

Trusteeship

Adult Albertans who have a developmental disability and who require assistance in managing their financial affairs can be helped in three ways.

- An individual who is competent to do so can make an Enduring Power of Attorney
- An individual who has no property to manage but who needs assistance with monthly budgeting of money received can receive assistance from an Informal Trustee.
- An individual who has an estate to manage, may need to have a court appoint a Trustee under the *Adult Guardianship and Trusteeship Act*.

Where a trustee is to be appointed, the court considers the adult's capacity, the report of a review officer, the trusteeship plan, the balance between benefits and drawbacks to the adult, and any other information the court considers relevant.

Usually the trustee is a family member or friend. If there is no one else who is prepared to serve as trustee, a court can appoint a public trustee under the *Public Trustee Act*.

A trusteeship order granted by a court gives the trustee legal authority and responsibility to make property decisions on behalf of an adult who has been found to lack the mental capacity to make financial decisions. There may be one or more trustees for one adult and one or more alternate guardians as well.

Applications for a trusteeship order can proceed in two ways:

- A **Desk Application** is made when the applicant wishes the Court to review the documents filed and grant the orders but

there is no public court hearing.

- A **Notice of Application and Hearing** is where the application is heard in a public court room and the Court will listen to verbal submissions in addition to having the application materials. An applicant may speak to the Court or have a lawyer represent them. Other interested parties may also speak to the Court at the hearing.

Because an adult who needs assistance in making financial decisions may also need assistance in making decision about other areas of their life, a court can appoint a joint guardian and trustee to make both personal and financial decisions on behalf of an adult who has been found to lack capacity to make their own.

More information about Trusteeship and Guardianship including several Self Help Kits is available from:

- the Office of the Public Guardian—Call 310-0000 toll free and then dial (780) 427-2744 (for the Edmonton office) or (403) 297-6541 (for the Calgary office) or
- <http://www.seniors.alberta.ca/opg/guardianship/>

You can also get more information from the Office of the Public Trustee website at:

- https://justice.alberta.ca/programs_services/public_trustee/Pages/default.aspx

Additional general information about Trusteeship may also be obtained using Dial-A-Law at 1-800-332-1091