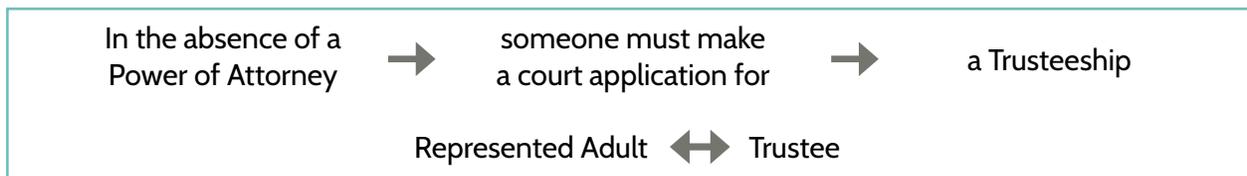


# Elder Abuse: If Plans Haven't Been Made

## Legal Remedies when the Best Options Are Not in Place

In the absence of a Power of Attorney →	someone, usually a family member, must make a court application to get a trustee, guardian, or both, appointed.
In the absence of a Personal Directive →	

### Financial Issues: Trusteeship



Check for possible alternatives: Are there any informal trusteeships in place?

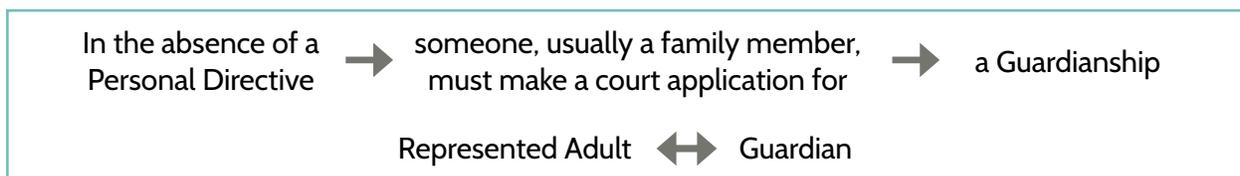
A candidate for trustee

- > must be at least 18 years of age
- > must consent to act as trustee in this situation
- > must satisfy the court that he/she is suitable and will act in the best interests of the adult
- > is often a family member or friend

Once appointed, a trustee

- > can do *almost* everything in relation to financial matters that the represented adult would do if he/she had capacity, with access to and control over all money and financial information of the represented adult
- > must keep careful records of all transactions
- > must always act in the best interests of the represented adult while in accordance with the Trusteeship Order and the Trusteeship Plan, as approved by the court.

### Personal Issues: Guardianship



Check for possible conflicts: Is there a Personal Directive? Are there Supported Decision-Making Authorizations or Co-Decision-Making Orders in place?

## Candidates for guardian

- > must be at least 18 years of age
- > must consent to act as guardian in this situation
- > must satisfy the court that he/she is suitable and will act in the best interests of the adult
- > should be someone familiar with the represented adult's values, preferences, opinions, and religious and cultural heritage
- > is often a family member or friend
- > should have been in regular contact with the proposed represented adult

**Once appointed, a guardian—depending on the adult's needs and areas where his/her capacity is lacking—may make decisions regarding:**

- > health care
- > where and with whom the adult can live
- > with whom the adult may associate
- > social activities
- > educational or vocational training and/or employment
- > any legal (non-financial) matters

---

## FOR MORE INFORMATION ON TRUSTEESHIP AND GUARDIANSHIP IN ALBERTA:

- > contact the Alberta Office of the Public Guardian
- > read the Centre for Public Legal Education's booklet about *The Adult Guardianship and Trusteeship Act*

---

To prevent the many challenges associated with having to apply for trusteeship or guardianship:

**Plan ahead  
for yourself—and for any older adult in your care—  
well before incapacity.**