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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 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 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.

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

Legal Aid Alberta - Client Contact Centre

600-10320 102 Ave, Revillon Building T5J 4A1

Phone: 1.866.845.3425

www.legalaid.ab.ca

Hours of Operation:

By Phone: Mon–Fri 8:15am–4:15pm

- Legal Aid Alberta 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

Alberta Justice Ministry

www.alberta.ca/office-public-guardian-trustee.aspx

Guardianship/ Trusteeship services &

AGTA application drop-off

4th Floor, 9942 108 St. NW T5K 2J5

(Changing in April 2021)

Phone: 780.427.0017

Email: hs.public-guardian@gov.ab.ca

www.alberta.ca/office-publicguardian-trustee.aspx

- The OPGT may act as guardian and/or trustee for adults who lack the capacity to make their own personal and/or financial decisions when there is no other person able, willing or suitable to take on the role.
- The OPGT may also administer an estate if one of the beneficiaries is a minor child or a represented adult client of the Public Trustee. In addition, the OPGT protects the assets of minors (under 18 years) where required by law or where a minor is a beneficiary but there is no trustee named.
- The OPGT also provides information and resources on personal directives and applications under the Adult Guardianship and Trusteeship Act.

Sage Seniors Association

Guardianship and Trusteeship Program

Phone: 780.423.5510

www.mysage.ca

- Sage's Guardianship and Trusteeship program provides guidance and support needed to complete the application forms for private guardianship, trusteeship and/or co-decision making. This program is run as a fee-for-service social enterprise and is delivered at a cost-recovery price, ensuring that Sage can continue to provide this essential service. For information on how to receive support with your application, and to view the price list, please contact 780.423.5510 or visit www.mysage.ca.
- Sage also offers workshops to assist you in understanding the application process. For information on registering for the workshop, or for general information about the program, please call 780.423.5510 or visit www.mysage.ca.

LEGAL RESOURCES

You will likely want to consult a lawyer 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 a clients 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, 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, counselling clients, planning estates, administering wills, drafting contracts, writing letters and opinions, taking steps to avoid litigation, negotiating settlements and providing advice about client's legal problems.

[See this section:](#)

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

Alternative Dispute Resolution Institute of Alberta (ADRIA)

Phone: 780.433.4881

Toll-Free 1.800.232.7214

Email: info@adralberta.com

www.adralberta.com

- The vision of the (ADRIA) is: leading dispute resolution in Alberta.
- ADRIA is a registered not-for-profit organization that provides leadership and services in alternative dispute resolution 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.

Centre for Public Legal Education Alberta (CPLA)

Phone: 780.451.8764

Email: info@cplea.ca

www.cplea.ca

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

The Older Adult Knowledge Network at www.oaknet.ca provides information on:

- planning for the future (including decision-making support and wills and estates).
- housing law.
- using legal tools to prevent elder abuse.

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

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: DVCAP@johnhoward.org

www.johnhoward.org

- A free service providing information and emotional support to victims of family violence going through the criminal court process.
- Provides 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 and elders.
- Criteria for this program: victim/complainant of domestic violence;
- Services are for Criminal court matters only.

- We do not provide any legal advice.

See also Family Violence Prevention Centre in ELDER ABUSE - Crisis Services

Edmonton Community Legal Centre

2nd floor 10020 100 St. T5J 0N3

Contact: Jennifer Smyth

Phone: 780.702.1725

Email: intake@ecllc.ca

www.ecllc.ca

Hours of Operation: Mon-Fri 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 and income support issues.
- We do not provide legal assistance in the areas of criminal law.

Legal Aid Alberta - Client Contact 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

Toll-Free: 1.800.661.1095

Calgary: 403.228.1722

Email: <https://www.lawsociety.ab.ca/public/lawyer-referral/>

www.lawsociety.ab.ca

- Provides an 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 & Nunavut

Calgary: 403.228.1722

Email: <https://www.lawsociety.ab.ca/public/lawyer-referral/>

1. Helps you connect with a lawyer. After you provide information on your legal issue, a member of the Law Society's Customer Service team will provide contact information for lawyers who may help meet your needs.

2. The first half-hour of conversation with the lawyer is unbilled and should be used to discuss your legal issues, explore your options, evaluate potential costs and help determine if the lawyer is a good fit.

Resolution and Court Administration Services

Contact Centre

Phone: 780.638.4747

Toll Free: 1.855.738.4747

www.alberta.ca/rcas-contactcentre.aspx

Hours of Operation:

Mon-Fri 8:15am–4:30pm (closed weekends, and statutory holidays)

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 inquiries, advisors will connect callers with the most appropriate RCAS (or external legal information) service.

Resolution Support Centre - Information Services

Rm 8124, 10365 97 St.

Phone: 780.415.0404

- Provides information about civil, family and criminal matters, explains what court forms can be used, explains the steps to take in legal applications, and refers you to legal services and other resources in the community.

Student Legal Services of Edmonton (SLS)

Phone: 780.492.2226

Email: slsoed@ualberta.ca

www.slsedmonton.com

Hours of Operation:

Mon-Fri 8:30am–11:30pm & 1:00pm–4:00pm

- 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.

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@bmllp.ca

www.bmllp.ca

Hours of Operation:

Mon-Fri 8:00am-5:00pm

- 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.

Marrazzo Law Office

9535 135 Ave.

Phone: 780.756.5500

Email: mlo@marrazzolawoffice.com

Website: Facebook page - Marrazzo Law Office

Hours of Operation: 24 hours

- Wills & Estates Lawyer, preparation of Wills, Enduring Power of Attorneys and Personal Directives. Probate of Estates and Notary. Excellent service, flexible hours and mobile visits. Call today to speak with Lina Marrazzo 780.756.5500.



Patty Ko

Wanda Fawcett

Joshua Fortier

Our Services Include: Wills, Enduring Powers of Attorney and Personal Directives
Estate Administration • Estate Litigation • Adult Guardianship and Trusteeship • Estate Planning

Understanding you is as important as knowing the law

Plan your estate today.

Our Wills and Estates team is client-focused and experienced.

It's the kind of legal counsel you want.

Edmonton 780.426.5550

Calgary 403.237.5550

bmllp.ca



MEDIATION

Kobewka Stark Law Office

9407 – 98 Ave. T6C 2C8

Phone: 780.414.0444

Email: reception@kobewkastark.com

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.

WILLS, ESTATES & NOTARY.



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For information on how your **PLANNED GIVING** can help us inspire and support seniors to be the best they can be, please contact Sage at 780.423.5510 or visit www.mysage.ca

Wills & Estates Planning

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

KOBEWKA STARK

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An Association of Independent Practitioners