

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



Specific Decision-making *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 specific decision-making for adults who:

- require a time sensitive decision related to health care or temporary admission to or discharge from a residential facility; and
- lack capacity to make this decision; and
- do not have a guardian or a personal directive.

What is specific decision-making?

When an adult does not have the capacity to make a decision and they do not have a guardian or personal directive, a health care provider (a physician, nurse practitioner, or dentist for dental care only), may choose a relative to act as a specific decision maker and make the necessary decision on behalf of the adult.

Specific decision-making is used for time sensitive decisions. It is restricted to:

- health care; and
- temporary admission to or discharge from a residential facility.

For example, an adult's ability to make a decision may be impaired for a period of time after they have had a stroke. Under specific decision-making, their physician

may ask a relative to provide consent to move the adult to a rehabilitation facility for treatment.

The health care provider must first assess whether or not the adult is able to make decisions. The specific decision-making option is only used after the adult has been assessed as being incapable of providing informed consent for a specific decision and the health care provider has identified that a treatment or placement decision is needed.

How is a relative selected?

The health care provider chooses the "nearest relative" from a ranked list:

- spouse or adult interdependent partner
- adult son or daughter
- father or mother
- adult brother or sister
- grandfather or grandmother
- adult grandson or granddaughter
- adult uncle or aunt
- adult nephew or niece
- Public Guardian as a last resort

The relative must be over 18 years of age, be available and willing to make the decision and have been in contact with the adult within the past 12 months.

There cannot be a dispute between the relative selected to act as a specific decision-maker and the adult that may affect the relative's ability to carry out the duties of a specific decision-maker.

Even though the adult has been assessed as unable to make a decision, the relative should consult with them to the extent possible.

If there is disagreement about who should be selected, the Public Guardian can act as the specific decision-maker or authorize a family member who is not part of the initial disagreement.

The forms that authorize a relative or the Public Guardian to make a specific decision are available from the health care organization.

Are there limits to the types of decision that can be made?

Specific decision-making does not apply to decisions about treatment of mental health disorders, psychosurgery, sterilization, transplantation of tissue, experimental activities, or end of life decisions.

What if others have concerns about the decision?

Any relative, close friend or legal representative can challenge the decision in Court.

They can also initiate a more thorough capacity assessment to determine if the adult has the capacity to make decisions on their own.

For more information, please contact the Office of the Public Guardian or speak with your health care provider.