

Guardianship

Guardianship is a legal process that gives an individual - the guardian - legal authority and responsibility to make or assist in making decisions about (non-financial) personal matters on behalf of a represented adult.

A represented adult is an Albertan, 18 years of age or older who does not have the capacity to make decisions about personal matters and whose needs would not be met by other, less intrusive decision making alternatives.

Guardianship options ranging from supported decision-making authorizations to full guardianship are set out in the *Adult Guardianship and Trusteeship Act (AGTA)*, which replaced the *Dependent Adults Act* in October 2009.

The Act is based 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 autonomy 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.

The Act allows the Court to specify any of the following personal matters of the adult as areas in which the guardian has decision making authority:

- the adult's health care;
- where, with whom, and under what conditions the adult is to live, either permanently or temporarily;
- with whom the adult may associate;
- the adult's participation in social activities;

- the adult's participation in any education, vocational, or other training;
- the adult's employment;
- the carrying on of any legal proceeding that does not relate primarily to the financial matters of the adult; and
- any other personal matters the Court considers necessary.

An appointed Guardian (Private Guardian) is usually a person who is a relative or close friend of the represented adult.

The Court may appoint the Public Guardian as the guardian for an adult if there is no other individual who is willing, able, and suitable to act as a guardian for the adult.

There are two ways to apply for *Guardianship*:

- The applicant may submit an application to the Office of the Public Guardian, referred to as a *desk application*. With a desk application, no hearing is held unless the adult or an interested person requests one.
- Applicants may also submit their application directly to the Court, called a *notice of hearing application*, and a hearing would be held.

More information about *Guardianship* is available at:

- the website of the Office of the Public Guardian <http://www.seniors.alberta.ca/opg/guardianship/>
- The Office of the Public Guardian (call 310-0000 to be connected to the office nearest you)