

## Protective measures and investigations

### What is the AGTA?

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.

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.

### What happens if a co-decision maker, guardian, or trustee is not doing their job properly?

The protection of vulnerable people requires safeguards and the AGTA provides several protective measures including a complaints and investigations process.

The AGTA was developed to strengthen the protection of vulnerable people. Most guardianship, co-decision-making and trusteeship arrangements work well; however, if problems exist, any interested person can make a complaint.

The complaints and investigations process is intended for serious complaints. Any interested party can make a complaint if they have reason to believe:

- a guardian, co-decision-maker or trustee has failed (or is failing) to follow the Court order;
- a guardian, co-decision-maker or trustee has failed (or is failing) to comply with their duties;

AND

- this failure is likely to cause harm to the assisted or represented adult—physically, mentally or financially.

### How to make a complaint

All complaints must be in writing and signed by the complainant. A regulated form is available on our website [www.seniors.alberta.ca/opg](http://www.seniors.alberta.ca/opg), but written complaints in other formats will be accepted. Anonymous complaints are not accepted.

If a complainant contacts a complaints officer by telephone, they will provide information and ask that the complaint be made in writing (if this is appropriate given the nature of the complaint) or direct the complainant to appropriate resources (e.g., Protection for Persons in Care). Written complaints may also be referred to Protection for Persons in Care, the police, or the Minister of Alberta Justice and Attorney General if the subject matter of the complaint meets any of these mandates.

### Complaints officer review process

The Complaints Officer will review written complaints and may speak with the complainant to help clarify information about the complaint.

Based on the information provided, the Complaints Officer will decide whether or not to refer the matter for investigation.

If the Complaints Officer decides not to investigate, they will provide the complainant with a letter providing written reasons.

If the complaint is referred for investigation, the co-decision-maker, guardian, or trustee will receive a letter notifying them of the investigation. The represented adult and any other decision-makers are also informed of the investigation. The complainant is also informed of the investigation.

### Investigations

If a complaint meets the AGTA investigation criteria, that is, failure to comply with the Order or fulfill duties resulting in harm, the complaint will be referred for investigation. If the complaint is about the Public Guardian or the Public Trustee, an independent investigator will be appointed.

The investigators will interview people who know about the situation and review relevant records.

Based on the information collected, the investigators will determine if the complaint is founded or unfounded. The complainant, co-decision-maker, guardian, or trustee involved, the represented adult, and any other decision-makers are informed of the outcome of the investigation.

As a result of an investigation, the investigators can make recommendations to resolve the situation, including referrals to mediation services, if appropriate. In situations where the represented adult is in serious danger, the AGTA contains provisions so the Public Guardian can act quickly to ensure the adult's protection.

## Temporary Protection Order

If the adult is in immediate harm, the Public Guardian can apply to the Court for a temporary protection order. This will allow the represented adult to be moved immediately to a safe place. The Public Guardian or Public Trustee can also apply to Court to have a co-decision-maker, guardian or trustee removed as the Represented Adult's decision-maker.

## 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.)

Complaint Line: **1-888-357-9339**

Our website: [www.seniors.alberta.ca/opg](http://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

OPG Vision: Albertans have access to a continuum of decision-making choices to maintain personal autonomy and dignity throughout their lives.