

Office of the Public Guardian and Trustee

Urgent Guardianship and Trusteeship Orders

Sometimes important personal and/or financial decisions need to be made quickly on behalf of someone who is incapable of doing so.

In these cases, the *Adult Guardianship and Trusteeship Act (AGTA)* states that an interested person may apply to the court for an Urgent Order appointing a guardian and/or trustee. This is appropriate when someone has reason to believe that an adult is in immediate danger of physical or mental harm and/or immediate danger of suffering a serious financial loss, and that adult is incapable of making sound decisions to protect him or herself.

An application for an Urgent Order allows people to apply to the court without having the supporting documents, such as a capacity assessment, consent for criminal and credit checks, and the references that are usually required. People do need to provide evidence that the adult is not capable to make their own decisions and that the applicant is a suitable person to act on their behalf. Before making an application for an Urgent Order a person should ensure there are no other options available.

If a decision related to an adult's health care or placement in a residential facility needs to be made, a family member may use Specific Decision making, which is a provision of the AGTA that does not need to go through the Court. The adult's health care provider and the Office of the Public Guardian and Trustee can answer questions on which avenue is appropriate to pursue.

Decision making for financial matters can be complicated and may require specific authorities in a Trusteeship Order. If a person's financial situation involves multiple accounts and/or properties, people should seek the assistance of a lawyer when making an application for an Urgent Order.

Information regarding the adult and their circumstances must be included in, or attached to the sworn Affidavit. If there is urgency involved, the Court may agree that the adult, and any other person who would normally receive notice, is not required to receive a copy of the application and supporting documentation.



If the Court grants an Urgent Guardianship and/or Trusteeship Order, a complete application for Review of the Order must be filed with the Court no more than 90 days after the date of the Order, otherwise it expires.

If there are no previous files for the adult in question, there is a filing fee of \$250 to file completed documents with the Court.

Applications to review Urgent Orders prior to the expiration have a filing fee of \$50.

Documents Required for an Urgent Guardianship and/or Trusteeship Application:

- Form 39 – Notice of Application and Hearing
- Form 15 – Affidavit of Applicant (with supporting documentation attached such as letters or reports from a doctor, statements from a bank or financial institution)
- Form 18 – Order (it is important that you have a Draft Order prepared outlining the authority you need to make the necessary decisions on behalf of the adult)

Information and the forms are also available by visiting the OPG website:

<https://www.alberta.ca/opgt-supports.aspx>

If you have questions please contact the Office of the Public Guardian and Trustee:

Edmonton (780) 427-0017 | Red Deer (403) 340-5165 | Calgary (403) 297-3364
Grande Prairie (780) 883-4319 / Lethbridge (403) 381-5648