

How Does a Guardian Decide Where the Adult Lives?

FACT SHEET #2

The Guardianship Order granted by the court will state the specific areas of authority granted to you as the guardian. As a guardian, you have been granted the authority to “decide where the adult is to live whether permanently or temporarily.”

Decisions in this area have far-reaching effects on the life of an incapable adult (the “adult”) and must be made carefully.

How does a guardian make these decisions?

The guardian will need to collect as much information as possible from the adult, and also gather information on where the adult has lived in the past. Residential care professionals, family members and friends should be asked for their input. Please keep in mind the privacy and dignity of the adult during the information-gathering process.

It is important that the guardian ask a number of questions to help clarify the situation. These may include:

- Why is a change being considered?
- What are the adult’s preferences and how can these be met?
- What are the adult’s most current living arrangements?
- What does the adult need now, especially if the situation is different from the past?
- With whom does the adult want to live?
- How much privacy, noise and activity does the adult like?
- How will contact be maintained with relatives, friends or other support groups?
- What personal possessions will the adult want?
- What interests or activities does the adult have or want to pursue?
- What unique medical, religious or dietary considerations should be taken into account?
- Which living environment conditions need to be met so the adult can be as independent as possible?
- What are the alternatives/choices available?
- What are the costs of each alternative and what can the adult afford?
- What do you know about each available service provider, their experience, staff qualifications and how that agency involves a guardian?
- What are the financial resources of the adult?

Decisions on where to live are made to suit a particular time in the life of an adult. Like all decisions, they need to be reviewed and reconsidered as needs and circumstances change.

This area of authority of a guardian can be found in Section 38(1)(a) of the *Decision Making, Support and Protection to Adults Act, Schedule A, Adult Protection and Decision Making Act, Part 3*.

This fact sheet is one in a series to provide assistance and information regarding guardianship under the *Decision Making, Support and Protection to Adults Act, Schedule A, Adult Protection and Decision Making Act, Part 3*. This legislation can be found at <http://www.gov.yk.ca/legislation/acts/Aadpr.pdf>.

For more information please call your lawyer or refer to the resource list available from the Office of the Public Guardian and Trustee.

FOR MORE INFORMATION, CONTACT

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