



Jay Chalke, QC
Public Guardian
and Trustee

Message from the PGT

I am pleased to present *Reaching Out*, our eighth annual newsletter from the Services to Adults Division of the PGT. This past year has been very busy providing services to you and carrying out other activities to improve services in the future.

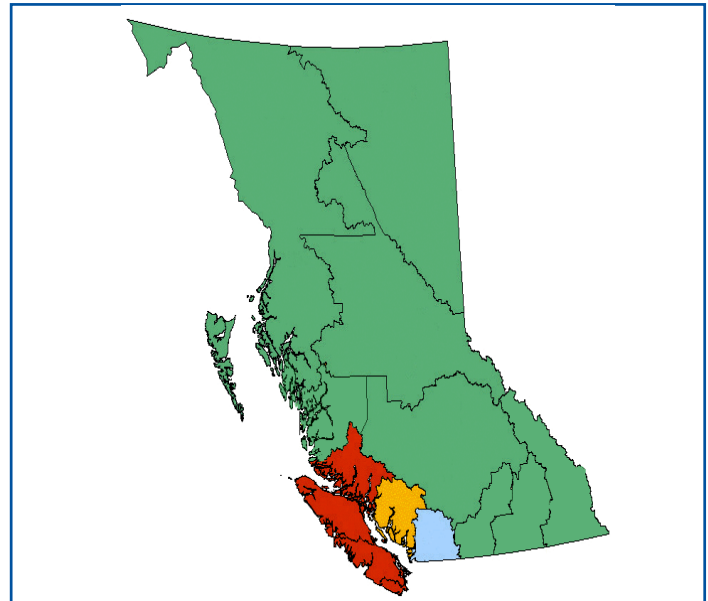
Special activities have included extensive work on topics we have previously reported on. These include the Adult Guardianship law reform, the Woodlands School Class Action, and the Indian Residential School Settlement.

This edition includes updates on these important activities, descriptions of your regional teams and statistics regarding services provided by the division in the past year. It also includes a description of the process we follow in determining how best to invest your funds.

One of the most exciting developments of this past year has been the new legislation passed by the BC legislature relating to adult guardianship and consent for admission to care facilities. A description of the new legislation is included in this newsletter. We do not know when it will become law as this new legislation must be formally proclaimed by the government before that happens. In the meantime, we are getting ready.

In our last newsletter, we told you about our new PGT computer software system for client information known as CASE – Client Administrative System for Excellence. We have moved ahead with implementing the first phase of CASE and are looking forward to expanding it in future.

There is much more information on our PGT activities in our 2006-2007 Annual Report. If you would like to have a copy of the full report, please contact your Case Manager or go to the Publications page on our website at www.trustee.bc.ca. There are many other publications also available on the website or through your Case Manager.



Client Services	2007	
Vancouver Island Region	599	clients
Greater Vancouver Region	841	clients
Lower Mainland Region	907	clients
Interior/North Region	751	clients
Total:	3098	clients

For information on how to contact your regional team, please see the regional insert or page 4 of this newsletter

I hope you enjoy this issue of *Reaching Out*. We want it to be useful to you and include the sort of information you find interesting. I would be pleased to receive any comments from you about the newsletter and have included a survey form that might help you with this. I also welcome any comments that you may have with respect to our services.

Woodlands School Class Action

The class action brought by survivors of the Woodlands School continues to be the subject of many court applications. The Province brought an application to the Supreme Court of BC asking the Court to split the class members into two groups: those who suffered abuse at Woodlands prior to August 1, 1974 and those who suffered abuse at Woodlands after that date. The Province argued that the pre - 1974 class members are not entitled to sue the Province because of a decision in another case. The Supreme court of BC agreed with the Province. This decision is under appeal.

In a June 2007 decision, Minister Justice Butler of the Supreme Court of BC removed the law firm of Poyner Baxter as class counsel. Poyner Baxter has been granted leave to appeal this decision and the appeal is scheduled to be heard on May 1st and 2nd 2008. The Public Guardian and Trustee remains involved in the case and takes the position that all its clients who suffered abuse at Woodland are entitled to compensation from the government.

Adult Guardianship Update

In 2007 two Bills were passed relating to Adult Guardianship legislation and substitute decision making in British Columbia; *Adult Guardianship and Planning Statutes Amendment Act, 2007* (Bill 29) and *Health Statutes Amendment Act, 2007* (Bill 26). When implemented, this new legislation will provide for greater protection and flexibility. These new laws are not currently in effect and will not be in effect until proclaimed by the government.

The *Adult Guardianship and Planning Statutes Amendment Act, 2007* (Bill 29) is the latest legislative step to modernize adult guardianship laws.

Part of Bill 29 relates to the various incapacity planning documents adults can make. The Bill:

- retains Enduring Powers of Attorney as the primary incapacity planning tool for financial/property/legal matters but adds safeguards, an incapacity test, and outlines duties of attorneys;
- retains Representation Agreements for personal care/health care decision making and for routine financial matters, and streamlines execution requirements so that these agreements are less complex to make; and
- expands the legal effect of instructional advance directives as a method of consenting to or refusing, health care.

The Bill also modernizes court and statutory guardianship by replacing the *Patients Property Act*. It includes:

- Enhanced requirements for Guardians (currently called Committees) to have management plans, and court reviews when the adult's circumstances change;
- More focus on the scope of authority and duties of Personal Guardians;
- Standards for assessments of incapability;
- Rights to appeal assessments or request reassessment;
- Authorization for the PGT to transfer statutory guardianship to family or others; and
- Authority for the PGT to end statutory guardianship when it is in the adult's best interests.

Did you know?

The PGT played a significant role in facilitating the Indian Residential Schools settlement for adults who have been declared incapable of making their own financial and legal decisions.

Bill 26, The *Health Statutes Amendment Act, 2007*, enacts a new Part 3 of the *Health Care (Consent) and Care Facility (Admission) Act* that establishes a process for consent and substitute consent for care facility admission. The new admission consent law is similar to that used for health care consent. It will require informed consent from the adult or a substitute for admission to a care facility.

More information about this pending legislation will be available on the PGT website when the government announces a proclamation date (www.trustee.bc.ca).

Investing Client Funds

When the PGT becomes responsible for your assets, individual client trust accounts (like bank accounts) are set up. We take our responsibilities for client funds seriously and manage your assets carefully. Our investment style is client-centred and careful.

Our Case Managers and their team of financial experts take time and great care to do in-depth financial planning to determine the most suitable options for clients' funds.

In developing individual investment plans, we consider clients' health, budgets and future cash flow requirements. This information is used to develop a personalized plan to best meet each client's unique needs and to ensure that the best alternatives are chosen for their funds.

All clients have their cash funds invested in a short term money market fund that holds bonds and treasury bills. The fund earns interest which is paid on client trust account cash balances at the end of each month. The cash in client accounts earned 4.77% interest in 2007.

A few of our clients who have no immediate need for cash and have longer investment time horizons may be able to have some of their money set aside for longer term investing. To meet these additional goals, we use the Public Guardian and Trustee Balanced Funds. The average return on these funds has been over 8%.

Did you know?

In 2007, PGT staff gave more than 80 presentations across BC regarding PGT services to adults.

Did you know?

The PGT administered more than \$370 million in assets belonging to adult clients last year.

Frequently Asked Questions

How can I manage my own monies again? The first step is for a medical doctor in BC to meet with you and determine if you are capable of managing your financial affairs. The best thing to do is to contact your PGT Case Manager and they will walk you through the entire process and provide you with any assistance you may require along the way.

I would like to spend more money each month, how can I do this? Every client has a budget to be sure that all bills and expenses are paid every month and that all clients live within their means. If you are finding that your monthly spending money is not enough, please contact your PGT Case Manager and they will review your budget with you and determine what monies you have available.

Can I make a will? It may be possible for you to make a will. The first step is to see your family physician to determine if your doctor would support a legal finding of testamentary capacity. Testamentary capacity is the test lawyers use to satisfy themselves that their clients understand what it means to make a will. If your doctor provides a report that would support such a legal finding, then your PGT Case Manager will retain a lawyer on your behalf so that you can make a will.

Can I give money to my family and my friends? Yes, it is possible to give gifts to your family and friends. Each request is reviewed by your Case Manager and, of course, one of the many things they look at is whether or not you can afford to make a gift. All decisions are guided by Public Guardian and Trustee policy and procedures and in some cases, it may be necessary to go to Court to get approval to give a gift.

What if I don't like the decision the Case Manager has made? All decisions may be reviewed by a Manager. Contact your local office and ask to speak with the Manager. If you continue to be dissatisfied, the Manager will refer you to the Director, Services to Adults. Further review is possible depending on the circumstances. For more information about the review process at the Public Guardian and Trustee's office, please contact your Case Manager.

Indian Residential School Settlement Update

The process of implementing the Settlement Agreement announced in May, 2006 has continued throughout the past year.

On September 19, 2007 the Government of Canada began receiving applications for the Common Experience Payment (CEP) which is one element of the court-supervised Indian Residential Schools Settlement Agreement.

Upon application and verification, eligible former students will receive \$10,000 for the first year of residence, plus \$3,000 for each school year (or part of a school year) after that.

As the PGT handles the estates of many British Columbians who are unable to handle their own affairs, we are interested in identifying any of our clients who may be eligible to make this claim.

Several of our clients have been identified who we believe may be eligible and we are currently gathering information so we can complete applications for the CEP on their behalf. To date the PGT has made application on behalf of over 20 clients and is seeking confirming information regarding school attendance for approximately 50 others.

If you are a person who attended an Indian Residential School and are a PGT client (or if you know of a PGT client who attended) please contact your PGT **Case Manager** or:

Myles Clay

Public Guardian and Trustee of BC

4th Floor 1019 Wharf Street

Victoria, BC V8W 9J2

PHONE: 250-387-8160

The PGT has also made several presentations regarding preventing and responding to financial abuse to help ensure that payments under the Agreement are used by the people who receive them and for their benefit.

If you have questions about the Residential Schools Settlement Agreement, please contact your Case Manager.

YEAR IN REVIEW

PGT Services to Adults Division

(2006/07)

Total Staff: 94

- Assessment and Investigation - 882 (throughout the year)
- Client Services - 3,029 (as at March 31, 2007)
- Health Care Decisions - 660 (throughout the year)
- Estate Liaison - 473 (as at March 31, 2007)
- Private Committee Services - 2,035 (as at March 31, 2007)

Financial indicators:

- Revenue - \$8,190,030
- Expenses - \$11,559,331

Total value of assets under administration: \$372,163,000

- Investment and Securities - \$274,175,000
- Real Property - \$94,011,000
- Other - \$3,977,000

Greater Vancouver Region Vancouver Island Region

700-808 West Hastings St. Vancouver, BC V6C 3L3 Tel: (604) 775-1007 Fax: (604) 660-9498	1019 Wharf Street, 4th floor Victoria, BC V8W 9J2 Tel: (250) 356-8160 Fax: (250) 356-7442
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Lower Mainland Region

700-808 West Hastings St.
Vancouver, BC V6C 3L3
Tel: (604) 775-1001
Fax: (604) 660-9479

Interior-North Region

1345 St. Paul Street
Kelowna, BC V1Y 2E2
Tel: (250) 712-7576
Fax: (250) 712-7578

Toll-free calling is available through Service BC. After dialing the appropriate number for your area (below), request to be transferred to the Public Guardian and Trustee.

Vancouver:	(604) 660-2421
Victoria:	(250) 387-6121
Other areas of BC:	(800) 663-7867

Did you know?

The PGT monitors over 2,000 Private Committees.