

**GUIDELINES**  
**for**  
**Conducting**  
**Incapacity Assessments**

**for the purpose of guardianship applications**

**Under Part 3 of the**  
**Adult Protection and Decision-Making Act**

**Yukon Department of Justice**  
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# **GUIDELINES FOR CONDUCTING ASSESSMENTS**

**-- for the purpose of guardianship applications --**

## **1. INTRODUCTION**

These guidelines are intended to promote a consistent and thorough approach to assessing incapability. Assessors are required to follow these guidelines when assessing incapability for the purposes of a guardianship application under the *Decision-Making Support and Protection to Adults Act* (Part 3).

All adults are presumed capable of making their own decisions and managing their own affairs until the contrary is demonstrated. Taking away a person's right to liberty and freedom is a very serious step. Guardianship is a last resort and there must be evidence that guardianship is needed. The assessment of incapability is a process for determining whether there is sufficient evidence to reverse the presumption of capability and declare a person incapable of managing their affairs.

In the Yukon, an adult is defined as a person who has reached the age of 19. However, guardianship applications can be brought to the Supreme Court when a person is 18 years old, so that the guardianship order can take effect on the person's 19<sup>th</sup> birthday.

## **2. TERMINOLOGY**

Capability, capacity, and competency are used interchangeably in the literature. The *Decision-Making Support and Protection to Adults Act* uses the terms "capability" and "incapability".

Because adults are presumed to be "capable", the assessment looks at the degree to which a person may be "incapable". For this reason, the Yukon legislative framework uses the term "incapability assessment" rather than "capability assessment". The distinction reflects the presumption of capability and the onus on others to prove incapability.

There is no one test for mental incapability accepted across North America. As thinking on mental incapability has evolved, definitions and tests have moved away from a global assessment primarily based on a medical diagnosis. Today, assessments consider:

- medical;
- cognitive; and
- functional components.

Assessments must have “ecological validity”, meaning that they must relate to the person’s abilities in their own home environment. Assessments conducted outside the context of the person’s own environment may not accurately reflect the person’s abilities and will likely not produce a valid assessment.

For the purposes of incapability assessments in the Yukon, the test of whether a person is capable of managing their affairs is defined in these guidelines as:

- inability to understand;
- inability to appreciate the consequences of a decision or lack of decision;  
or
- inability to execute or put the decision into action.

Understanding, appreciation and ability to execute or implement a decision are all required in order to be capable of making a decision. For example, if a person is able to understand and appreciate the consequences of their choices but is not able to implement their choice because of a lack of impulse control, they are incapable of making the decision. Similarly, if a person lacks sufficient memory to understand their finances, they are incapable of making a capable decision.

### **3. PRINCIPLES**

The *Adult Protection and Decision-Making Act* sets out the following principles to be followed in implementing the act:

#### **Presumption of capability**

- Until the contrary is demonstrated, every adult is presumed to be capable of managing their affairs.  
*(This reflects the common law in Canada. The onus, therefore, is on the assessor to demonstrate incapability and a need for guardianship.)*

#### **Autonomy of the adult**

- An adult’s way of communicating with others is not grounds for deciding that they are incapable of managing their affairs.
- All adults are entitled to live in the manner they wish and to accept or refuse support, assistance, or protection as long as they do not harm others and they are capable of making decisions (i.e. they understand the personal risk they running).

*(Adults are entitled to live at risk if they are capable of understanding the risks they are taking on. If a person is incapable of making their own decisions, however, the rights of the adult to liberty and freedom of choice must be balanced with the responsibility to protect the adult from harm. An assessment of risk of harm is relevant in determining whether there are sufficient reasons to conduct an incapability assessment and in determining*

*whether there is a need for guardianship. If a person's actions are harming others, the tolerance is much lower.)*

- Adults are entitled to be informed about and, to the best of their ability, participate in, the management of their affairs.
- All adults should receive the most effective, but the least restrictive and intrusive, form of support, assistance, or protection when they are unable to care for themselves or manage their affairs.

*(The aim is to provide the least intrusive support to the adult. However, the support must be effective, that is, address the problems of the incapable adult. If a less intrusive form of support will not solve the adult's problems or reduce the risk of harm to the person or to others to tolerable levels, then a more intrusive form of support should be considered.)*

- The values, beliefs, wishes, and cultural norms and traditions that an adult holds should be respected in managing an adult's affairs.

### **Guardianship is a last resort**

- The Supreme Court should not be asked to appoint, and should not appoint guardians unless alternatives, such as the provision of support and assistance, have been tried or carefully considered.

*(Guardianship is considered the most intrusive form of support and should only be considered as a last resort.)*

Underlying these principles is the understanding that incapability is not necessarily uniform across domains. A person may be capable of making decisions in one area and incapable of making decisions in another area. Or a person may be capable of making simple decisions but incapable of making complex decisions. Incapability must be assessed in relation to the decisions that a person has to make and with reference to the person's own values and beliefs.

### **Other key principles**

- Incapability assessments are invasive and should only be performed in cases where there is sufficient evidence to suggest that the person may be incapable and is at risk of harm or is placing others at risk because of their choices.
- Risky behaviour is not proof of incapability. People can make choices that put them at risk of harm if they are capable of understanding the risk they are taking on. For example, an elderly woman may understand and be willing to take on the risk that she may slip and fall in her own home because she values her independence.
- Incapability status can change as capabilities can be regained over time. Changes in a person's medical condition, changes in a person's support system or changes in the demands upon a person may trigger a need for

reassessment. The adult is entitled to the least intrusive and restrictive support, so those in contact with the adult must be sensitive to any changes and be diligent in their efforts to promote the adult's independence.

- Attempts should be made to enhance decisional capacity and maximize the person's ability to participate in decisions. This is particularly important because incapability can fluctuate within a given day or week. The adult should be engaged in decision-making when they are most capable.
- Assessment of incapability is a legal assessment, not a clinical assessment. Clinical assessments lead to treatment recommendations, whereas these legal assessments may lead to the removal of legal rights to make autonomous decisions.
- Determining incapability is a decisional test, that is, it relates primarily to an individual's capability to make decisions – does the person's decisional ability match the demands on them for decisions that have to be made.
- Assessment of incapability must be set in the context of the person's own values, beliefs, standards and past patterns of decision-making.
- Environmental factors and the assessment process itself can affect the outcome of the assessment. For example, medications, rapport with the assessor, cultural differences between the adult and the assessor, setting of the assessment, and skill of the assessor can influence the outcome of the assessment.
- Incapability assessment requires a judgement. Assessors need to be sensitive to the impact their own values and beliefs can have on their conclusions.

#### **4. CONTENT OF ASSESSMENT REPORT**

The *Adult Protection and Decision-Making Act* says that in order to have a guardian appointed, the assessment report must indicate:

1. That the adult is incapable of managing some or all of their affairs,
2. The likelihood of change respecting the adult's incapability to manage their affairs,
3. That some or all of the adult's affairs need to be managed by a guardian; and
4. That the adult will benefit from the appointment of a guardian.

*APDM Act* s. 30(1)(a)

There is no requirement for a formal assessment of incapability when a person applies to the court to terminate or alter a guardianship order. However, if significant changes have occurred and the person no longer needs guardianship, it is likely that the court will want a formal assessment done prior to the court's decision to terminate the guardianship order.

## **5. TEST FOR INCAPABILITY**

There is no one test for mental incapability accepted across North America. In the Yukon, the *Adult Protection and Decision-Making Act* states that an adult must be incapable of "managing their affairs" before a guardianship order will be granted.

- "Manage" includes make decisions about their "affairs".
- "Affairs" includes activities of daily living and other personal matters, health care, legal matters, and financial affairs.
- "Financial affairs" with respect to an adult means the adult's income, expenses, assets, and liabilities, and includes the income, expenses, assets, and liabilities of any business carried on by the adult.

Personal matters could include decisions about:

- where the person is to live and with whom
- whether the person should work, for whom and other related matters
- whether the person should participate in any educational, vocational or other training and if so, the type and conditions
- whether the adult should apply for any licence, permit, etc.
- daily living activities including decisions about hygiene, diet, dress, social activities and companions
- whether the person should be restrained, moved and/or managed
- personal safety of the adult.

For the purposes of incapability assessments in the Yukon the test of whether a person is capable of managing their affairs is further defined in these guidelines as:

- inability to understand;
- inability to appreciate the consequences of a decision or lack of decision;  
or
- inability to execute or put the decision into action.

Understanding, appreciation and ability to execute or implement a decision are all required in order to be considered capable of making a decision.

In the chart on the following page, the elements of the test for incapability are outlined along with a breakdown of their components.

## 6. ELEMENTS OF TEST

ELEMENT	COMPONENTS	CONSIDERATIONS
<b>1. Understand</b> a) facts of situation	<ul style="list-style-type: none"> <li>the adult must have knowledge and experience relevant to making the decision in order to understand the facts of the situation</li> </ul>	<ul style="list-style-type: none"> <li>if person doesn't have knowledge, then educate before going on to other aspects of the assessment</li> </ul>
b) decision to be made	<ul style="list-style-type: none"> <li>understanding the decision requires the ability to express oneself</li> <li>this element requires memory, concentration, attention and orientation to place, time, etc.</li> </ul>	<ul style="list-style-type: none"> <li>the assessor should enhance the adult's ability to understand if needed by modifying the way in which information is provided</li> </ul>
c) options/choices	<ul style="list-style-type: none"> <li>understanding the options requires the ability to process and assimilate information about the options</li> <li>the adult must be able to ask relevant questions</li> <li>the adult requires the ability to comprehend information about options (pros and cons)</li> <li>understanding the options requires the ability to distinguish between facts and opinions</li> <li>the adult must be able to understand at a conceptual level and retain information long enough to reach a decision</li> </ul>	<ul style="list-style-type: none"> <li>if a person is not able to understand (e.g. insufficient memory), then there is no need to go on to the "appreciate" test</li> </ul>
<b>2. Appreciate</b> a) realistic appraisal of outcomes of choices	<ul style="list-style-type: none"> <li>a realistic appraisal of the outcomes requires the ability to appraise information in a reality-grounded fashion and identify risks/outcomes</li> <li>the adult requires insight (degree to which person can evaluate their situation) and self-reflection</li> <li>the adult must be able to make choices consistent with their own personal values</li> </ul>	<ul style="list-style-type: none"> <li>be aware of potential factors that could provide a false impression re insight (e.g. person minimizes problems they are having because they fear that they will lose their independence)</li> <li>depression can cause a distorted interpretation of the person's situation</li> <li>is the person choosing to take on risk and do they understand the risks?</li> </ul>

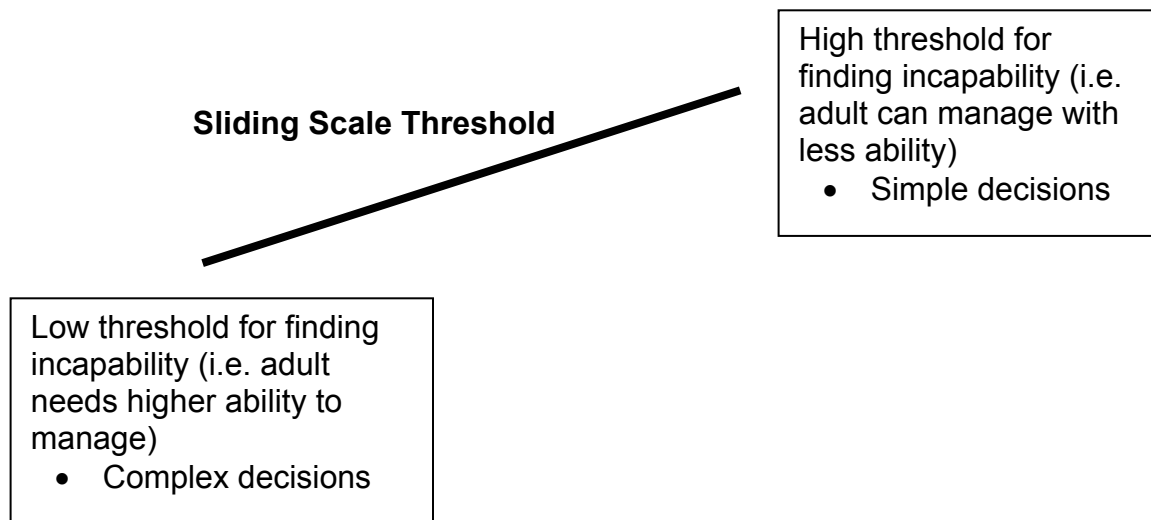


ELEMENT	COMPONENTS	CONSIDERATIONS
<p><b>Appreciate (continued)</b></p> <p>b) justification of choice</p>	<ul style="list-style-type: none"> <li>• demonstrating justification of a choice requires verbal and behavioural evidence of a reasoned choice based on person's belief system (functional logic)</li> <li>• justification of choice also requires insight – a person's awareness of any changes in values and beliefs that have resulted in a change in behaviour</li> <li>• the adult requires the ability to rationally manipulate information</li> </ul>	<ul style="list-style-type: none"> <li>• “reasoned” choice is not necessarily what the assessor would consider a “reasonable” choice</li> <li>• a reasoned choice is based on the person's own belief system</li> <li>• the assessor should probe reasoning for logical consistency</li> <li>• need to determine if reasoning is based on false or irrelevant beliefs or experiences (e.g. delusional beliefs)</li> <li>• need to be very aware that the assessor's values have potential to influence judgement of whether reasoning is logical and grounded in reality</li> <li>• need to explore insight around any changes in behaviour – if behaviour is not consistent with past behaviour, can the person link the change to a change in values and beliefs? Are the new values and beliefs based on a realistic appraisal of the facts?</li> </ul>
<p><b>3. Operationalize decision</b></p>	<ul style="list-style-type: none"> <li>• the adult requires the ability to put the decision into action on their own or by making arrangements</li> <li>• the adult must be able to communicate the decision verbally, or through other means</li> <li>• the adult must be able to remember the choice long enough to implement it</li> </ul>	<ul style="list-style-type: none"> <li>• requires impulse control</li> </ul>

## 7. THRESHOLD FOR FINDING INCAPABILITY

The assessor will be making a judgement regarding the adult's incapability based on various information and observations. There is no standard test that can be administered to an individual to determine if a person is incapable. Psychological tests may be useful in assessing some individuals, but do not in themselves lead to a conclusion of incapability. This is because the threshold for finding a person incapable changes depending on:

- The complexity of the decisions that the person has to make
- The abilities of the person to manage the decisions



## 8. RISK ASSESSMENT

Assessing risk of harm to self or to others is relevant in conducting an incapability assessment in two areas:

- **The Trigger:** to determine whether there is sufficient evidence to warrant an incapability assessment; and
- **Need for Guardianship:** to determine whether the adult needs guardianship, or whether the risk could be reduced to a tolerable level through less intrusive measures.

The assessment of risk of harm is a judgement, so the assessor must be sensitive to potential bias due to their own values and beliefs. The assessor is asked to judge whether the risks of harm are tolerable or intolerable – do the risks justify conducting an incapability assessment or warrant guardianship as an intervention.

While the assessment of risk involves judgement, there are recognized indicators of intolerable risk that can be assessed. The following questions can be used to guide the assessment of risk.

1. Is the risk old or new? What has changed to that leads you to believe that the risk is higher now?
2. Are there concrete instances of harm? What evidence is there of risk of harm? How do these instances compare with how the individual has acted in the past?
3. How serious is the risk? Does the behaviour of the person expose them to harm that will make their life significantly worse than it is now? What are the real impacts (risks) of the person's behaviour? Is the consequence temporary or reversible versus permanent and irreversible? That is the worst possible scenario and what is the likelihood of that happening?
4. Is the risk imminent or remote? If the person is willing to accept support to reduce the risk of harm, the risk may not materialize.
5. What is the risk of harm to others? People who are mentally capable are not allowed to impose risks on others. So, the threshold for finding an intolerable level of risk of harm to others is lower than the threshold for risk of harm to self.
6. Is the risk a deliberate choice? Is the person aware of the consequences of their decisions and are they knowingly running the risk? A risk that is chosen voluntarily and which does not harm others is not an intolerable risk.

Family members, friends or care providers involved with the adult should do this assessment of risk before deciding whether to request an incapability assessment. In addition, once the referral is made, the assessor should assess the above components and determine whether the risk is intolerable. The conclusion must be based on evidence derived from exploring the questions above. The risk assessment is not relevant for assessing incapability per se but is necessary in assessing whether there is a need to conduct an incapability assessment and in determining whether the person needs a guardian.

## **9. ASSESSMENT PROCESS**

Referrals will likely come from family members or professionals in contact with the person. The role of the assessor is to collect, record, verify, organize and summarize the relevant information from a variety of sources including the person, family members, care-givers, and professionals. The assessor then makes a professional judgement regarding the person's incapability and writes up a report to be submitted to court along with the guardianship application. The assessor must document information collected and keep records to support the assessment findings.

### **Pre-Assessment Triggers**

Family members and others in contact with the adult may make a referral for an incapability assessment. A person thinking about a referral should consider the following points:

- Incapability assessments are invasive and should only be performed when there are sufficient triggers to warrant an assessment.
- Requirements for a valid trigger:
  - Person has demonstrated behaviour that puts them or others at significant risk of harm (e.g. financial resources depleted)
  - Person is suspected of having impaired capability to make decisions that put them or other people at risk of harm
  - Less intrusive ways of dealing with the problem have been tried and have not solved the problem
  - Appointment of a guardian would solve the problem
- If triggers are present, then a referral should be made for an incapability assessment, outlining the issues that have triggered the need for an assessment and the decisions that the person has to make.
- Once a referral as made, the assessor carries out the following steps.

## **Step 1: Gather Information and Design Assessment**

1. Review the referral Information regarding the triggers to confirm need for assessment and to develop framework for assessment
  - Define the problem:
    - Determine what decisions the person needs to make.
    - Collect and evaluate indications that the person is not capable of making their own decisions. (Collect information from caregivers, family, person, own observations, etc.)
  - Determine whether an incapability assessment will solve the problem:
    - Determine if less intrusive (e.g. voluntary or informal) measures to enhance the person's decisional capability have been tried, and whether steps have been taken to enhance the person's decision-making abilities (e.g. referral to a physician to check for medical/treatable conditions, or modify how information is provided so that the person can understand). Is the person capable enough to sign a directive and/or an enduring power of attorney?
  - Determine whether the adult will benefit from an assessment:
    - Is the potential risk of harm to self or others high enough to justify the removal of the person's rights? Or is the issue a conflict between what is in the person's best interests and a family member's best interests?
    - Do the decisions have to be made?

- What are the consequences of allowing the person to carry on living the way they are living and making the decisions they are making? Is the person choosing to run a risk?
  - Will the appointment of a substitute decision-maker/guardian solve the problem?
2. Collect factual information related to the decisions that the person has to make
    - Obtain enough background information to contain the interview to the relevant issues.
      - Collect relevant medical and other professional assessments that have been done
    - Balance the need to collect background information prior to interviewing the adult with the need to remain objective.
    - Collect information on supports that the person has in place and other relevant environmental factors that impact the demands on the person (e.g. relationships and supports that foster or hinder decision-making and safety). A person's social history may be relevant to the issues.
    - Be aware of and reflect on your personal beliefs and values that influence your judgement.
  3. Design assessment topics and questions in preparation for the assessment interview(s)
    - Based on the referral issues (e.g. if the referral issues only deal with concerns related to financial decision-making, do not expand the assessment to cover an assessment of personal, legal or health care decision-making abilities)
    - Use sample questions and other tools provided to design assessment

## **Step 2: Incapability Assessment**

1. Arrange to meet with person in an environment and time where they will be able to function at their best (e.g. at a certain time of day when they are most lucid). Wherever possible assess a person in the actual circumstances in which they function. Determine if special communication assistance is required (e.g. interpreter, support person). Use language and style appropriate to the person being interviewed.
  - The assessor must be aware of the impact of cultural differences on the assessment process and make arrangements to involve other people who are familiar with the adult's culture to assist with the interview where appropriate.
2. Before the assessor interviews the person, have someone the person knows and trusts explain why the assessment is being done and why it is in their best interests.

3. Assessor must inform the person who is being assessed of the reasons for the assessment, the process of assessment, and potential outcomes of the assessment (i.e. if the adult is found incapable, an application for guardianship may be prepared).
  - Attempt to obtain assent.<sup>1</sup>
  - If person refuses to be assessed, explain that the assessment will be carried out anyhow by using available information from other sources.
4. Interview the person being assessed to probe their understanding and appreciation of the consequences of the decisions they need to make. More than one session may be needed.
  - Check that the person has the knowledge and experience – if not, do they have the ability to learn and apply the information? If they don't have the knowledge now but are at risk and it would take some time to learn the skills consider:
    - a time-limited guardianship order with a plan to teach the skills (e.g. for youth who may not have had the opportunity to learn the skills)
  - If an assessor believes that a person is performing poorly in an incapability assessment because of nervousness or other factors, the interview should be rescheduled for another time and attempts made to ameliorate the factors contributing to the person's confusion or discomfort.
  - The assessor must be aware of their own values and culture and how these influence the assessment. This is particularly important in assessing whether the person appreciates the consequences of their choices. An individual may justify their choice to give their money away freely because they value the emotional and social contact with their friends more than they value having an apartment to live in. The assessor will have to probe the person's understanding of the risks that they are taking on by giving away their money.
5. Assess the congruence between the person's perceptions with their behaviour
  - as witnessed or assessed by others; or
  - through simple testing of tasks (e.g. writing a cheque) or
  - through checking for consistency in responses in different settings at different times.Determine if the person is able to carry out their decision. Consider behavioural evidence in carrying out past decisions.
6. Consider any factors that may be operating to create a false impression of either intact decisional ability or impairment. Determine if further

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<sup>1</sup> Assent is the free, uncoerced expression of the person's willingness to participate based on the person's level of knowledge and understanding.

information or testing is required (e.g. occupational therapy report, psychological report) to resolve discrepancies.

### **Step 3: Determine Likelihood of Change**

Collect medical or other information relevant to determining the extent, duration and reversibility of the person's incapability.

### **Step 4: Determine Need for Guardianship and Benefit to Person**

#### **1. Need for Guardianship**

Identify whether the person's needs could be met in some other way given the resources and supports available to the person.

- Identify the needs of the person and any existing or likely intolerable risks of harm to self or others.
  - Indicate whether there a need for important or immediate decisions to be made on the person's behalf.
  - Assess the risks and indicate which are intolerable.
- Identify the formal and informal supports available to the person to meet their needs.
- Assess whether the risks could be managed by a less intrusive and restrictive form of support.
  - Is guardianship needed to manage the risk of harm?
  - If the risk of harm is not managed through guardianship, is the behaviour of the adult likely to result in more intrusive consequences (e.g. incarceration)?
  - Identify whether the person made any relevant wishes.
  - Consider any suggestions as to whether the social or physical environment could be adapted to meet the person's needs and reduce the risk. Indicate whether this is possible or likely given available resources.
  - Indicate whether there is another environment that could better meet the person's needs and reduce risk to tolerable levels. Indicate whether supports are available and the reasons for the assessor's opinion that the proposed alternative would meet the person's needs or wishes.
- Consider making suggestions to the court on whether a trial period with or without guardianship should be considered with follow-up. Consider whether a period of rehabilitation or skill development is likely to eliminate the need for a guardian. Indicate whether the adult's needs are likely to be short-term (e.g. less than 6 months) or of a longer duration.

2. **Benefit to the Adult**

Identify whether the person will benefit from having a guardian.

- Consider whether the benefits derived from the appointment of a guardian will be outweighed by any negative impacts on the person's quality of life or psychological well-being.
- Assess whether the person will face likely and serious harm to their well-being or their estate if a guardian is not appointed.
- Consider whether the proposed guardianship will contribute to the vulnerability of the person. Is the guardianship being sought simply to control the individual?
- Assess whether the individual will cooperate and benefit from the decisions of the guardian or whether their past behaviour indicates that they will not accept the decisions of a guardian.
  - If the adult will not cooperate with the decisions of the guardian, will the adult benefit from being physically restrained, moved or managed? Will the benefit of this measure outweigh the negative impacts on the adult? Is it a necessary measure to reduce risk to a tolerable level?

### Step 5: Make Conclusions

1. Evaluate whether the data supports a conclusion of incapability.
2. Fill out appropriate forms indicating that person is capable or incapable and communicate findings. Make a judgement as to whether the individual is incapable with reference to the referral issues. Summarize findings by indicating whether the individual needs a guardian to manage their:

financial affairs

\_\_\_ specifically \_\_\_\_\_

legal affairs

\_\_\_ obtain legal services for the adult and instruct counsel to commence, continue, compromise, defend, or settle any legal proceeding on the adult's behalf

\_\_\_ specifically \_\_\_\_\_

health care



\_\_\_ decide whether or not the adult should receive care, and give or refuse consent to care in accordance with the Care Consent Act (including whether the adult should live in a care facility)

\_\_\_ specifically \_\_\_\_\_

personal affairs

\_\_\_ decide where the adult is to live and with whom

\_\_\_ decide whether the adult should work and, if so, the type of work, for whom the adult is to work, and related matters

\_\_\_ decide whether the adult should participate in any educational, vocational or other training and, if so, the type of training and related matters;

\_\_\_ decide whether the adult should apply for any licence, permit, approval, or other authorization required by law;

\_\_\_ make decisions about daily living activities on behalf of the adult including decisions about the adult's hygiene, diet and dress, social activities and companions;

\_\_\_ physically restrain, move, and manage the adult, or have the adult physically restrained, moved or managed

\_\_\_ make arrangements for the temporary care, education, and financial support of the adult's minor children or any other persons who are cared for or supported by the adult

\_\_\_ specifically \_\_\_\_\_

**Worksheet #1 : Financial Decision-Making**

Financial Domain		Adult's Understanding	Assessor's Notes
<p><b>Assets</b></p> <p><b>Approximate Worth \$</b></p> <p>1. Bank accounts</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>		
<p>2. Land and homes</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>		
<p>3. Other items (e.g. cars, boats, investments, insurance, etc.)</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p>		
<p><b>Income Source</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p><b>Amount \$</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>		
<p><b>Expenses</b></p> <p>_____</p> <p>_____</p> <p>_____</p>	<p><b>Amount \$</b></p> <p>_____</p> <p>_____</p> <p>_____</p>		

<b>Debts (Credit cards, line of credit, loans, etc.)</b>	<b>Amount \$</b>		
_____	_____		
_____	_____		
<b>Dependents/Obligations</b>	<b>Amount \$</b>		
_____	_____		
_____	_____		

Decisions Required	Understands Choices and Appreciates Consequences			
	Self-Report	Informant	Behavioural Evidence	Assessor's Notes
Maintain monthly rent/mortgage				
Handle small currency				
Handle large sums				
Safeguard valuables				
Make small purchases				
Pay bills, pay for services				
Manage income				
Issue cheques				
Budget weekly expenses				
Make donations/gifts				
Resist exploitation				
Manage business				
Manage/advise investments, insurance, etc.				
Budget for major purchases				
Dispose of or acquire property				
Apply for pension benefits				
Balance accounts				
Arrange for tax payments, do income tax return				
Other _____				

**KEY:**

**S** = Satisfactory – fully independent or appreciates need and accepts assistance

**M** = Marginal – could be a problem depending on availability and acceptance of supports

**U** = Unsatisfactory – no assistance available or refusing assistance, resulting in unmet need

**N/A** = decision/skill is not required to manage adult's financial affairs

**Worksheet #2 : Personal Care Decision-Making**

Domain	Adult's Understanding	Assessor's Notes
<p><b>Living Arrangements</b>                      Alone/shared _____                      Type of accommodation _____                      _____                      Responsible for self _____                      _____                      Responsible for others _____                      _____</p>		
<p><b>Physical Health</b>                      Major medical problems _____                      _____                      _____                      Physical limitations (e.g. sensory/motor)                      _____                      _____                      _____</p>		
<p><b>Current or Pending Personal Care Decisions with Significant Impact</b>                      _____                      _____                      _____                      _____</p>		

Decisions Required	Understands Choices and Appreciates Consequences			
	Self-Report	Informant	Behavioural Evidence	Assessor's Notes
<b>1. Nutrition</b>				
Able to store, prepare food				
Able to arrange for purchase of food				
Able to eat unassisted				
Knowledge of special dietary needs				
Knows what to eat/ has rudimentary knowledge of nutrition				
Other: _____				
<b>2. Clothing</b>				
Able to dress/undress				
Clothes are adequate for weather				
Other : _____				
<b>3. Hygiene</b>				
Able to wash/bathe				
Able to use bathroom				
Deals effectively with incontinence				
Keeps clothes clean				
Keeps living environment clean – housecleaning, dishes				
Personal grooming: teeth, hair, shaves, attends to menses				
Other _____				
<b>4. Safety</b>				
Sufficient mobility to meet needs/circumstances				
Does not exhibit life-threatening behaviour (e.g. wandering, provoking others, medication or substance misuse or abuse)				
Able to recognize and avoid hazards (e.g. cigarettes, stove, manages meds)				
Able to handle emergencies				
Recognizes when others present a danger and takes precautions				
Other _____				

<b>5. Shelter</b>				
Able to find shelter that meets minimum personal needs				
Type of shelter is appropriate to needs				
Adequate temperature regulation within shelter				
Other _____				
<b>6. Social Activities</b>				
Able to choose social activities to suit interests				
Able to recognize and avoid unsafe social situations				
Able to choose companions who do not exploit or abuse person				
Other _____				
<b>7. Health Care</b>				
Takes care of routine health problems (e.g. headaches, colds, cuts)				
Can follow regime for taking medications				
Makes and keeps medical appointments				
Takes precautions against illness				
Recognizes and alerts appropriate person to serious health problems				
Knows primary medical diagnosis and need for treatment				
Can communicate symptoms of illness				
Understands risks and benefits of treatments when explained and understands that it pertains to them				
Other _____				
<b>8. Legal</b>				
Understands reason for legal proceeding (.g. reason for charge or reason for suit)				
Capable to instruct counsel				
Other _____				
<b>9. Work and Training</b>				
Able to find and maintain employment suitable to abilities				

Able to recognize and avoid workplace hazards				
Able to understand wages and benefits				
Aware of work alternatives and consequences of not working				
Able to choose a training program				
Other _____				
<b>10. Other</b>				
Able to apply for licences, permits				

**KEY:**

**S** = Satisfactory – fully independent or appreciates need and accepts assistance

**M** = Marginal – could be a problem depending on availability and acceptance of supports

**U** = Unsatisfactory – no assistance available or refusing assistance, resulting in unmet need

**N/A** = decision/skill is not required to manage adult’s financial affairs

**Worksheet #3: Assessing Incapability**

<b>Problem</b>	<b>Understands Problem/ Facts</b>	<b>Understands Choices</b>	<b>Appreciates Consequences of Choices</b>
1.		1. 2.	Pros #1 Cons#1 Pros #2 Con #2
2.		1. 2.	Pros #1 Cons #1 Pros #2 Cons #2
3.		1. 2.	Pros #1 Cons #1 Pros #2 Cons #2

**Able to execute/implement decision(s):**

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