

ADULT INFORMATION SHEET

ASSESSING AN ADULT'S ABILITY TO MANAGE THEIR FINANCIAL AFFAIRS

UNDERSTANDING THE CERTIFICATE OF INCAPABILITY PROCESS - ADULT GUARDIANSHIP ACT

PART 2.1

This process is guided by principles about treating people well.

There are two main phases in the process:

- The Assessment
- A Certificate of Incapability

ONE: THE ASSESSMENT

1. When Is An Assessment Needed?

- An assessment may be needed if there are concerns that you are not able to manage your financial affairs,
- There is no one else available to assist you, and
- There are important financial matters in your life that need to be taken care of.

2. What Is An Assessment Used For?

- The purpose of the assessment is to determine if you are incapable of managing your finances.
- If the result of the assessment is that you are found to be incapable -then the Public Guardian and Trustee may be appointed to manage your finances.

3. How Is An Assessment Done?

- An assessment has two parts; a medical exam and a functional evaluation.
- Usually the medical exam is done first.
- The medical exam is always done by a doctor.
- The functional evaluation may be done by a doctor or another professional (called a Qualified Health Care Provider).
- The doctor and the Qualified Health Care Provider are called assessors.
- Assessor/s may collect information from many sources but will always try to meet with you to determine your understanding of your financial situation.

4. What Are Your Rights During The Assessment Process?

- Unless it will cause you serious harm, you are always entitled to information about what the assessment is for, the results, and what the outcome might be.
- You can ask a support person to be present with you during the assessment (or part of it).
- You may refuse to participate (although the assessment might still be done using other information)
- The final assessor will tell you the results.
- You may have a copy of the assessment report when completed.
- You may ask questions and discuss concerns about the assessment.

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TWO – CERTIFICATE OF INCAPABILITY

1. If a certificate is to be issued:

- The results will be sent to a person who works for a Health Authority (the Health Authority Designate). This person has to decide whether to issue a certificate of incapability.
- If the Health Authority Designate is satisfied with the results and other information about your need for assistance, they will send a notice in writing to you and your spouse or other family member, unless it will cause you harm. The notice will say that they plan to issue a certificate of incapability.
- The written notice will explain why the health authority designate plans to issue a certificate of incapability.
- You and your spouse or near relative (family member) will have an opportunity to respond to the notice before the certificate is issued.
- If the health authority designate decides to go ahead with issuing a certificate of incapability you and your spouse or family member will be sent a copy.
- Once a certificate is issued - the Public Guardian and Trustee is your committee of estate to manage your finances.
- The Public Guardian and Trustee will advise you and your spouse or near relative (family member) of your right to ask for another assessment.
- If the result of that assessment is that you are found capable, the Health Authority Designate will inform the Public Guardian and Trustee and the certificate will be cancelled. This means the Public Guardian and Trustee will return control of your financial affairs to you.

2. More Information

- More information is available on the Public Guardian and Trustee's website: www.trustee.bc.ca
- Other people that may be able to provide information/assistance include:
 - PGT staff
 - Your doctor or other assessors
 - Your health care case manager or social worker if you have one
 - Your lawyer
 - Family/friends

Protecting You From Financial Harm – Statutory Property Guardianship

A Sample Script

Your money and things you own may need to be **protected**:

- A concern has been raised about your ability to **manage** your money and things you own
- **Help** is available if you need it
- You will be **assessed** by a doctor and possibly another assessor
- The assessment may be used in the decision to **appoint** the Public Guardian and Trustee as your Property Guardian

Your **rights**:

You have the right to:

- **ask** questions
- have a person that you **trust** with you (as long as they don't interfere)
- **say** no, but the assessment may happen without your input
- **challenge** the assessment findings
- **request** a second opinion or reassessment
- **receive** a copy of the assessment report – unless the assessor thinks it will cause you serious harm

The **assessment**:

- has **two parts**
 - medical
 - functional
- the **medical** is done by a doctor
- the **functional** is done by an assessor who has been trained specially
- **other people** may also provide information (like the bank, landlord, friends, family)
- is only about your ability to manage your **money and things you own**

What does this **mean** for you?:

- if the assessment finds that you need **help** to manage your money and things you own, the Public Guardian and Trustee may be **appointed** to manage your money and things you own

Who is the **Public Guardian and Trustee**?

- it is a public body that **protects** the legal and financial interests of adults who require assistance
- they have strict rules **under the law** that they have to follow
- they do **charge fees** for their services and they will let you know what they are
- they must involve you in the decision they are making

What happens after the assessment?

- you will be told by your assessor what their **opinion** is
- if the opinion is that you need help, a designated person from the Health Authority will send you **a letter** telling you that they are considering issuing a Certificate of Incapability

A **Certificate of Incapability** does two things:

- it removes your authority to manage your money and things you own
- it **appoints** the Public Guardian and Trustee as “Property Guardian” to manage these things for you

If a Certificate of Incapability is being considered you and your family (if appropriate) will be:

- **notified** of the intent of the Health Authority to issue a certificate.
- **told**, in writing, why the decision was made
- given **time** to respond to the notice
- given information about **your rights** and options

Except when:

- the assessor believes that giving you information will put you or your money at **more risk** then they may choose to protect your money and things you own **before** telling you

What happens **next**?:

- If the designated person from the Health Authority decides it is best to issue a Certificate of Incapability, they will send you **another letter** telling you that a Certificate of Incapability has been issued which puts the Public Guardian and Trustee in charge of your money
- the Public Guardian and Trustee will send you a letter telling you how to **contact** them

Who to call?:

If you have concerns or questions about this process you are welcome to call:

Public Guardian and Trustee	604.660.4444
Assessor	
Case Manager or Social Worker	
Doctor	
Your Lawyer	
Trusted friend or family member	
Health Authority Key Contact	
Other	