

Policy Number: 1040

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Effective Date: July 1, 2013

Replaces; November 1, 2011

SECTION: CLIENT SERVICES

TOPIC: LEGAL GUARDIANSHIP/TRUSTEESHIP

**Intent:** To determine legally established authority for Guardianship and Trusteeship.

To ensure reciprocal communication in recognition of Guardian and Trustee areas of authority.

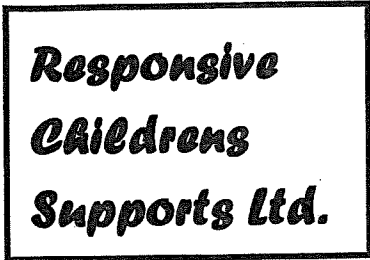
Most Clients have a Legal Guardian(s), and a Legal Trustee(s) appointed by the Court under the Adult Guardianship and Trusteeship Act by a Guardianship or Trusteeship Order, which designates specific legal authorities. The Guardian(s)/Trustee(s) provide decision-making for specific areas as designated in their Order(s) for Clients who are 18 years of age or older.

For Clients who are under 18 years of age, Guardianship responsibilities may be by the biological or adoptive parent(s), or by Child Intervention Services. Financial support for these Clients for needed services and personal living costs may be provided by, and may not be limited to: the parent(s), FSCD, Child Intervention Services, and Aboriginal Affairs and Northern Development Canada.

In the temporary absence (e.g. holidays) of the Legal Guardian(s)/Trustee(s), the Legal Guardian(s)/Trustee(s) may assign, through written authorization for a specified time period, their authority to the Alternate Guardian(s)/Trustee(s) identified in the Guardianship/Trusteeship Order.

In the event of a Guardian(s)/Trustee(s) death, the Agency Coordinator shall immediately contact the Public Guardian's/Trustee's Office. The Agency will require clarification and confirmation of Legal Guardianship/Trusteeship status. According to the Adult Guardianship and Trusteeship Act, in the event of a Guardian(s)/Trustee(s) death, the Alternate Guardian(s)/Trustee(s) will immediately be the recognized authority, continuing the terms of the Order(s).

Prior to admission to Agency Services, except for Crisis/Relief Services, the Agency will be provided with the most recent copy of the Order(s) identifying the Legal Guardian(s)/Trustee(s) and the specific areas of authority. If these are not received, the Agency will confirm and obtain the orders from the Office of the Public guardian and Trustee's office. For Crisis/Relief Services, a copy of the Order(s) will be provided within 5 days after admission.



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Coordinators will ensure main office copies are kept of the most recent Guardianship Order(s) or Delegations of Authority and written authorization(s)

The guardian must provide the Agency with copies of changes in the respective orders for the Agencies client file.

Agency Staff must be aware of and understand the Guardianship status of the Clients with whom they are directly involved and obtain required approvals/consents.

When the term guardian is referred within the Agency’s policies or procedures, the Agency is referring to the legal entity.

**Reference** Policy 2280 – Conflict of Interest