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## How can we ensure our adult family member continues to have the support needed to make life decisions?

Whatever the needs of the individual, it is important to help them voice their interests and engage them in decision-making. However, some individuals are not able or not yet ready to make all of their own life decisions when they turn 18 and become a legal adult. As a family member, you can:

- **Read The Adult Guardianship and Trusteeship Act (AGTA)**
  - The AGTA provides direction to caregivers about the protection of adults over 18 who are unable to make personal, medical, legal and financial decisions for themselves. You may need to consider guardianship if you feel your child will not be capable to make decisions in one or more of the following areas: living arrangements, social activities, employment, education and training, legal matters, health care, and daily living routines. If no one is willing or available, a Public Guardian can be appointed when it is in the adult's best interests.
  - While guardianship exists to support personal life decisions, trusteeship provides for decisions regarding financial matters. Like guardianship, Formal Trusteeship is a court appointed process requiring a specific legal application. There are also informal trusteeships which are agreements made when the dependent adult does not have property or large financial assets. Informal trusteeship can be used to manage AISH or employment income only. If you are considering an application to act as your child's trustee or guardian, consider who might be an alternate to act in your place when you are unable.
- **Understand the four levels of Guardianship**
  - There are four different "levels" of guardianship under the AGTA:
    - (1) Full Guardianship**
      - Full guardianship is for adults who lack capacity to make personal decisions. In this case the appointed guardian has full decision-making authority.
      - Requires a Capacity Assessment Report of the dependent adult included in the application.
    - (2) Co-Decision Making**
      - Co-Decision Making is intended for persons with significant impairments in decision-making capacity, but who can make decisions with appropriate support.
      - Here, supported adults have final authority over decisions and must agree to arrangements made.
      - With this provision, named parties are privy to information and planning, but their level of influence over decision making depends on the pre-existing, mutually respectful relationship between the Co-Decision Maker and the supported adult.
      - This level also requires a capacity assessment to determine whether the adult can make their own decisions.
    - (3) Supported Decision Making**
      - Supported persons have decision making capacity but would benefit from help regarding a particular issue.
      - Supported Decision Making provisions cover a finite term, usually laid out in a specific document describing what the 'supporter' may or may not access or do.
    - (4) Specific Decision-Making**
      - An agreement regarding a medical event only.
      - This is used by health care providers to allow a relative to make a one-time decision on behalf of an adult who lacks the capacity to make an informed decision.

- **Complete a Capacity Assessment Report**

- A capacity assessment specifies the individual's decision-making ability and appropriate level of guardianship, and can often be completed by a child's pediatrician or family doctor. It can also be completed privately by a certified service provider (physician, psychologist, etc.).

## RESOURCES

The Resource Centre (a Sinneave Family Foundation initiative) does not endorse or guarantee the exhaustive, complete, accurate or up-to-date nature of information provided and does not assume any risk for the outcome of information or referrals provided.

### **Alberta Human Services – Guardianship & Trusteeship**

**Phone:** Office of the Public Guardian 1.877.427.4525 (toll-free)

**Website:** [alberta.ca/help-incapable-adults.aspx](http://alberta.ca/help-incapable-adults.aspx)

### **The Children's Link Society – Transition Services**

A family-centred, community-based, central access point of information for families of children with special needs in Calgary and Area. Transition Services can assist youth in transitioning to adulthood with the following application processes: Guardianship and Trusteeship, PDD, and AISH.

**Contact:** Lorna Selig, Transition Consultant

**Phone:** 403.230.9158

**Address:** #211, 8855 MacLeod Trail SW, Calgary, AB T2H 0M2

**Email:** [lorna.selig@childrenslink.ca](mailto:lorna.selig@childrenslink.ca)

**Website:** [childrenslink.ca/](http://childrenslink.ca/)

### **Planned Lifetime Advocacy Network (PLAN Canada) (Planned Institute)**

PLAN is a family led organization that provides information for parents and families on planning for the future of persons with disabilities including information on financial security and RDSPs.

**Phone:** 604.439.9566

**Address:** 312 Main Street, Vancouver

**Website:** [legalaid.ab.ca/Pages/default.aspx](http://legalaid.ab.ca/Pages/default.aspx)

### **Vanderleek Law**

Gordon Vanderleek has been practicing law for over 20 years, and has experience working with families with children with various disabilities. Annie Vanderleek is a mother of children with disabilities and is the firm's Disability Advocate. Along with individual legal services, the firm also offers community seminars.

**Phone:** 403 457.4575

**Address:** Suite 200, 1940 - 9th Avenue SE, Calgary, AB T2G 0V2

**Website:** [vanderleeklaw.ca](http://vanderleeklaw.ca)

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