

# How Does a Guardian Decide about the Adult's Living and Social Companions?

## FACT SHEET #3

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 and with whom," and to make decisions about the adult's companions.

An incapable adult (the "adult") can be placed at risk by their friends and other contacts. The adult may be easily convinced to share their life and resources with others who do not have their best interests in mind. The guardian is faced with balancing the adult's right to take risks with concerns for the adult's safety and well-being.

### What should a guardian consider when making these decisions?

Decisions must be in the adult's "best interests," encourage the adult's independence and result in "the most effective, but least restrictive and intrusive form of assistance and support for the adult." In making a decision in this area, the guardian will need to collect information. Before you make a decision, you will need answers to questions such as:

- Why does this decision need to be made for the adult?
- What situation is the decision intended to resolve or prevent?
- Will the effect of the decision really be what was intended?
- How can the decision be put into effect without limiting the adult's independence or freedom?
- Are the adult's values, beliefs, wishes and cultural norms and traditions, lifestyle choices, interests and personality reflected in the decision?
- What reactions will the adult have to the decision? How will any additional issues be resolved?
- Does the decision need to be made for the short or long term?
- What alternatives are there to deal with the situation?

As the adult's needs and circumstances change, it is important to review the decisions made about the people with whom the adult lives and associates.

This area of authority of a guardian can be found in Sections 38(1)(a) and (g)(iii) 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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