

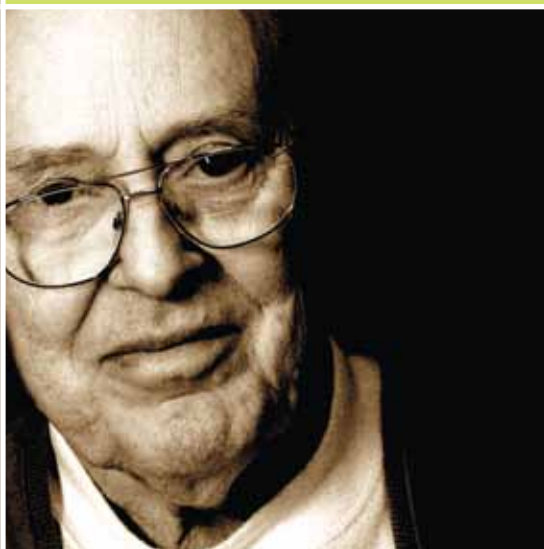
## **A Guide to Supported Decision-Making: *protecting individual rights and reducing the risk of elder abuse***

Information about options for financial and personal decision-making is important for supporting the safety, dignity, empowerment and independence of seniors.

This guide provides older adults, seniors, family members, caregivers and service providers with an overview of the current options available to inform decision-making about financial and personal matters. Information and knowledge about these tools and supports can contribute to protecting an individual's autonomy and rights and may reduce the risk of elder abuse.

Financial decisions include matters relating to finances, property and assets.

Personal decisions are those matters pertaining to health care, living arrangements, social activities, educational or vocational training, employment and legal issues.



FINANCIAL AND PERSONAL SUPPORTED DECISION-MAKING OPTIONS	Financial	Personal	Related Legislation
<b>Options for Advance Planning</b>			
<p>A <b>Personal Directive</b> allows an individual to prepare for a time when, due to illness or injury, he or she no longer has the capacity to make decisions, such as where to live or the medical treatment he or she wishes to receive. Further information is available any Office of the Public Guardian or online at on line at <a href="http://www.seniors.alberta.ca">www.seniors.alberta.ca</a>.</p>		✓	<i>Personal Directives Act</i>
<p>A <b>Power of Attorney</b> is a legal document that allows a capable individual (the donor) to give another individual (the attorney) the power to act on his or her behalf with respect to financial and legal affairs. The power of attorney may be for a specific purpose, or for a pre-determined amount of time, (e.g. if an individual is away from the home for an extended period of time), or it may be general in nature. A power of attorney is only valid as long as the donor is capable of managing his or her affairs.</p>	✓		<i>Powers of Attorney Act</i>
<p>An <b>Enduring Power of Attorney</b> allows a capable individual (the donor) to plan in advance for the handling of his or her financial and legal affairs by a trusted individual (the attorney). This type of power of attorney can work in two different ways: it may take effect immediately and continue after the donor loses capacity or only take effect when the donor loses capacity. Further information is available online at <a href="http://www.justice.alberta.ca">www.justice.alberta.ca</a>.</p>	✓		<i>Powers of Attorney Act</i>
<p>A <b>Supported Decision-Making Authorization (SDMA)</b> allows an individual to authorize someone he or she trusts (the “supporter”) to help with his or her personal decisions. The authorization allows the “supporter” to access relevant information that might otherwise be protected under privacy laws (e.g. information from a pharmacist about potential drug interactions related to the individual’s prescriptions). The “supporter” is also able to help the individual think through and communicate decisions. A SDMA is useful for capable individuals with communication barriers (e.g., first language is not English or people with mild disabilities). The authorization form is available at any Office of the Public Guardian or online at <a href="http://www.seniors.alberta.ca">www.seniors.alberta.ca</a>.</p>		✓	<i>Adult Guardianship and Trusteeship Act</i>
<p><b>Informal Trusteeship</b> provides an individual with a mental disability, who has no property to manage, with assistance in budgeting funds received from various government programs and with payment of monthly expenses. A number of provincial and federal benefit programs allow an “informal trustee” to be appointed, usually by having the proposed informal trustee sign a form. Informal trustees can include family members, friends, landlords and representatives of care facilities. Further information is available online at <a href="http://www.justice.alberta.ca">www.justice.alberta.ca</a>.</p>	✓		Various federal and provincial legislation and regulations.
<p>A <b>Will</b> is a legal statement of an individual’s last wishes about how to divide his or her property after death. A copy of the <i>Wills Act</i> is available online at <a href="http://www.qp.alberta.ca">www.qp.alberta.ca</a>.</p>	✓		<i>Wills Act</i>
<p><b>Final Wishes.</b> Planning ahead and communicating to loved ones about final wishes can provide an individual with peace of mind. Issues to consider include the kind of funeral or memorial service desired, where the service is to be held and where the body will be laid to rest. <i>Saying Farewell: A Guide to Assist You with the Death and Dying Process</i> is available by calling the Alberta Seniors Information Line at 780-427-7876 in Edmonton or 1-800-642-3853 (toll-free) or online at <a href="http://www.seniors.alberta.ca">www.seniors.alberta.ca</a></p>		✓	

FINANCIAL AND PERSONAL SUPPORTED DECISION-MAKING OPTIONS	Financial	Personal	Related Legislation
<b>Options for when capacity is lost and advance planning options are not in place</b>			
<p>A <b>Co-Decision-Making Order</b> (CDMO) allows an individual, assessed as significantly impaired, to consent to a Court order appointing a trusted person(s) as his or her co-decision maker. The order requires the individual to make certain or all personal decisions with his or her co-decision maker. This option may be appropriate when the individual has a strong, positive relationship with his or her co-decision maker (e.g., wife acting as a co-decision maker for her brain injured husband). CDMOs are issued by the Court of Queen’s Bench. Further information is available at any Office of the Public Guardian or online at <a href="http://www.seniors.alberta.ca">www.seniors.alberta.ca</a>.</p>		✓	<i>Adult Guardianship and Trusteeship Act</i>
<p><b>Specific Decision-Making</b> allows a health care provider (e.g. a physician, nurse practitioner or dentist for dental treatment only), to select a relative to act as a specific decision-maker for time sensitive health care or temporary admission and discharge decisions in cases where an individual suddenly loses capacity and does not have a personal directive or guardian. Further information is available at any Office of the Public Guardian or online at <a href="http://www.seniors.alberta.ca">www.seniors.alberta.ca</a>.</p>		✓	<i>Adult Guardianship and Trusteeship Act</i>
<p>A <b>Guardianship Order</b> appoints a guardian in cases when an individual does not have the capacity to make decisions about personal matters. Usually a family member or friend acts as a “private” guardian. Guardianship Orders are issued by the Court of Queen’s Bench and will identify if the guardian has decision making authority for all or limited personal decisions. <b>If</b> no one is able, willing, or suitable, the Public Guardian may act as the adult’s guardian. Further information is available at any Office of the Public Guardian or online at <a href="http://www.seniors.alberta.ca">www.seniors.alberta.ca</a>.</p>		✓	<i>Adult Guardianship and Trusteeship Act</i>
<p>A <b>Trusteeship Order</b> appoints a trustee to make financial decisions on behalf of an individual who has suffered a loss of capacity. Usually a family member or friend acts as the individual’s “private” trustee. <b>If</b> no one is able, willing, or suitable, the Public Trustee may act as a “private” trustee. Trusteeship Orders are issued by the Court of Queen’s Bench and, unless otherwise specified, apply to all of the individual’s real and personal property in Alberta. Further information is available online at <a href="http://www.justice.alberta.ca">www.justice.alberta.ca</a>.</p>	✓		<i>Adult Guardianship and Trusteeship Act</i>
<p><b>Intestate Succession Act</b> comes into effect if an individual dies without a Will. A copy of the Act is available on line at <a href="http://www.qp.alberta.ca">www.qp.alberta.ca</a>.</p>	✓		<i>Intestate Succession Act</i>

Elder Abuse is any action or inaction by self or others that jeopardizes the health or well-being of an older person. An act of harm or neglect resulting from a failure to act is especially detrimental when inflicted by those in a position of trust, power or responsibility.

***Preventing elder abuse is possible when everyone works together.***



## ADDITIONAL INFORMATION:

### Office of the Public Guardian

Supports decision-making mechanisms for individuals who are unable to make personal non-financial decisions for themselves.

**Phone: 1-877-427-4525 (toll-free)**

### Office of the Public Trustee

Supports the protection of the financial interests of vulnerable Albertans by administering their estates.

**Phone: 780-427-2744 (Edmonton) or 403-297-6541 (Calgary)**

Call toll-free from anywhere in the province by dialing 310-0000

### Alberta Law Line (a program of Legal Aid Alberta)

Provides free legal information, referrals, and advice to Albertans over the phone. All calls are confidential. Legal advice is provided based on Legal Aid Alberta's financial eligibility guidelines and the nature of the legal problem.

**Phone: 1-866-845-3425 (toll-free)**

### Legal Aid Alberta

Provides low-income Albertans with a range of legal counsel in many of areas of law, including family, criminal, and civil services.

Monday – Friday 9:00 a.m. – 4:00 p.m.

Wednesdays 9:00 a.m. – 2:30 p.m.

**Phone: 1-866-845-3425 (toll-free)**

### Dial-A-Law

Pre-recorded legal information messages available 24 hours a day, 7 days a week.

**Phone: 1-800-332-1091 (toll-free)**

### Seniors Information Line

A toll-free telephone service available Monday to Friday from 8:15 a.m. to 4:30 p.m. throughout Alberta. Staff provide information on provincial and federal programs and services for seniors as well as referrals to government and non-government services and programs.

**Phone: 780-427-7876 (in Edmonton) or 1-800-642-3853 (toll-free)**



ALBERTA  
ELDER ABUSE  
AWARENESS  
NETWORK

The Alberta Elder Abuse Awareness Network is a province-wide network of professionals dedicated to preventing elder abuse by increasing community awareness about elder abuse and the resources available to address it. The Network's website is an educational and awareness raising resource for professionals that provides access to resources, knowledge and tools for use in programs and practices.

**[www.albertaelderabuse.ca](http://www.albertaelderabuse.ca)**

## Government of Alberta ■

Alberta Seniors and Community Supports website provides information on safeguards for vulnerable adults including: Personal Directives, Supported Decision-Making Authorization, Co-Decision-Making, Specific Decision-Making and Guardianship.

**[www.seniors.alberta.ca](http://www.seniors.alberta.ca)**