

public health bodies who say that isolated or reclusive or eccentric senior should be put in a nursing home for their own good. If they do not want to go into a nursing home, they should not have to go into one, if they are of clear mind..."<sup>97</sup>

Poirier told the Committee that the Nova Scotia adult protection legislation has been challenged under section 7 of the *Canadian Charter of Rights and Freedoms* that enshrines the right to "life, liberty and security of the person." He questioned the use of the Nova Scotia law against people who don't want to be served: "What kind of society is that, when, if people don't want any services, you force services upon them, simply because doing so relieves your conscience, as social workers or professionals?"<sup>98</sup>

In the United States, as of November 1990, 42 states and the District of Columbia had adopted mandatory voluntary reporting laws and 8 had made reporting voluntary. Gregory J. McDonald of the General Accounting Office and Sara Aravanis of the National Association of State Units on Aging told the Committee that most experts considered reporting laws — whether mandatory or voluntary — to be less effective than other factors in addressing elder abuse. The GAO survey of state officials showed that public and professional awareness was deemed to be most effective for identification while in-home services were most effective for prevention and treatment.<sup>99</sup>

The Committee agrees that adult protection legislation may not be the most effective way to deal with abuse of seniors. Before any more provinces move in this direction, the members would like a focused study of existing provincial legislation.

**The Committee recommends:**

**28. That the federal government, through the Minister of Justice, work with the provinces to undertake a study of the adult protection legislation enacted in several jurisdictions across Canada in order**

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<sup>97</sup> Leon, 9:37.

<sup>98</sup> Poirier, 9:31.

<sup>99</sup> Sara Aravanis, National Association of State Units on Aging and Gregory J. McDonald, General Accounting Office, Presentations to Sub-Committee, Washington, D.C., April 28, 1993. Their statements were based on the GAO Report to the Chairman, Subcommittee on Human Services, Select Committee on Aging, House of Representatives, *Elder Abuse: Effectiveness of Reporting Laws and Other Factors*, April 1991.