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## LEGAL INFORMATION ON PERSONAL DECISION MAKING

There are a variety of options for decision-making, which can range from advanced planning through to full legal guardianship. Below is a description of the various options.

### 1. Options for Advance Planning

**Personal Directive:** a legal document that allows you to name an individual you trust to make personal\* decisions on your behalf, in the event that you are unable to do so yourself.

**Enduring Power of Attorney:** a legal document that allows you to name an

individual you trust to make financial decisions on your behalf, either immediately, or in the event you are unable to make these decisions yourself.

**Supported Decision-Making:** allows you to name an individual to obtain personal information on your behalf that may help you in making personal\* decisions.

**Will:** a legal document where you provide a statement about how to divide your property (also known as 'estate') after death. A will must be in writing, and does not take effect until you die.

### 2. Options for when an adult does not have mental capacity\*\* and advance planning options are not in place.

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Sid J. Kobewka                      LAWYERS | MEDIATORS  
 Lorraine A. Stark                780-414-0444  
 Carmen Boucher                info@kobewkastark.com  
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 3602 Fort Road, Edmonton

Not available by mail.

**Specific Decision-Making:** When an adult does not have the mental capacity\*\* to make a personal decision\* and they do not have a guardian or Personal Directive, a health care provider (physician, nurse practitioner, or dentist for dental care only), may choose a relative to act as a specific decision maker and make the necessary decision on behalf of the adult.

**Co-Decision Making:** allows an individual, assessed as significantly mentally impaired, to consent to a court order appointing a trusted person or persons as his or her co-decision maker. The order requires the adult to make personal decisions\* with his or her co-decision maker.\*\*

**Guardianship:** A guardian appointed by the court has the legal responsibility to make decisions for an adult who lacks the capacity to make specific personal decisions and does not have a Personal Directive. Usually a family member or friend acts as a 'private' guardian. If no one is able, willing, or suitable, the Public Guardian may act as the adult's guardian.\*\*

**Trusteeship:** A trustee, appointed by the Court, has the legal responsibility to make financial decisions for an adult who lacks the capacity to make financial decisions and does not have an Enduring Power of Attorney. Usually a family member or friend acts as 'private' trustee. If no one is able, willing, or suitable, the Public Trustee may act as trustee.\*\*

**Informal Trusteeship:** arrangements that allow an individual to have authority to assist with financial decisions for an adult who lacks that capacity, or where the adult has minimal assets and needs

help managing a government cheque. These arrangements are made with the government department issuing the cheque such as AISH, OAS, Veterans Affairs, etc.

**\* Personal decisions include: health matters, living arrangements (where and with whom), associations, participation in social activities, educational activities, employment, and legal matters (not of a financial nature).**

**\*\*The type of court application is based on recommendations made in a Capacity Assessment Report. Capacity is determined by a physician, psychologist, or trained capacity assessor.**

Information about legislation that governs these various decision-making options, and appropriate self-help kits, are available at:  
[www.humanservices.alberta.ca/opg](http://www.humanservices.alberta.ca/opg)

## Legal Aid Alberta – Legal Services Centre

600-10320 102 Ave, Revillon Building T5J 4A1  
Phone: 1.866.845.3425  
[www.legalaid.ab.ca](http://www.legalaid.ab.ca)

Hours of Operation:

By Phone: Open Mon, Tues, Thurs, Fri  
8:30am-4pm, Wed 8:30am-2:30pm.

In person: Mon-Fri 8am-4:30pm  
(closed at 2:30pm Wednesdays)

- Legal Aid Alberta (LAA) provides a range of legal services to eligible Albertans in a number of areas of law including family, civil, immigration/refugee, and criminal.
- For Albertans who qualify under the eligibility guidelines, we offer legal representation through an assigned lawyer

## Office of the Public Guardian and Trustee

### Human Services Ministry

www.humanservices.alberta.ca/  
guardianship-trusteeship.html

Two locations:

#### Guardianship services & AGTA application drop-off

4th Floor, 9942 108 St. NW T5K 2J5  
Guardianship Phone: 780.427.0017  
Email: hs.public-guardian@gov.ab.ca

#### Trusteeship services

4th Floor, 10365 97 St. T5J 3Z8  
Trusteeship Phone: 780.427.2744  
Email: hs.public-guardian@gov.ab.ca

- Provides assistance and services, including acting in the best interests of Albertans over the age of 18 years who are unable to make personal or financial decisions on their own, and administering the property of represented adults, minor children, and deceased persons, when the office is the most appropriate resource to provide support and protection.
- The OPGT also provides information and resources on personal directives and applications under the Adult Guardianship and Trusteeship Act.

## Sage Guardianship/Trusteeship

15 Sir Winston Churchill Square NW T5J 2E5  
Phone: 780.701.9006

### Sage Guardianship/Trusteeship Program,

funded by the Office of the Public Guardian, a department of Alberta Human Services, provides information and assistance with completion of documents to the public, under the guidance of the Adult Guardianship and Trusteeship Act. Information sessions are held on a regular basis and recommended for anyone considering a private guardianship, trusteeship or

co-decision making application using the self-help kits developed by the Office of the Public Guardian (available in hard copy or fillable forms on-line). Sage also provides information about advanced planning, including Personal Directives. Call 780.701.9013 for more information.

## LEGAL RESOURCES

You will likely want to consult a lawyer if you want to

- purchase a home or a business;
- draft a will, personal directive or power of attorney;
- incorporate or form a partnership contract; or if you are
- being sued by someone; or,
- charged with a criminal offence.

Lawyers are able to serve a wide range of client needs. A lawyer's principal responsibility is to ensure each client obtains the benefit of his or her legal rights and is aware of his or her legal obligations. In approaching this duty, lawyers have three fundamental obligations: they must serve clients competently, be completely loyal to clients, and keep client communications confidential. The services lawyers can provide include: answering legal questions, helping clients find an answer, appearing in court on a client's behalf, mediating disputes, counseling clients, planning estates, administering wills, drafting contracts, writing letters and opinions, taking steps to avoid litigation, negotiating settlements, and providing advice about clients' legal problems.

See this section:

- **Edmonton Community Legal Centre**
- **Law Society of Alberta**

### **ADR (Alternative Dispute Resolution) Institute of Alberta**

Phone: 780.433.4881 or 1.800.232.7214

Email: [info@adrAlberta.com](mailto:info@adrAlberta.com)

[www.adrAlberta.com](http://www.adrAlberta.com)

- The vision of ADR Institute of Alberta (ADRIA) is that No Albertan Fears Conflict.
- ADRIA is a registered not-for-profit organization that provides leadership and services in Alternative Dispute Resolution (ADR) to support individuals and organizations to prevent and manage conflict in a healthy and productive way.
- ADRIA offers a directory of mediators and arbitrators to help the public find a qualified professional.

### **Alberta Limited Legal Services Project**

[www.albertalegalservices.com](http://www.albertalegalservices.com)

- Alberta-wide listing of lawyers willing to help with part of a legal problem rather than all of it
- Participating lawyers are listed by area of law and location of office
- Many lawyers will provide services over the telephone or online

### **Centre for Public Legal Education Alberta (CPLEA)**

Phone: 780.451.8764

Email: [info@cplea.ca](mailto:info@cplea.ca)

[www.cplea.ca](http://www.cplea.ca)

CPLEA is a public legal education organization that provides access to legal information through plain language websites, print publications and workshops.

The Older Adult Knowledge Network at [www.oaknet.ca](http://www.oaknet.ca) provides publications on:

- planning for the future,
- housing options, and
- using legal tools to prevent elder abuse.

Other resources for seniors are accessible from CPLEA's website.

### **Conflict Resolution Centre A Social Enterprise of the Mediation and Restorative Justice Centre**

Room CE 203 Ralph King Athletic Centre

7128 Ada Boulevard

(Corner of 112 Ave and 73 Street) T5B 4E4

Phone: 780.423.0896

Email: [info@mrjc.ca](mailto:info@mrjc.ca)

[www.mrjc.ca](http://www.mrjc.ca)

The Conflict Resolution Centre provides a broad spectrum of services to assist people to avoid or resolve conflicts, for example:

- Problem with a neighbour
- Address harm as a result of family violence or elder abuse
- Assisting families to consider elder care options
- Victimization by a crime
- Dispute in an association, board or condo group

We also offer conflict communication workshops to increase one's knowledge and tools on how to approach difficult situations.

## Domestic Violence Complainant Assistance Program

**Edmonton John Howard Society  
Family Violence Prevention Centre**

L2 Law Courts

1A Sir Winston Churchill Sq. T5J 0R2

Phone: 780.422.0721

Email: [info@johnhoward.org](mailto:info@johnhoward.org)

[www.johnhoward.org](http://www.johnhoward.org)

- A free service providing information and emotional support to victims of family violence going through the criminal court process.
- Provide court preparation and court accompaniment
- Information and assistance on Victim Impact Statement, Financial Benefit program, and Restitution program.
- Services are offered to children, youth, adults, elders
- Criteria for this program: victim/complainant of domestic violence; Services are for Criminal court matters only
- We do not provide any legal advice

## EDK Capacity & Consultation

22 Lancaster Cr. **St. Albert** AB T8N 2N8

Phone: 780.399.9064

Email: [evan@evankay.ca](mailto:evan@evankay.ca)

[www.evankay.ca](http://www.evankay.ca)

Hours of Operation: Consult only.

Call for an appointment!

My passion as a health care clinician is to provide assistance to those in need as they courageously navigate our health care system ensuring they feel supported and their autonomy protected.

- Personal Directive & Enduring Power of Attorney
- Capacity Assessments under the Adult Guardianship and Trusteeship Act
- Commissioner for Oaths and much more!

For paid ad see: [Legal Information on Personal Decision Making](#)

The graphic is a vertical rectangular advertisement with a black background and white and red text. At the top, the letters 'EDK' are in a white box. Below that, 'CAPACITY &' is written in large white serif font, followed by 'CONSULTATION' in smaller white serif font. A red horizontal line separates this from the next section, which has 'Advanced Care Planning' in red serif font and 'SERVICES' in white serif font inside a red rectangular box. Below this, a white box contains the text: 'CAPACITY ASSESSMENTS - PERSONAL DIRECTIVES - ENDURING POWERS OF ATTORNEY - COMMISSIONER FOR OATHS - AND MORE...'. At the bottom, there is a red horizontal line, followed by the coat of arms of Alberta in red, and the text 'ALBERTA' in white. To the right of the coat of arms, a white box contains 'EVAN KAY' in bold black serif font, 'Capacity Assessor' in smaller black serif font, and the contact information: 'evan@evankay.ca', 'www.evankay.ca', and '780-399-9064'.

## Edmonton Community Legal Centre

200-10115 100A St. T5J 2W2

Contact: Jennifer Smyth

Phone: 780.702.1725

Email: intake@eclc.ca

www.eclc.ca

Hours of Operation: 8:30am-4:30pm

- Provides free legal advice, representation and legal education to low income people.
- Clinic appointments are with volunteer lawyers who provide legal advice.
- Services include legal assistance with civil matters, debt problems, employment issues, human rights, immigration, landlord and tenant issues, family law, & income support issues. We do not provide legal assistance in the areas of criminal law.

## Legal Aid Alberta - Legal Services Centre

Phone: 1.866.845.3425

www.legalaid.ab.ca

See complete listing in LEGAL INFORMATION - Legal Information on Personal Decision Making

## Law Society of Alberta Lawyer Directory

www.lawsociety.ab.ca

- online tool where you can search for a lawyer by name, firm, location, practice area(s) and other criteria.
- Lawyer discipline information is also available on Lawyer Directory and our website.

## Lawyer Referral Service

Toll free Phone: 1.800.661.1095 from anywhere in AB, SK, Lower Mainland BC, Yukon, NWT and Nunavut:

Calgary Phone: 403.228.1722

1. Describe the nature of your problem

to the Lawyer Referral operator and you will be provided with the names and telephone numbers of up to three lawyers.

2. The first half-hour of your conversation with the lawyer is free. You should not expect the lawyer to provide free work during this time. You can discuss your legal situation, ask the cost of services and determine if the lawyer may be a good fit.

## Office of the Appeals Advisor

500-10621 100 Ave. NW T5J 0B3

Phone: 780.498.8640

Toll Free: 1.866.922.9221

Email:

appealsadvisor@workeradvocates.ca

- Not satisfied with the decision on your WCB claim? Need help? Call the Office of the Appeals Advisors.
- Provides independent advice on whether your claim has grounds for review. Provides experienced assistance in preparing and presenting your case for review and/or appeal.
- No charge for service.

## Resolution and Court Administration Services Contact Centre

Toll Free: 1.855.738.4747

www.rcas.alberta.ca

Hours of Operation:

Mon-Fri 8:15am-4:30pm

RCAS Contact Centre advisors will assist callers with:

- specific questions related to their court matters,
  - available services,
  - status of fine payments,
  - referrals to appropriate external agencies and offices, and
  - other straightforward questions previously directed to court offices.
- For complex or location specific

questions, advisors will connect callers with the most appropriate RCAS service.

**In-Person Services** are available at Resolution Services offices and in Court Houses. The RCAS Contact Centre and Webpage provide information on services and locations. In-Person Services include:

- filing court documents,
- assistance with court forms,
- mediation,
- family court counsellors,
- court searches

### Resolution Support Centre - Information Services

Rm 8124, 10365 97 St.

Phone: 780.415.0404

- Can give you information about civil, family and criminal matters, explain

what court forms can be used, explain the steps to take in legal applications, and refer you to legal services and other resources in the community.

### Student Legal Services of Edmonton (SLS)

Phone: 780.492.2226

Email: [sloed@ualberta.ca](mailto:sloed@ualberta.ca)

[www.slsedmonton.com](http://www.slsedmonton.com)

Hours of Operation:

Mon-Fri 8:30am-11:30am & 1pm-4pm

- Student Legal Services of Edmonton is a non-profit society dedicated to assisting low-income individuals to understand legal issues and solve legal problems.
- SLS is divided into four different projects: civil/family, criminal, legal education & reform, pro bono students Canada.

## Help us cover the costs.

For 34 years, Sage has been proudly providing the Directory of Seniors Services to seniors and their supporters in the greater Edmonton Area free of charge.

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Call 780.701.9017 to donate.




## LEGAL FIRMS

### Bishop & McKenzie L.L.P.

Barristers & Solicitors

2300-10180 101 St. Manulife Place T5J 1V3

Phone: 780.426.5550

Contact: Wanda Fawcett

Email: wfawcett@bmlp.ca

www.bmlp.ca

Hours of Operation:

Mon-Fri 8am-5pm

- Bishop & McKenzie LLP is a full service law firm that has been providing legal services to Albertans since 1905.

- We can assist with all legal matters including: wills, enduring powers of attorney, personal directives, estate administration, estate planning, guardianship, trusteeship, real estate, tax, business and family law matters.



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for more information.



Patty Ko

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**bmlp.ca**



**Bishop & McKenzie** LLP

## Kanji Law Office

Empire Building

1005-10080 Jasper Ave T5J 1V9

Phone: 780.756.0915

Email: [assistant@kanjilawoffice.com](mailto:assistant@kanjilawoffice.com)

Hours of Operation: Mon-Fri 9am-5pm

- Available to provide legal services in the areas of family law, mediation, wills and estates, personal directives and powers of attorney, corporate commercial matters, contract reviews, legal research, dependent adult matters, and real estate.
- Contact us for more information or to book an appointment.



### KANJI LAW OFFICE, BARRISTER & SOLICITOR

Available to provide legal services in the areas of family law, mediation, wills and estates, personal directives and powers of attorney, corporate commercial matters, contract reviews, legal research, dependant adult matters, and real estate.

Kindly call 780-756-0915 or email [assistant@kanjilawoffice.com](mailto:assistant@kanjilawoffice.com) for more information or to book an appointment.

## MEDIATION

### Kobewka Stark Law Office

14809 111 Ave

Phone: 780.414.0444

Email: [reception@kobewkastark.com](mailto:reception@kobewkastark.com)

[www.kobewkastark.com](http://www.kobewkastark.com)

Hours of Operation:

Mon-Fri 8:30am-4:30pm

- Sensible guidance to give you confidence in your decisions. Have peace of mind knowing that we are working for you.

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Legacy  
of Life

sage



For information on how your PLANNED GIVING can help us inspire and support seniors to be the best they can be:

Contact Sage 780.423.5510  
visit [www.mysage.ca](http://www.mysage.ca) and click on "Support Us"