

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



Guardianship

Adult Guardianship and Trusteeship Act



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

One of the options is a guardianship order for adults who:

- lack the capacity to make personal decisions; and
- have relevant decisions that need to be made; and
- do not have a personal directive or co-decision-making order.

What is guardianship?

A guardian, appointed by the Court, has the legal responsibility to make decisions for an adult who lacks the capacity to make personal decisions.

Depending upon the adult's needs, and areas where their capacity is lacking, this may include some but not necessarily all of the following areas: health care, where and with whom the adult can live, who the adult may associate with, social activities, educational or vocational training, employment, legal matters or any other personal matters the Court determines necessary.

For example, if there are no concerns or important decisions anticipated regarding the adult's social activities, the Court may choose to not include that area in the guardianship order.

The Court can also appoint a trustee to make decisions about financial matters. This person may be the same person as the guardian or may be a different person.

The guardian has been granted legal authority to make decisions on behalf of the represented adult. The adult should be included, to whatever extent possible, by the guardian in the decision-making process.

Guardians are expected to make decisions in the adult's best interests and according to their beliefs, values and wishes, if known.

Who can be a guardian?

Usually a family member or friend applies for guardianship, but if no one is willing or available the Office of the Public Guardian can perform that role.

The decision to grant a guardianship order is made by the Court.

A guardian must be over the age of 18. It is not necessary that the guardian live in Alberta, but they should be in regular contact with the adult and have a good understanding of the adult's values and beliefs.

How do I apply to become a guardian?

The guardianship application package is available through the Office of the Public Guardian (see back panel for contact information).

The application package includes a number of forms including a guardianship plan and a capacity assessment report. A guardianship plan outlines future decisions a guardian might make. The package also includes a capacity assessment.

The adult's capacity to make decisions is assessed by a physician, psychologist or other health care professional designated as a capacity assessor with specific training in this area. The Office of the Public Guardian can provide a list of qualified capacity assessors.

Once completed, the applicant submits the package to the Office of the Public Guardian who then meets with the adult to get their views on the application.

What else do you need to know about guardianship?

- The term "represented adult" is the term used to describe someone under a guardianship order.
- An application can be made for an individual up to twelve months before his or her 18th birthday.
- If there are serious concerns that a guardian is causing harm to the adult by not performing their role, a written complaint can be made to the Office of the Public Guardian. An investigation can then be conducted if warranted.