

How Does a Guardian Make Day-to-Day Decisions?

FACT SHEET #9

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 make decisions about daily living activities on behalf of the incapable adult (the “adult”), including decisions about the adult’s hygiene, diet and dress, social activities, and companions.”

Making these types of decisions for someone else can be overwhelming. Day-to-day decisions can include very personal things such as what to wear, or the style of clothes to buy. However, these decisions can also include parts of life that are more critical to the adult, such as diet and personal care routines at home.

When should a guardian make these decisions?

A guardian makes or assists an adult with decisions when the adult is:

- incapable of managing all or part of their affairs; and
- needs the care, assistance and protection of a guardian.

Many of the decisions are also affected by decisions made in other guardianship areas. For example, when deciding where an adult lives, personal care routines are often an assumed part of the chosen living environment. Things like private bedrooms, bathroom accessibility, and bathing and meal schedules affect what other day-to-day decisions will need to be made.

What should a guardian consider when making these decisions?

The guardian can ask a number of questions before making a decision in this area, including:

- What decision is needed and why?
- Is the decision connected to another decision or area of guardianship?
- Is the decision that is needed consistent with the overall goals of the adult?
- Will making a decision create a realistic alternative for the adult?
- Can the adult contribute to this decision?
- Is this decision a matter of personal preference or an expression of individuality?
- What are the adult’s preferences or habits?
- Will this decision affect the health, safety or general welfare of the adult?

Flexibility, acceptance of personal choices and the ability to determine what is really important are crucial factors to consider when making these day-to-day decisions.

This area of authority of a guardian can be found in Section 38(1)(g) 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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