

# UNDERSTANDING GUARDIANSHIP FORM TIP SHEET



Government of Alberta  
Seniors and Community Supports  
Office of the Public Guardian

## Application Forms (#14,19)<sup>1</sup>

- **Court file number** - (top right hand corner) leave blank if a first-time application. If a review, obtain from previous Order
- **Adult's full name**- Refers to the potential *Represented Adult*. Use their full legal name (no abbreviations) and be consistent each time you enter the name.
- **Applicant's name**- Refers to the person making the application. This is the same person who will be commissioned under oath when signing the Affidavit. For example, a husband and wife applying as Co-Guardians choose **one** to be the applicant. Be consistent throughout the document wherever applicant's name is requested
- **Applicant's Address for service**- It looks like it is asking for a lawyer's address, but actually it's asking for the **applicant's** address!
- **Information about Current Decision-Making arrangements for the Adult (3.1)** - If this is a first-time application the answer is "NO". If this is a Review, check the box that applies (i.e. Guardian), and include the Review date –obtained from previous Order.
- **Current supporter information is required (3.2)** - List ALL current Guardians, alternates, Trustee(s) etc... Check all boxes that apply. Use drop down boxes as needed
- **Existing Power of Attorney/Personal Directive (3.3/3.4)** – If either already exists, you may not need to apply for a Guardianship and/or Trusteeship Order.
- **Information about Family Members (4)** - All family members living in Canada (spouse, parents, children of the proposed Represented Adult (over age 18), and siblings (over age 18) **must** be listed including their complete mailing address. They will be served notice of application. This even includes family members who've not been in contact with the Adult for some time ( i.e. estranged biological parent). You can request to dispense with service to someone if required at a later point in the forms.
- **Other Interested person (4.3)** - Here is where you can add grandparents, godparents, friends or anyone else you want to make aware of your application or guardians/alternates not listed previously.
- **Information about the Proposed Guardianship Order (6)** - Refer to the Capacity Assessment Report (CAR) which will identify in which areas the adult does not have capacity and needs supports.
- If there are **two or more Guardians (6.2/5.2)** not referring to alternate(s) **No** if the guardians wish to make decisions (i.e give verbal or signed consent) separately. **Yes** if guardians wish to make decisions (i.e. give verbal or signed consent) jointly, in one, more, or all areas. **NO** if there is only one guardian
- **(6.3/5.4)** If the Capacity Assessment Report (CAR) indicates the Adult's capacity is unlikely to improve and no review date is indicated, the applicant can propose a review period (i.e. 10 years), OR request

<sup>1</sup> Form #19 for a Review of Guardianship/Trusteeship

the Court dispense with a review period altogether. Ultimately the Judge will decide if, or when a review of the Order may be required.

- **Information about the Proposed Trusteeship Order (7)**- This section is only required if you are applying for *Court Appointed Trusteeship*, otherwise leave blank. If you are applying for Trusteeship, you will be required to complete a Trusteeship Plan and an Inventory as well.
- **Request to Dispense with service Notice (9.1)** - The Capacity Assessment will indicate if the Adult should be served notice of the application. (9.2) You may *request* the Judge consider dispensing service of the application to a person (for example, a biological parent's address is unknown and they've had no contact with the Adult for several years). It is up to the discretion of the Judge.

### **Affidavit of Applicant (#15/20)**

- This is the document you will sign under oath. Swearing falsely to an affidavit is a serious offence under the criminal code.
- You are making an affidavit in support of an application to appoint a Co-Decision Making Order, Guardianship Order, Guardianship & Trusteeship Order or a Trusteeship Order.
- **(2.2/3.2)**- Less intrusive or less restrictive alternatives may include a Personal Directive, Supported Decision Making Agreement or a Co-Decision Making Order. **IF** the adult already has less intrusive measures in place but they are no longer effective, explain why. You can support your reasons using information from the CAR.
- **(2.3/3.3)**- **IF** the adult does not have less intrusive measures in place and you believe they would NOT be effective, support your reasons with examples or information from the CAR.
- **Periodic Review period (2.6)**- your reason for requesting a review in a specific time frame, or if you are **not** requesting a review period. Use the CAR as a reference.
- **(5)**-The Adult's income is required on the Affidavit only if you are requesting the Crown to cover the one-time \$200.00 court filing fee due to financial hardship. (Court filing fees do not apply to Reviews).

### **Guardianship Plan (#32)**

- This form lets the court know what plans you have in place to make decisions as the Guardian. It will be helpful for you to have the CAR with you when you complete this form. The plan should outline major decisions (based on the areas the adult lacks capacity identified by the CAR) the Guardian thinks will be required in the next year, and in the next five years.
- The plan also asks the Guardian to outline how they will include the represented adult as much as possible in the decision making and how they will be informed. This form should be signed by the guardian(s) and alternate guardian(s) **NOTE:** You will be required to keep a record of decisions and complete a **Guardian's Record of Decisions form** in a Review of Guardianship.
- **(9)** Recommended by OPG: Two or more guardians: **(9)** If **No** in form 14/19 then **no** in question #9 and then describe how you wish to make decisions i.e. We will consult each other when possible, but wish to be able to make decisions independently if this best meets the adult's needs. If yes in form 14/19, then yes in #9