



Alberta
Justice

Alberta
Seniors and
Community Supports

Legislative Review of the *Dependent Adults Act*

Dependent Adults and Self-Advocates Consultations Summary

May 2006

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EXECUTIVE SUMMARY

In June 2005, the Government of Alberta announced a review of the *Dependent Adults Act*. This Act deals with decision-making for adults who are unable to make decisions independently due to reduced capacity. To ensure this legislation meets the needs of Albertans now and in the future, government asked the public for input.

In this phase of the consultation process, Catholic Social Services conducted 10 focus groups in the communities of Wainwright, Edmonton, Red Deer, Calgary and Lethbridge. A total of 42 dependent adults and self-advocates attended and shared their perspectives on key issues related to the *Dependent Adults Act*. Of the 42 individuals who participated, 26 have guardians through the Office of the Public Guardian.

Of the focus group participants with Public Guardians, 88 percent expressed a high level of satisfaction with their guardian. Three out of 26 participants gave specific comments about not being satisfied.

Participants did not always agree with the decisions of the guardian, but the majority felt they were given an opportunity to talk through the issues and felt respected. They also felt strongly that they had a right to be involved in the decision-making process.

Participants understood that appointing a guardian was a measure of protection. They were aware that the process of determining guardianship occurred through the court, whereby a judge reviews the information presented and makes a decision. Several people felt that the decision should be made by a group rather than an individual.

Participants also talked about money matters. They said that family or their trustee helps them handle their finances, and they were happy with how these matters were explained to them. Several participants said their trustee would not tell them how much money was in their account, which they found frustrating.

RECOMMENDATIONS

1. Provide dependent adults with a card that lists their guardian's name and phone number to facilitate contact between the parties.
2. Ensure guardians have ongoing personal contact with the dependent adult for which they are responsible.
3. Ensure individuals have ongoing opportunities to discuss what guardianship and trusteeship means with their guardian or trustee.
4. Ensure all individuals who do not feel satisfied with guardianship or the support they have received have an opportunity to speak to someone who will address their concerns.

WHO WE HEARD FROM

The 42 dependent adults who attended the sessions represented the following groups:

- People with developmental disabilities;
- Self-advocates;
- People with mental health issues;
- People with brain injuries; and
- Seniors.

Participants represented three different guardianship arrangements:

- They have a private guardian;
- Their guardian is a representative from the Office of the Public Guardian; or
- They have capacity limitations and are in the process of applying for guardianship.

Focus Group Participation

| Session | Guardianship Arrangement | | | Disability Groups Represented |
|-----------------|--------------------------|-------------------------------|---------------------------|---|
| | Private Guardianship | Office of the Public Guardian | Applying for Guardianship | |
| Wainwright a.m. | 3 | 3 | | People with developmental disabilities |
| Wainwright p.m. | 2 | 3 | | Self-advocates |
| Edmonton a.m. | | 2 | 1 | People with developmental disabilities and people with mental health issues |
| Edmonton p.m. | | 5 | | People with developmental disabilities |
| Red Deer a.m. | 2 | 4 | | People with developmental disabilities |
| Red Deer p.m. | 2 | 3 | | Self-advocates |
| Calgary a.m. | 2 | 5 | | People with developmental disabilities and people with brain injuries |
| Calgary p.m. | 0 | 0 | 1 | Seniors |
| Lethbridge a.m. | 2 | 1 | | People with developmental disabilities |
| Lethbridge p.m. | 1 | | | People with brain injuries |
| Total | 14 | 26 | 2 | |

WHAT WE HEARD

1. Determining the need for guardianship

Question: What questions/observations should be made in order to determine if you need a guardian?

In general, focus group participants said that if someone was making poor decisions, needed help with life skills or were unable to take care of him or herself (e.g. cook a meal), that individual probably needed a guardian.

Wainwright: Participants were able to identify who their guardian was and the areas in which the guardian provided assistance. They indicated that the dependent adult should be included in discussions to determine areas of support.

Edmonton: Participants were able to identify that if someone did not feel safe or was making poor decisions, that individual may need a guardian. They also indicated that the dependent adult should be included in discussions to determine areas of support.

Red Deer: Participants' responses implied an understanding of guardianship. One person with a private guardian said the type of guardianship support would depend on the level of dependency.

Lethbridge: Participants gave examples and identified poor decision-making as a reason for guardianship.

Calgary: Participants offered examples of when someone might need a guardian.

Question: How would someone know what area you need a guardian in?

Focus group participants responded by offering examples of areas in which they received help from their guardian. They also said that the type of support should be determined through discussion with the dependent adult. Participants did not verbalize that they understood how different areas of guardianship support are determined.

Based on the examples provided, participants indicated that a guardian helps the dependent adult make decisions in areas where they need assistance such as housing, health, employment, diet and dress.

2. Help with decision-making

Question: Who should help you make decisions?

Participants indicated that friends and guardians working together with family and the Public Guardian could help them make decisions.

Question: Do you like how they help you make decisions?

The most common response was “sometimes.”

Edmonton: One participant clearly indicated that he was not satisfied with his guardian and that he had concerns about personal letters being opened without his permission. Although he indicated that his guardian was busy, he wanted more contact through conversation to strengthen trust.

Red Deer: Participants indicated they were sometimes satisfied. Some indicated that they did not know the name or phone number of their guardian representative.

Lethbridge: One participant clearly indicated that they were not satisfied with the process of transition from the child to the adult system.

Question: Do you agree that a court/judge should make decisions as a way of protecting you?

Most participants agreed appointing a guardian is a gesture of protection. There was also a strong sentiment that participants should have a voice in the appointment process. Several participants supported the concept of the decision being made by a group, rather than one individual.

Wainwright: Participants did not indicate that they understood that by appointing a guardian, the court/judge was protecting them. However, they did indicate that guardians assist them to make good decisions. They suggested that people should talk to the judge or be consulted as part of the appointment process.

Edmonton: Participants stated clearly that the appointment of a guardian through the courts is intended to assist dependent adults with decision-making; the guardian does not make decisions for you. Participants expressed strong opinions about their right to be part of the decision-making process; they talked about what to do if their guardian did not include them.

Red Deer: An adult with a private guardian indicated that a judge should not have the ultimate decision regarding guardianship and that a board decision was better. A number of participants indicated that they wanted to make some of their own decisions.

Lethbridge: While people with private guardians agree with the court system, they questioned why the court system relies only on documentation. One participant moving from the foster to the adult system felt misinformed by their guardian about the process.

Calgary: Participants unanimously agreed with the court/judge system of decision-making.

Question: If you need help making decisions, how do you want someone to provide that help to you?

Although the occasional person said they would write or e-mail their guardian, most people preferred to talk through decisions with their guardian either by phone or in person. Talking provided an opportunity to express feelings. There were many comments about the importance of frequent contact.

3. Satisfaction with the Public Guardian

Note: Representatives from the Office of the Public Guardian who were in attendance at the focus group were asked to leave the room during this segment.

Question: Are you satisfied with the Public Guardian who helps you with your decision-making? Do they respect you?

Of the participants who have a Public Guardian, 88 percent said they were satisfied and felt respected. Several people said they would like more contact with their Public Guardian.

Question: Does the Public Guardian help you to make your needs known?

Participants provided many examples of situations where the Public Guardian was able to help them express their needs. They include speaking to the doctor on their behalf, dealing with staff at their care facility and helping them resolve a dispute with roommates. Several people said they would like their Public Guardian to use language that is easier to understand.

4. Satisfaction with private guardians

Question: Do you like how your private guardian helps you make decisions? And do you feel respected?

Most focus group participants with private guardians said they like how their guardian helps them make decisions.

Red Deer and Lethbridge: Some of the participants were accompanied by their private guardians during the focus group. Facilitators observed positive interactions between the dependent adults and their guardians.

Question: Does your private guardian help you to make your needs known?

Participants did not directly respond to this question.

5. Trusteeship issues

Question: When you need help handling your money, who helps you?

Focus group participants responded that family members or their trustees help them with money. Only one person mentioned friends. Many understood that they needed assistance in this area and appreciated the help.

Question: Do you like how they explain your money coming in and what you need to spend it on?

Most participants were happy with the explanation of how to manage their money. Some participants needed an explanation about difference between a guardian and a trustee, but most gave verbal indication that they knew what or who to contact if they had problems handling their money. Many indicated that they are on a budget and identified key people such as parents or workers who assist them with banking. Some indicated they did not like receiving help, but understood why they needed it.

Wainwright: Participants indicated they had difficulty accessing their money to go on a trip.

Edmonton: Participants indicated frustration that their trustees did not allow them to spend money as they wished.

Red Deer: Participants indicated that sometimes others try to help them by stopping them from spending money, but felt this is inappropriate because it is their money.

NEXT STEPS

The results of this report will be analyzed with the data gathered in the other three phases of the consultation process for the legislative review of the *Dependent Adults Act*. You can view and download all of the consultation reports online at www.seniors.gov.ab.ca or www.justice.gov.ab.ca.

- Legislative Review Survey Results Report (Phase One)
- Community Consultations Summary (Phase Two)
- Stakeholder Consultations Summary (Phase Three)
- Dependent Adults and Self-Advocates Consultations Summary (Phase Four)

Recommended changes to the *Dependent Adults Act* will be submitted for government consideration. It is anticipated that the revised Act will be introduced in the Alberta Legislature in the spring of 2007.

The input received during the consultations was a valuable part of the process. It will ensure that the legislation meets the needs of Albertans, now and in the future.

You may direct further inquiries to the Office of the Public Guardian at (780) 422-1868 or the Office of the Public Trustee at (780) 427-2744. To be connected toll-free in Alberta, dial 310-0000 followed by the area code and the phone number.

