

Are you experiencing violence or abuse?

You can make it stop



LEGAL ISSUES FOR OLDER PEOPLE

Everyone has a right to live in a respectful and safe environment. Some people do not feel safe. They may experience violence or abuse from a partner, another family member or other person who lives in their home or residential facility. They may experience abuse from a neighbour, or a carer who is meant to be looking after them.

There are things you can do to protect yourself from violence or abuse.

A true story...

Harriette, a widow, is 85. Her daughter, Mona, has lived in the family home all her life. Mona is unemployed and has an alcohol problem. She doesn't pay rent or contribute financially to the household.

When Mona is drunk she is violent and verbally abusive to her mother. She threatens her with violence, yells and swears at her and pushes and hits her. She also pressures Harriette to give her money. She has debts and threatens Harriette if she doesn't help her pay off her debts.

Harriette is unable to sleep at night and feels depressed. She does whatever she can to stay out of Mona's way. She feels powerless to know what to do.

What is abuse?

Abuse is often physical – when someone hurts you physically by slapping, hitting, pushing, sexually abusing or restraining you. However it can also be abuse if someone:

- Calls you names, threatens you, intimidates you, swears and shouts at you or humiliates you.

- Pressures you to give them money, takes control of your money or property, or forces you to sign things you don't understand.
- Refuses to let you go out and do things or have contact with your friends, family members or support services.
- Is meant to take care of you but doesn't give you proper food, clothing or personal care. This can be intentional or unintentional.

You don't have to deal with it alone

It can be difficult to talk about these things if they are happening to you. You may feel shame that it is happening, or you may fear that things will be worse if you try to do anything about it. You may also love the person who is mistreating you and don't want to get them into trouble.

There are many services that can support and help you to find ways to change the situation and address your concerns. These services are free and confidential. Their contact details are listed at the end of this brochure.

The law can protect you

Some abusive behaviour, such as physical or sexual assault, is a crime. That type of behaviour can be reported to the police and the person who is violent towards you can be charged with a criminal offence.

Also, Apprehended Violence Orders (AVOs) are orders made by a court that prohibit or restrict the behaviour of the person who is abusing you. If you are successful in getting an AVO, the person can sometimes be made to move out of the residence you share if that is what you want. Or if they stay they will have to change their behaviour towards you or they can be charged with breaching the AVO, which is a criminal offence.

Some types of behaviour, such as taking money from your bank account or forging your signature on a document, are also crimes and the person can be charged with

theft or fraud. Other behaviours, such as insisting on having access to your identity documents or the certificate of title to your property, can put you at risk of losing money or even your home.

The services listed at the end of this brochure can talk to you about your options and help you decide what steps you want to take. They can also put you in touch with a lawyer or other person who can help you apply for an AVO if you decide to do that.

You may be entitled to counselling and/or financial assistance

If you have suffered a physical or psychological injury as a result of an act of violence you may be entitled to counselling and/or financial assistance from Victims Services.

You usually have 2 years from the date of the act of violence to apply, but this time limit can be extended in certain cases. You should get legal advice about whether you are eligible for financial support from Victims Services.

Where can I get more help?

Seniors Rights Service

Provides free legal advice and assistance for older people in a range of areas of law.

Tel: **1800 424 079**

www.seniorsrightsservice.org.au

LawAccess NSW

LawAccess NSW is a free information service run by Legal Aid NSW. Anyone who has a legal problem in NSW can contact LawAccess NSW for legal help.

Click on the Chat with us icon at

www.legalaid.nsw.gov.au or call **1300 888 529**

between 9am to 5pm, Monday to Friday (excluding public holidays).

Ageing and Disability Abuse Helpline

Provides confidential information, support and referrals for people who have experienced, witnessed or suspect the abuse of an older person living in the community.

Tel: **1800 628 221**

www.ageingdisabilitycommission.nsw.gov.au



Other brochures available:



Adult children living at home

What do you do if you want them to leave?



Why make a will?

A guide to making a will



Are you a grandparent?

Your legal questions answered



Helping your family financially?

Understand the risks



They want me to leave

Staying in your house when your partner dies



Who will decide for you if you can't decide for yourself?

Think about planning ahead



Your home and the age pension

What you need to know



Moving in with the family

Make sure you protect your interests

This publication is a general guide to the law. You should not rely on it as legal advice, and we recommend that you talk to a lawyer about your situation.

The information is correct at the time of printing, however it may change. For more information contact LawAccess NSW on **1300 888 529**.



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Do you need help to contact us?



If you need an interpreter, call the Translating and Interpreting Service (TIS National) on **131 450** (9am–5pm) and ask for LawAccess NSW.

Do you find it hard to hear or speak?



If you are deaf, or have a hearing or speech impairment, contact us through the [National Relay Service NRS](#). Ask for LawAccess NSW on **1300 888 529**.

