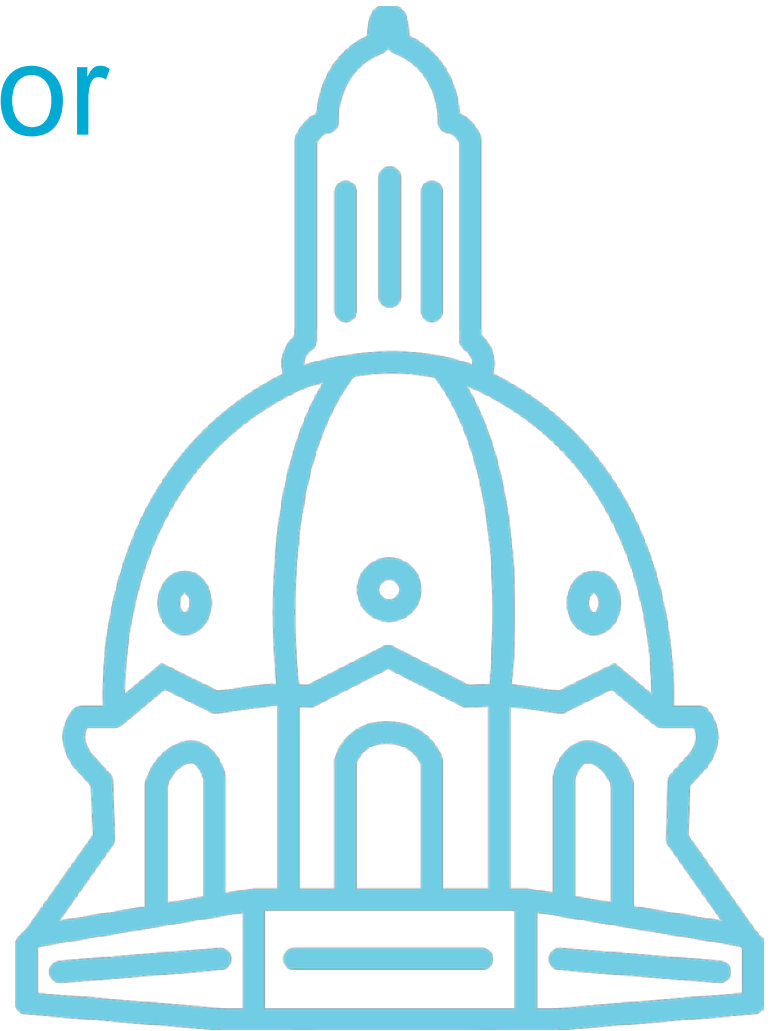


Guide to applying for Review of Guardianship

How to complete the application forms

Office of the Public Guardian and Trustee
January 15, 2021



Important

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Process and Forms

Do not use this guide unless the application is for a review of guardianship only.

The process and forms referred to in this guide are found on our website:

- Information for guardianship: <https://www.alberta.ca/adult-guardianship-review.aspx>

Forms required to apply for a review of Guardianship:

- Capacity Assessment Report - Form 4 (if applicable)
- Application - Form 14
- Affidavit of Applicant - Form 15
- Guardianship Plan - Form 32
- Guardian's Record of Decisions - Form 33
- Consent of Guardian - Form 24
- Consent of Alternate Guardian - Form 26 (if applicable)
- Personal References - Form 30

Capacity Assessment Report - Form 4



Capacity Assessment Report (CAR) - Form 4

A Capacity Assessment Report (CAR) – Form 4 is required if:

- It is stated in the existing order that a review must be completed, OR
- There has been a change in the capacity of the represented adult that is resulting in,
 - a request to change the personal matters that the guardian currently has decision-making authority, or
 - a request to terminate the guardianship order.

If a new Capacity Assessment Report (CAR) – Form 4 is required, it is completed by a physician, psychologist or a registered capacity assessor.

Item 13 will indicate what areas of decision making you will be applying for in your application.

The legislation requires that the CAR – Form 4 must not be dated more than 6 months before the date the application is submitted.

If you are using an older CAR, explain why you are not using a current report and request the court to accept the older report:

- See Application - Form 14, item 10.2.
- Pick Yes and include the explanation.

Application - Form 14



Application - Form 14

First page

- Court File Number – enter the same court file number that shows at the top of the existing court order.
- Judicial Centre drop-down selection – select the same Judicial Centre that is on the existing court order.
- Adult's Full Name – enter the adult's name the same way it appears on the existing court order.
- Applicant's Name – you are the applicant. Fill in your full legal name. **Use the same full name on all the required documents.**
- Applicant's Address for Service – if you are completing the application without the assistance of a lawyer, check the box next to the first '*This section is not applicable to this application*' and enter your mailing address in the section for a '*Non Lawyer Application*'.

Sections

- 1.1 If you are the current guardian, check Desk unless you want a hearing in court.
- 1.2 Check the box next to Review of a Guardianship Order. Enter the date that the order was granted as well as the date of the most recent review of that order.
- 1.3 Drop-down selection. Pick your relationship to the adult.
2. Information about the adult – Fill out this section. Only fill out the present address if it is different than the permanent address (for example, the adult is currently in a hospital).

Application - Form 14 (cont'd)

- 3.1 Select Yes, check the boxes that apply and fill in the date that the existing order is supposed to be reviewed by. If there is no specific review date, enter “Not Specified”.
- 3.2 On this application a ‘decision-maker’ is a legal term. These are legally recognized decision-makers: guardians, trustees, co-decision makers, and supporters.
 - Click the Add Name button to enter information for each additional person, if needed. Include mailing addresses and email addresses for everyone listed in this section. Indicate the current and proposed position(s) for each person.
- 3.3 If needed, click the Add Attorney button for every attorney listed on the adult’s enduring power of attorney.
- 3.4 If needed, click the Add Agent button for every agent listed on the adult’s personal directive.
- 4.1 If needed, click the Add Family Member button for every living family member over 18 if they match a category.
- 4.2 Complete if applicable.
- 4.3 If needed, click the Add Name button for each interested person to be given notice of this application.

Application - Form 14 (cont'd)

5.1 Check all boxes that are applicable to your application.

- An “amendment” would be considered adding/removing someone as a guardian or alternate guardian, changing the personal matters that a guardian has authority in, etc.
- If you are wanting to remove someone as a guardian or alternate guardian you must also ask to ‘discharge’ that person by checking the applicable box and entering their name(s) and position(s).

5.2 Review the existing order and check off all of the personal matters that the guardian(s) currently have decision-making authority. Review Item 13 of the Capacity Assessment Report and indicate the personal matters that you are proposing to apply for decision making authority.

5.3 This section is about having more than one guardian (not including alternate guardians):

- If there is only one proposed guardian, check *Not Applicable*.
- Check No if there is more than one guardian and you want the guardians to be able to act separately on all personal matters.
- Check Yes if you want:
 - The guardians to make decisions jointly in one or more of the areas of authority **or**
 - One of the guardians would be the decision-maker in one or more specific area of authority and the other guardian(s) would be responsible for other areas.

Application - Form 14 (cont'd)

- 5.4 The assessor who completed the Capacity Assessment Report may have suggested a review period. This would be indicated in Item 14 of the report.
- If you do not feel a review is necessary, then check off the last box and ensure your affidavit explains why a review isn't needed.
6. This section is not applicable to an application to review an existing Guardianship Order.
7. This section is not applicable to an application to review an existing Guardianship Order.
- 8.1 Check all that apply.
- 8.2 Check the second box if any of the proposed decision makers are not already a decision maker for the adult. Each new proposed guardian and alternate guardian is required to complete a Personal References – Form 30.
9. This section is about sending notification letters to everyone listed on the application.
- Check '*This section is not applicable to the application*' if notification letters can be sent to all people listed on the application – as usually happens when an application is received. Go to section 10.
 - Do not check '*This section is not applicable to the application*' if – for some reason – you are asking the court to **not** notify a person or persons listed on the application. Complete sections 9.1 and/or 9.2. You will need to explain your reasons in your affidavit.

Application - Form 14 (cont'd)

10.1 Indicate how the costs of the application will be paid.

- Include a court filing fee of \$50.00, in the form of a cheque or money order payable to 'Government of Alberta', unless you are requesting that the costs be paid by the Crown.
- The Crown in right of Alberta may agree to pay a specified amount and reasonable disbursements towards the costs associated with the application if paying the costs is a financial hardship for the adult or the applicant. Provide proof of the hardship in the "Costs" section of your affidavit.

10.2 Complete this item if you have a special request you are making, such as accepting an older Capacity Assessment Report. If you do not have a special request, select No.

Only the applicant is required to sign this form.

Affidavit - Form 15



Affidavit - Form 15

Enter the same information on the top section of the first page that was entered on your application form including the name and address of the applicant.

If you object to swearing an oath for religious reasons, you can affirm that the contents of the affidavit are true. Click on the drop down arrow next to the word 'swear' and select 'affirm'.

Sections

- 1.1 Do not check any boxes in this section
- 1.2 Check this box and the box next to Guardian. Also check the box next to Review of a Guardianship Order.
- 1.3 This is a statement that you will be required to swear or affirm to. No response is needed.

Sections 2 and 3 are not applicable to an application to review an existing Guardianship Order.

- 4. This section is required if you are continuing with the guardianship order – fill out as directed. If you are **not** continuing with the guardianship order, check '*This section is not applicable to the application*'.
- 5. This section is required if you are requesting to terminate the existing guardianship order – fill out as directed. If you are **not** requesting to terminate the existing guardianship order, check the box next to '*This section is not applicable to the application*'.

Affidavit - Form 15 (cont'd)

6. This section is required if you are requesting to discharge a guardian and appoint a new guardian – fill out as directed. If you are **not** requesting to discharge a guardian and appoint a new guardian check the box next to *'This section is not applicable to the application'*.

Sections 7 through 10 will not be applicable to an application to review an existing Guardianship Order.

- 11 - 13 Complete any of these sections if they are applicable to your application. Otherwise check *'This section is not applicable to the application'*.

14. A Commissioner of Oaths or Notary Public will need to commission this document. **The applicant signs this document in the presence of a Commissioner of Oaths or Notary Public.** The OPGT staff are available to commission and witness signatures on your documents.

Guardianship Plan - Form 32



Guardianship Plan - Form 32

This form is required if you are requesting to continue with the guardianship order.

Enter the same information on the top section of the first page that was entered on your application form.

Proposed Represented Adult – complete all areas of this section.

Proposed Guardian/Alternate Guardian – click the Add Name button to enter information for each proposed guardian and alternate guardian.

Sections

1. Enter the date that the Capacity Assessment Report was completed, as indicated on the last page of the report, and refer to Item 13 in the report for the personal matters that the adult needs a guardian.
- 2 – 10 These sections are required – fill out as directed. Some things to keep in mind when completing these sections:
 - As much as possible, the adult should be informed of and included in the decision making process.
 - Guardianship may not always be permanent. For example, a person may recover decision making abilities after a stroke. Think about how you might plan to encourage the adult's independence.
 - When making decisions on behalf of the adult, consideration must be given to the adult's wishes, values and beliefs, if known, and what is in the best interests of the adult.

All proposed guardians and proposed alternate guardians must sign this form.

Guardian's Record of Decisions - Form 33



Guardian's Record of Decisions - Form 33

This form is required if you are requesting to continue with the guardianship order.

Enter the same information on the top section of the first page that was entered on your application form.

Sections

1. Enter the names of the guardians (not including alternate guardians).
2. Refer to your previous Guardianship Plan, if applicable, and complete this section about decisions you expected to make on behalf of the adult.
3. This section is required if any decisions were made on behalf of the adult since the existing guardianship order was granted. Click the Add Decision button for multiple decisions.
4. This section is required if no decisions were made on behalf of the adult since the existing guardianship order was granted.

All guardians must sign and date the form. Click the Add Name button for multiple guardians (not including alternate guardians)

Consent Forms 24 & 26



Consent of Proposed Guardian - Form 24

Each proposed guardian must complete a Consent of Proposed Guardian - Form 24 giving their consent to act as guardian.

Enter the same information on the top section of the first page that was entered on your application form.

Section 1 is completed with the name of the proposed guardian and the name of the adult.

Section 4 needs to be completed.

All other sections are statements that do not require a response.

Someone must witness the proposed guardian sign the consent form.

Consent of Proposed Alternate Guardian - Form 26

Each proposed alternate guardian must complete a Consent of Proposed Alternate Guardian - Form 26 giving their consent to act as alternate guardian.

Enter the same information on the top section of the first page that was entered on your application form.

Section 1 is completed with the name of the proposed alternate guardian and the name of the adult.

Section 4 needs to be completed.

All other sections are statements that do not require a response.

Someone must witness the proposed alternate guardian sign the consent form.

Personal References - Form 30 and BackCheck



Personal References - Form 30

Each **new** proposed guardian and **new** proposed alternate guardian must complete one of these forms indicating two personal references that can be contacted for the purpose of obtaining personal information on them. This information will be used by the Review Officer for the purpose of preparing a report for Court regarding their suitability to be a guardian or alternate guardian.

Enter the name of the proposed guardian or alternate guardian.

Enter the name of the adult.

Check the appropriate box indicating what role the person is going to be appointed as.

Complete the required information for 2 personal references.

Someone must witness the person signing this form.

BackCheck

All **new** proposed guardians and alternate guardians will need to have a Criminal Record Check and a Personal Reference Check completed which **must** be done through Sterling BackCheck. Once you have submitted your application documents to the Office of the Public Guardian and Trustee, instructions on how to proceed with obtaining these suitability checks will be sent to each **new** proposed guardian and alternate guardian to their email addresses provided in Item 3.2 of the Application, Form 14.

Contact Us



Office of the Public Guardian and Trustee

To submit your completed application documents for processing, please contact the Office of the Public Guardian and Trustee closest to where the Adult lives.

Calgary – (403) 297-3364

Edmonton – (780) 427-0017

Grande Prairie – (780) 833-4319

Lethbridge – (403) 381-5648

Lloydminster – (780) 871-6490

Medicine Hat – (403) 529-3744

Red Deer – (403) 340-5165

St. Paul – (780) 645-6278