

ALBERTA SENIORS AND HOUSING

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
Options for Advance Planning			
<p>A Personal Directive 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 at any Office of the Public Guardian or online at www.justice.alberta.ca.</p>		✓	<i>Personal Directive Act</i>
<p>A Power of Attorney 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. Further information is available online at www.justice.alberta.ca.</p>	✓		<i>Powers of Attorney Act</i>
<p>An Enduring Power of Attorney 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 www.justice.alberta.ca.</p>	✓		<i>Powers of Attorney Act</i>
<p>A Supported Decision-Making Authorization (SDMA) 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 online at www.justice.alberta.ca.</p>		✓	<i>Adult Guardianship and Trusteeship Act</i>
<p>Informal Trusteeship 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 www.justice.alberta.ca.</p>	✓		<i>Various federal and provincial legislation and regulations.</i>
<p>A Will is a legal statement of an individual's last wishes about how to divide his or her property after death. A copy of the Wills and Succession Act is available online at www.justice.alberta.ca.</p>	✓		<i>Wills and Succession Act</i>

FINANCIAL AND PERSONAL SUPPORTED DECISION-MAKING OPTIONS	Financial	Personal	Related Legislation
Options for Advance Planning			
<p>Final Wishes. 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 Preplanning and the Death and Dying Process</i> is available by calling Alberta Supports at 780-644-9992 (Edmonton) or 1-877-644-9992 (toll-free) or online at www.seniors-housing.alberta.ca.</p>			
<p>A Co-Decision-Making Order (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 online at www.justice.alberta.ca.</p>		✓	<i>Adult Guardianship and Trusteeship Act</i>
<p>Specific Decision-Making 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 online at www.justice.alberta.ca.</p>		✓	<i>Adult Guardianship and Trusteeship Act</i>
<p>A Guardianship Order 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. If no one is able, willing, or suitable, the Public Guardian may act as the adult’s guardian. Further information is available at www.justice.alberta.ca.</p>		✓	<i>Adult Guardianship and Trusteeship Act</i>
<p>A Trusteeship Order 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”. If no one is able, willing, or suitable, the Public Trustee may be appointed to act as trustee. Trusteeship Orders are issued by the Court of Queen’s Bench and, unless otherwise specified, apply to all the individual’s real and personal property in Alberta. Further information is available online at www.justice.alberta.ca.</p>	✓		<i>Adult Guardianship and Trusteeship Act</i>
<p>Part 3 - Distribution of Intestate Estates in the Wills and Succession Act comes into effect if an individual dies without a Will. A copy of the Act is available on line at www.justice.alberta.ca.</p>	✓		<i>Wills and 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 and Trustee

The Office of the Public Guardian and Trustee provides support and services for vulnerable Albertans by: protecting and advocating for individuals who are unable to make personal and financial decisions for themselves; administering the property of represented adults, minor children, and deceased persons; and providing information and education to the public, service providers, and individuals who are fulfilling the role of a legal substitute decision maker (e.g., guardian, agent) for a family member or friend.

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.

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)

Alberta Supports

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 social-based assistance programs and services offered by the Government of Alberta.

Phone: 780-644-9992 (Edmonton) or 1-877-644-9992 (toll-free)

www.albertasupports.ca



The Alberta Elder Abuse Awareness Council 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 Council'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



Alberta Seniors and Housing website provides information about the programs and services available to seniors.

www.seniors-housing.alberta.ca

ISBN 978-1-4601-3569-3 (Print)
ISBN 978-1-4601-3570-9 (PDF)
SCS0034

Revised August 2017