr. Rick Linden, University of Manitoba providing consultation on restorative justice. Funding for evaluation is from The Law Commission of Canada and Justice Canada, National Crime Prevention Centre.

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<sup>1</sup> Poirier, Donald and Poirier, Norma. (1999). Why is it so difficult to combat elder abuse and in particular the financial exploitation of the elderly. [online article] Available: <http://www.lcc.gc.ca/en/themes/pr/oa/poirier/index.html>, pp. 68-69.

## PROJECT GENESIS

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

### Case Example

Consider the experience of Mrs. Smith:

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

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

A conversation with a friend who was coordinating a project that was using family group conferencing to address conflict and violence in local high schools, planted the seeds for *The Restorative Justice Approaches to Elder Abuse Project*. I became very excited about the possibilities of a restorative justice approach for older adults experiencing abuse like Mrs. Smith and others in my practice. Was there a better way to address the needs of the older adult who is abused? Would this holistic approach, that values relationships, be more acceptable to seniors? Would it remove the barriers to identification of abuse? Would it be effective? Would the community be supportive?

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

## THEORETICAL FRAMEWORK

Broad community consultation was required to initiate and move the project forward. This demanding first step of the consultation process was necessary to ensure that there was shared knowledge and understanding of elder abuse and restorative justice. The following includes some of our understandings.

## DEFINITIONS

### Elder Abuse

The operational definition is: Elder abuse is the mistreatment of an older adult by someone that they should be able to rely on: a spouse, a child, another family member, a friend, or a paid caregiver.<sup>2</sup>

According to Judith Wahl from the Advocacy Centre for the Elderly in Toronto: "Some examples of abuses that are Criminal Code offences include:

#### Physical Abuse:

- Assault (s.265) pinching, slapping, pushing, punching, kicking
- Assault with a weapon or causing bodily harm (s.267)
- Unlawfully causing bodily harm (s.269)
- Forcible confinement (ss279 (1) (tied in a chair while family is at work)

#### Sexual Abuse:

- Sexual assault (s.271)

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<sup>2</sup> Waterloo Region Committee on Elder Abuse, *Elder Abuse: What you need to know*, Waterloo, Ontario, 2000, pg.31

**Financial Abuse:**

- Theft (s.322)
- Theft by a person holding a Power of Attorney (s.331)
- Fraud (s.380)
- Stopping mail with intent (s.345)
- Forgery (s.366)

**Neglect:**

- Breach of Duty to Provide Necessaries of Life (s.215) can be intentional or passive and is characterized by withholding items or care necessary for daily living.

**Mental Abuse:**

- Intimidation (s.423)
- Threatening.<sup>3</sup>

D. Poirier in *Why is it so difficult to combat elder abuse*, adds, “Section 264 prohibits engaging in conduct that causes another person reason to fear for their safety and considers such behavior to be criminal harassment. 264-1 prohibits threatening a person with assault, destruction of personal or real property, or killing or injuring the animal of this person.”<sup>4</sup>

Although the categories of elder abuse, addressed by the project, are described within the context of the criminal code, it should be noted that in the majority of cases, no charges have been laid.

**ROOT CAUSES OF ABUSE**

From a restorative justice perspective, it is important to consider why the abuse happened.

- There may be a history of **difficult family relationships** including past abuse.
- It may be linked to **drug and alcohol problems**. (Theft of finances may support a drug habit.)
- There may be a history of **mental illness**.
- There may be **financial dependence**. Either the older adult is dependent on children, or children are dependent on the older adult.
- **Social isolation**. An abuser may not allow visitors into the home or access to a phone for a senior. New immigrants may be isolated because of language.
- **Situational stress**. Loss of income, loss of health and death of friends may increase the risk of abuse.
- **Cycle of violence**. A spouse may have been abused by her husband over the years and now is an abusive caregiver.
- **Systemic causes**. Public policy creates a system that allows abuse to occur.
- **Ageism**. Negative attitudes towards aging often portray older adults as frail, dependent, and "of no use".

**LEGAL PERSPECTIVES**

In Canada, we have laws, codes, and legislation at both Federal and Provincial level that are adequate for combating the various forms of elder abuse. However, Statistics Canada reports: “It is suspected that a small portion of abuse of older adults ever comes to the attention of the justice system.”<sup>5</sup>

Some of the reasons cited in the literature include:

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<sup>3</sup> Wahl, J. (2001). *The Law Related to Elder Abuse in Canada*. Toronto: Advocacy Centre for the Elderly, p. 1.

<sup>4</sup> Poirier, Donald and Poirier, Norma. (1999). *Why is it so difficult to combat elder abuse and in particular the financial exploitation of the elderly* [online article] Available: <http://www.lcc.gc.ca/en/themes/pr/oa/poirier/index.html>, p. 20.

<sup>5</sup> Beaulieu, M., et al, Older Adults’ **Personal Relationships and the Law in Canada—Legal, Psycho-Social and Ethical Aspects**, Law Commission of Canada, Ottawa, Ontario, September, 1999, pg.70

- **Ageism:** Laws designed specifically to protect the elderly “treat the older persons like children”. In addition, as noted above, an ageist perspective considers the older adult as frail, dependent, and incapable; hence an unreliable witness.
- **Difficult to obtain evidence:** Complaints that police are not interested in bringing these cases to trial may be directly related to the limited success when these cases reach the courts. It is difficult to obtain the necessary evidence to establish guilt beyond reasonable doubt. The older person may be unwilling or unable to complain to the police or testify in court resulting in a reluctance to prosecute.
- **Family values:** The elderly systematically refuse to report their abuse to avoid hurting their children. They do not sue their children as they feel it is improper, it goes against common sense and family values. They may feel guilt and shame about what happened to them. The misconduct is a reflection of their parenting. The elderly also express a desire to pass on money and property to their offspring so may not attempt to retrieve stolen property.<sup>6</sup>
- **Fear:** The older adult may fear that the relationship will be seriously damaged if charges are laid.<sup>7</sup>
- **Lack of Knowledge:** The low incidence of reports to the police, by older adults or those who are in contact with the older adults, may be because they do not realize it is a crime.<sup>8</sup>

### What is justice?

According to Dennis Cooley, “justice means achieving a situation in which the conduct or action of individuals is considered to be fair, right and appropriate for the given circumstances.”<sup>9</sup> “Justice reflects our sense of right or wrong. It is called into question when our understanding of what is right is offended and is restored when wrongs are addressed.”<sup>10</sup> Our laws list a series of behaviours that are considered unjust. The laws are in place to control socially inappropriate behaviour.

**How is justice realized with the traditional or adversarial approach to elder abuse?** Please consider what would have happened had Mrs. Smith chosen to use the traditional justice system.

With the traditional or court approach: Mrs. Smith’s son is thought to have violated a law. He stole \$40,000.00 from his mother. This is an offense against the state. Her son would be charged with theft under the Criminal Code, a Crown prosecutor tries him, if found guilty, he is punished according to a set of prescribed standards. Mrs. Smith would be required to testify against her son at both the preliminary hearing and the trial.

**The focal point of this process is to establish guilty or not guilty and to administer appropriate punishment.** Mr. Smith is punished for his violation of the law not his violation of his mother's trust. He does not have to take responsibility for his actions. Mrs. Smith is only a witness in the process that is more focused on Mr. Smith's violation of society's code of conduct.

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

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<sup>6</sup> Poirier, D. et al, Why Is It So Difficult To Combat Elder Abuse and, In Particular, Financial Exploitation of the Elderly, Law Commission of Canada, July, 1999, pg.44 to 46

<sup>7</sup> Beaulieu, M., et al, Older Adults’ **Personal Relationships and the Law in Canada—Legal, Psycho-Social and Ethical Aspects**, Law Commission of Canada, Ottawa, Ontario, September, 1999, pg.72

<sup>8</sup> Ibid

<sup>9</sup> Cooley, D, **From Restorative Justice to Transformative Justice, Discussion Paper**, Law Commission of Canada, No.JL2-6/1999, pg.17

<sup>10</sup> Ibid, pg.17

her. Lacking the necessary supports she needs to live independently, she is forced to move out of her home into a care facility.

## **RESTORATIVE JUSTICE AND ELDER ABUSE**

**Restorative Justice** is a fundamentally different approach. Howard Zehr, in *Changing Lenses* refers to it as a paradigm shift<sup>11</sup>, and Susan Sharpe, in *Restorative Justice: a Vision for Healing and Change*, refers to it as a philosophy or a world view.<sup>12</sup> It considers abuse as a violation of people and relationships rather than a violation of the law.

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

**Speaking the truth.** Abuse and the lies and secrets that surround it cause shame for those involved, perpetuate the abuse, and block healing. Truth-telling about what has happened is essential, as is "speaking from the heart," honestly about what has happened -- and its impact. Often secrecy is used to contain the victim's ability to speak and to act. Nils Christie in his paper on *Answers to Atrocities* writes, 'Isolation of the victim is one of the major features in social systems where illegitimate violence is applied. There are no ends of attempts by oppressors to silence their victims.' To which Wilma Derksen adds, "And yet we need to have the truth known and spoken."<sup>13</sup>

**The healing and restoration of relationships.** Providing an opportunity for change and healing is complex. When relationships of trust are fractured, individual counselling may be required to begin the process of healing, possibly **before** it is safe to bring the parties together for a circle or conference. Both the older adult and the person who has done the harm may need to gain an understanding of the dynamics around abuse, including power imbalances. The victim may require counselling to be able to identify and articulate what is needed for reparation. The person who has done the harm may require counselling to understand why he or she caused the harm and what needs to happen to change this pattern of behaviour. There needs to be an understanding of the context in which the abuse happened and insight into what may be required to transform **those** relationships so that **each party has their** "rights to dignity, equal concern, and respect satisfied".<sup>14</sup>

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

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

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

Restorative justice can be achieved through various practices including mediation, sentencing circles, healing circles, and community conferencing.

## **PROJECT DEVELOPMENT**

In the first months of the project, the foundation was laid for using restorative justice with abused older adults. The collaborative consulted with community partners, seniors, multicultural communities, and faith

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<sup>11</sup> Howard J. Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Waterloo: Herald, 1990), p180.

<sup>12</sup> Sharpe, S, *Restorative Justice: A Vision for Healing and Change*, Edmonton Victim Offender Mediation Society, Edmonton, Alberta, Canada, 1998, pg.7

<sup>13</sup> Derksen, W. (2002). *Confronting the Horror, The Aftermath of Violence*. Amity Publishers, Winnipeg, p.135.

<sup>14</sup> Liewellyn, J. et al. (1998). *Restorative Justice~A Conceptual Framework*. Law Commission of Canada, Ottawa, Ontario, p. 39.

communities to develop a requisite approach. An extensive literature review was completed. No established model of restorative justice for abused older adults was found. The project team struggled to develop a model that would meet the seniors' needs. Following consultation with Barry Stuart, Mark Wedge, Susan Sharpe, Rupert Ross, and Dennis Cooley, the collaborative decided that the tool or model for the restorative justice process needed to be incident driven. A consensus on principles to guide the practice was reached thereby allowing the team to select a restorative justice tool that is appropriate to each incident. It should be noted that these principles were reviewed and supported by the Seniors' Advisory Council. This council reviews and makes recommendations regarding the activities of the project. Council membership includes older adults from ethno-specific communities, health, business, academia, social work, and community services etc.

#### Guiding Principles:

- **Safety:** to live in safety and security. (*What plan is in place to ensure that all participants are safe and feel safe, before during and after the process?*)
- **Dignity and Respect:** to have personal values and preferences respected. (*Is there an understanding of ethno-cultural values and are they respected? Are participants' stories received without judgment?*)
- **Autonomy:** to determine and control their own affairs. (*Is participation in the process voluntary?*)
- **Access to information: to receive all the available information they need in order to make meaningful and informed decisions.** (*Do all parties understand the restorative justice process, the judicial process? Are they aware of community resources and know how to access them or be assisted to access them?*)
- **Confidentiality:** to determine for themselves what personal information may be shared with others. (*Do participants determine for themselves what personal information may be shared with others?*)
- **The least restrictive interventions.** Least restrictive of the individual's rights, abilities and personal liberties and least disruptive of life-style. (*Has consideration been given for the older adult to remain in the home by providing support services?*)

Adapted from Gallagher et al, Victoria Elder Abuse Project, 1993)<sup>15</sup>

#### SCOPE AND METHOD

The mission of the project is: **To provide an opportunity for change and healing to people affected by elder abuse.** To illustrate how this is done, please consider:

#### What might have happened if Mrs. Smith would have accessed the restorative justice process?

##### Intake

A referral is made to *Community Justice Initiatives*. Anyone affected by the abuse—including Mrs. Smith, her son, health care professionals, police, or community members—could initiate the referral.

Screening takes place to determine whether all parties consider it safe to proceed; whether the person who caused the harm accepts responsibility for it; whether all parties are willing to participate; and whether the older adult is capable of understanding and participating in the process. In the event that concerns emerge at this stage, a Screening Committee will review the case before it proceeds.

##### Pre-circle

After the screening, two facilitators are assigned to the case.

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

*Mrs. Smith might report that she is sad and angry that her son took the money. She thought that she could trust him. Lately her son has been edgy. He yells at her a lot. He seems to be drinking more.*

A facilitator contacts Mr. Smith to hear his story.

*Mrs. Smith's son might say that he feels very badly about what he did. He really loves his Mom, but things have gotten out of hand. She is increasingly difficult to care for, and flatly refuses to move into a retirement home. His mother, staying in her own home, is causing a fair bit of strain on his marriage. His business is also in a slump. To*

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<sup>15</sup> Gallagher, E, et al, *A Guide to Enhancing Services For Abused Older Canadians*, The Centre for Aging, University of Victoria, Victoria, British Columbia, 1995, pg.55

*top it all off, his own son has just moved back home because he could not find a job. All these stresses have caused him to start drinking again. He is not sure how to get things back on track.*

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

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

Such complexity is typical. For this reason, prior meetings with the various interested parties are essential. To prepare, the facilitators need to meet separately with the son and his supporters, as well as with Mrs. Smith and her supporters. Together they decide who needs to come to the circle e.g. Do you need a spiritual leader or a health care professional or someone with expertise in elder abuse? The son may need to resume attending AA meetings, while the mother may need to find a support group that will empower her to speak about her situation. It may be weeks or months before everyone feels safe to come together and participate in a restorative justice circle.

### **Circle**

Eventually, however, the facilitators bring everyone together. Each group of supporters sits close to the person whom they are supporting. The circle is opened with a ceremony or prayer. Participants are instructed that they may speak only when holding the "talking piece" (a feather or other symbolic object). They must speak truthfully, and from the heart. Together they reach a consensus about why the situation happened, how to repair harm and how to prevent further harm in future.

*Mrs. Smith talks about her love for her son and how sad she is that he has stolen money from her. She admits that she is sometimes afraid of him. She speaks of prior abuse that she has suffered, and of her husband having abused her son. She is sorry she was not able to prevent it.*

*The son apologizes to his mother. He knows that he has taken his frustration out on her, but wants to get his life back on track. He will continue with AA, and agrees to a plan to repay the funds he misappropriated.*

*Various supporters indicate ways in which they will be able to help. For example, church visitors will provide caregiver relief hours for the son each Friday and for the grandson each Saturday. The sister will assume power of attorney.*

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

### **Post Circle**

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

### **Role of Facilitator**

Trained, skilled facilitators are key to a successful restorative justice process. Facilitators need to be respectful of all participants, inspire trust and confidence in the process, and have the ability to create an environment of support and accountability. They also require interviewing, listening and negotiating skills. It is essential that facilitators understand and are sensitive to the complex issue of elder abuse. At the same time, they need to ensure that sensitivity does not express itself in an attempt to rescue the older adult. The facilitator cultivates humility, avoids thinking that he or she has all the answers, and avoids imposing solutions on people affected by elder abuse. Solutions that work best are the ones that the participants reach a consensus about in the circle process. The ability to prepare participants for the circle and the ability to trust the circle process are essential skills for circle facilitators and key to an effective circle process. Facilitators contribute to a sensitive, responsive restorative justice approach when they: help the group stay focused and productive by asking the right questions, ensure everyone present is heard, make sure the final agreement addresses relevant needs and is workable, ensure that individuals in the group, while denouncing the offending behaviour, show support of the person who offended, balancing an ethic of care and an ethic of justice.

### **PROJECT EVALUATION**

Evaluation provides feedback on whether this approach is achieving its goals.

The project evaluation, which will assess the success of *The Restorative Justice Approaches to Elder Abuse Project* in meeting its two main aims:

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

The methodology is using three approaches to evaluate the project's success: *Process Evaluation*, *Evaluation of Community Education* initiatives and *Evaluation of Client Intervention* outcomes.

### Evaluation Outcomes

Formal evaluation has been initiated and results will be posted on the following Internet site:

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

Anecdotal feedback concerning the circle process is positive. The following are a sampling of comments received throughout the process:

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

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

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

Julie Friesen, former Program Coordinator of Mediation / Conferencing Services at Community Justice Initiatives sees many positives in the model. It gets most, if not all, stakeholders involved in finding ways to move forward cooperatively. It gives a voice to the person who has been abused; the presence of additional support persons, particularly for those individuals who have been seen as abusive, facilitates the hearing of that voice. The process can be individually tailored to different situations, cultures, and preferences. The process gives dignity and respect to everyone, including the person accused of abusing. It gives people a chance to fully explore the situation with facilitators who provide some structure and safety. This opportunity is rare. "When do we get a chance or take the time to focus on an issue with all stakeholders communicating together?" Julie wonders.

### WHAT IS THE FUTURE?

"Restorative justice is a response to conflict that brings victims, wrongdoers and the community together to collectively repair harm that has been done in a manner that satisfies their conception of justice."<sup>16</sup> As we look ahead, we continue to ask the basic questions. Is restorative justice a fair and just way to address elder abuse? Does it satisfy all participants' conception of justice? Does it provide an opportunity for change and healing to people affected by elder abuse?

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

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

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

**Older adults are less fearful of this process.**

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<sup>16</sup>Cooley, D. (1999). *From Restorative Justice to Transformative Justice*. [Discussion Paper]. Law Commission of Canada, No.JL2-6, p. 25.

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

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

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

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

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

Regarding **limitations**, there is recognition that restorative justice is not a magic wand. Sometimes the gains seem limited. The path toward healing is long and arduous. We need to be patient with the process. In addition, not all situations are appropriate for the restorative justice process. For our project, eight of twenty-four cases were considered inappropriate to proceed. When cases are deemed inappropriate, they are referred back to the traditional justice system or referred to community support services.

### **Conclusion**

The experience of this project is that both traditional justice and restorative justice are essential to address elder abuse. No single approach or service can meet the complex needs of people affected by elder abuse. The challenge for all of us is to find ways for legal, health and social services, and faith and cultural communities to work together with the people affected by elder abuse to find solutions. We need to understand why older adults are abused, what is needed to repair that harm and to facilitate healing, and what must be put into place by families, communities, and government to ensure the prevention and resolution of elder abuse. That is pivotal to building safe communities where seniors do not carry this awful secret to their graves.

The restorative justice process is a resource option that provides an opportunity for change and healing to people affected by elder abuse. Our hope is that the experience of this project will be a catalyst to begin community specific responses and that our learnings will benefit other communities. However, our model is not meant to be a blueprint for other communities. As noted by Howard Zehr, "While the experiments, practices and customs from many communities and cultures are instructive, none can or should be copied and simply plugged into communities or societies. Rather, they should be viewed as examples of how different communities and societies found their own appropriate ways to express justice as a response to wrongdoing. These approaches may give us inspiration and a place to begin."<sup>17</sup>

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<sup>17</sup> Zehr, H. (2002). *The Little Book of Restorative Justice*. Intercourse, PA: Good Books, p. 62.