

How do I find a capacity assessor in my community?

The adult's physician may conduct, or should be involved in, the capacity assessment. Physician involvement is important to ensure any reversible or temporary medical conditions are not affecting the adult's ability to make decisions. If the physician is not able to complete the entire assessment, another designated capacity assessor can complete the process.

The Office of the Public Guardian maintains a list of individual health professionals who are designated capacity assessors. Call toll free at 1-877-427-4525 or go online at www.seniors.alberta.ca/opg to find out more.

The Psychologists' Association of Alberta also offers a referral service to psychologists practicing in specific locations. They can be contacted toll free at 1-888-424-0294.

Guiding Principles

The *Adult Guardianship and Trusteeship Act* is built on four guiding principles:

- the adult is presumed to have capacity and able to make decisions until the contrary is determined;
- the ability to communicate verbally is not a determination of capacity, the adult is entitled to communicate by any means that enables them to be understood;
- focus on the autonomy of the adult with a less intrusive and less restrictive approach; and
- decision making that focuses on the best interests of the adult and how the adult would have made the decision if capable.

For more information

Call the Office of the Public Guardian toll-free information line:

1-877-427-4525

Monday to Friday

8:15 a.m. – 4:30 p.m.

www.seniors.alberta.ca/opg

Offices

The Office of the Public Guardian has offices across the province. They are open Monday to Friday from 8:15 a.m. to 4:30 p.m. To be connected toll-free, call 310-0000 first.

Northwest Region

Grande Prairie: 780-833-4319

Edmonton Region

Edmonton: 780-427-0017

Central Region

Red Deer: 403-340-5165

Northeast Region

St. Paul: 780-645-6278

Calgary Region

Calgary: 403-297-3364

South Region

Lethbridge: 403-381-5648

Medicine Hat: 403-529-3744



Capacity Assessment

Adult Guardianship and Trusteeship Act



The *Adult Guardianship and Trusteeship Act* offers a variety of options to support adult Albertans who need assistance making personal and/or financial decisions.

These options allow adults to receive decision-making assistance according to their needs and to maintain their independence for as long as possible.

What is capacity?

Capacity is a person's ability to understand facts about a decision and what could happen if they choose one option over another, or if they choose to do nothing.

The legal definition of capacity under the Act is: Capacity is the ability to understand information relevant to a decision and to appreciate the reasonably foreseeable consequences of (i) making a decision or (ii) the failure to make a decision.

Disagreeing with a decision does not make someone incapable. For example, someone could decide not to take medication recommended by their doctor. If they understand why the medication is important and what will happen if they do not take it, they are probably capable of making the decision.

It is also possible to have capacity in one area and not another. For example, someone might struggle to understand complex health care decisions, but still be capable of making decisions about their social activities and finances.

Why is capacity assessed?

Capacity is assessed to provide the Court with information to help determine whether or not a co-decision maker, guardian, or trustee should be appointed for an adult.

What happens when capacity is assessed?

There must be legitimate reasons for a capacity assessment. The capacity assessor will ask about the adult's situation, why there are concerns about their ability to make decisions, and the specific types of decisions in question. The assessor will also want to confirm that a physician has examined the person to ensure a reversible or temporary medical condition is not affecting their ability to make decisions.

If an assessment is needed, the assessor will meet with the adult to explain the assessment process including what will happen if they are found to lack capacity. The adult can have someone present (e.g., family member or legal counsel) to help them feel comfortable and they can have a person or device to help them communicate during the assessment.

The assessor will focus on the types of decisions that need to be assessed. For example, there may be concern about the adult's ability to make health care and residential decisions, but no concern about capacity for other personal or financial decisions. The assessor will discuss with the adult their understanding of specific decisions (e.g., medical condition) and the consequences of making or not making a decision (e.g., risks and benefits of having surgery or not having surgery).

At the conclusion of the assessment, the assessor documents the findings regarding the adult's capacity in the specific areas assessed. The assessor also identifies whether or not the adult is likely to regain capacity. If they believe the adult may regain capacity, they will recommend a date when capacity should be re-assessed.

Who gets a copy of the Capacity Assessment Report?

The person applying to become a co-decision maker, guardian, or trustee will receive the Capacity Assessment Report from the assessor. The report is then included with all the information given to the Court to help determine if a decision maker should be appointed for the adult. The adult is also provided with the same information that is given to the Court unless, in rare circumstances, it is believed that providing the information will only harm the adult. The adult can request a Court hearing about the application.

Who is authorized to conduct capacity assessments?

Health professionals may be designated as capacity assessors. Physicians and psychologists are included in this group and other health professionals (e.g., registered nurses) may become capacity assessors if they complete specific training.