

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



Decision-making Options

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. Outlined below are the most common options.

Personal matters

Supported decision-making

If an adult has the capacity to make their own decisions but they would like some help, they can sign a form that authorizes someone they trust to be their “supporter”.

The adult can give their supporter legal permission to access relevant information that might otherwise be protected under privacy laws. The supporter might also help the adult think through the decision-making process and communicate decisions, if necessary.

A supported decision-making authorization would be helpful for capable individuals who face complex personal decisions, people whose first language is not English and people with mild disabilities.

Co-decision-making

If an adult’s ability to make decisions is significantly impaired but they can make decisions with good support, a co-decision-making order may be an alternative to guardianship.

With a co-decision-making order, the adult and their co-decision-maker make decisions together.

The adult must agree to the arrangement, as well as the person who is appointed as their co-decision-maker. Co-decision-making is appropriate for family and close friends.

The decision to grant a co-decision-making order is made by the Court.

Guardianship

If an adult lacks the capacity to make personal decisions, the Court may appoint a guardian to make personal decisions for them.

A guardian can make decisions in some, but not necessarily all, areas of authority, depending upon the adult’s needs.

Usually a family member or friend applies for guardianship, but if no one is willing or available the Office of the Public Guardian can perform that role.

The decision to grant a guardianship order is made by the Court.

Specific decision-making

Health care providers (physicians, nurse practitioners or dentists for dental care only) may use specific decision-making to allow a relative to make a one-time decision on behalf of an adult who lacks capacity.

Decisions are restricted to specific areas: health care treatment or temporary admission to or discharge from a residential facility.

Health care professionals have the necessary forms.

For more information, please contact the Office of the Public Guardian (see back panel for contact information) or go online: www.seniors.alberta.ca/opg

Money matters

Trusteeship

If an adult lacks the capacity to make their own financial decisions, the Court may appoint a trustee. Usually the trustee is a family member or friend, but the Office of the Public Trustee can be appointed as a last resort.

To apply to be a trustee, please contact the Office of the Public Guardian or Public Trustee for an application package.

For questions about trusteeship, please contact the Office of the Public Trustee:

Edmonton: 780-427-2744

Calgary: 403-297-6541

To be connected toll-free, call 310-0000 first.