



Information Bites...

Bite sized chunks of information for families
that include a member with a disability

Guardianship in the Northwest Territories

What is guardianship?

Guardianship means that a judge can appoint someone to make decisions for another person. The guardian is usually a family member or close friend, but could be the Public Guardian.

Who may need a guardian?

Some adults need help looking after themselves or making decisions about his or her care. A judge can appoint a guardian to help these people make legal decisions about their personal and health care needs. People who may need a guardian can include, but is certainly not limited to, people with intellectual disabilities.

Who decides that a person needs a guardian?

Any individuals who may have concerns about the ability of an adult (18 years and over) to make decisions about their personal or health care needs can bring an application to the Supreme Court of the NWT with the help of a lawyer or the Public Guardian.

A judge from the Supreme Court of the NWT reviews the guardianship application, which contains an assessment report. Based on this information, the judge decides whether the person is able to make decisions and take care of himself or herself. The judge may appoint a guardian or decide that the person doesn't need one.

What kind of decisions does the guardian make?

If the judge grants an order, the order will give powers to the guardian to decide such things as:

- where the person will live;
- where and how long they will work;
- what they do in their spare time;
- whether they need education or training;
- what type of health care they need; or
- anything about daily life.

Sometimes the person can make some decisions. In those cases, the judge won't include those powers in the guardianship order so the individual can make those decisions on his or her own. The guardian speaks out for the person, is their advocate and gives him or her advice. The guardian's decisions should be, where possible, the same as what the person would want to do if they could make the decisions. The guardian can't make decisions about money. Those decisions are made by a Trustee, if the person cannot manage his or her money.

Who can be a guardian?

The guardian is usually a family member or friend. The judge must agree that guardianship is best for the person. If the person doesn't have a family member or friend who wants to be a guardian, or the judge finds that the proposed guardian is not suitable, the judge may appoint the Public Guardian to do the job.

Who is the Public Guardian?

The Public Guardian is a person who works for the government and is in charge of the guardianship program. The Public Guardian oversees the preparation of all the information that will go to the judge, and makes recommendations for the powers in the Guardianship Order based on an Assessment Report. The Public Guardian also gives people information about guardianship.

What is Trusteeship?

Similar to Guardianship, an application must be submitted to the court in order to become a person's Trustee. A Trustee is responsible for protecting and managing the represented person's financial affairs. The process to becoming someone's Trustee is the same for Guardianship, and these applications are usually combined.

How do I apply for Guardianship and / or Trusteeship?

Make an appointment with a legal firm and ask your legal representative to begin the process to apply for Guardianship and / or Trusteeship of the proposed person. Your representative will tell you that you need to have an Assessment Report completed by a medical practitioner; psychologist or other person as assigned by the Public Guardian. Alternately, you can ask for help from the Office of the Public Guardian.

Is there financial help to cover the costs of applying for Guardianship / Trusteeship?

According to the Hardship Guidelines, the GNWT will pay up to \$1,500.00 (based on legal aid rates) if it is proven that it would be a financial hardship for the person who requires the guardian. Financial hardship for the proposed person is currently defined as having \$5,000.00 or less in liquid assets (example: cash, bonds, negotiable securities) or \$25,000.00 or less in total assets.

For more information contact:

Office of the Public Guardian: (867) 920-8029

Office of the Public Trustee: (867) 873-0184



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