

# Vulnerable adults and the role of the Public Guardian and Trustee

## Vulnerable adults experiencing abuse, neglect or self neglect

The Public Guardian and Trustee's (PGT) assessment and investigation services team can help citizens concerned about vulnerable adults who cannot manage their own financial, legal and personal care matters. When the PGT receives a referral about a vulnerable adult in the community, we will do some research, ask many questions and help find the best solution to support the person that is vulnerable. In many cases, informal solutions provide the support and help vulnerable adults need.

In some cases, as a last resort, an authority may be granted to the PGT to manage the adult's financial and legal affairs when they have been assessed as incapable of managing them on their own. When this occurs, it means the PGT is committee of estate for the adult. A committee is an arrangement where the PGT, a private individual, or a trust company is granted the authority to manage the affairs of an adult who is incapable of managing their own affairs. The person managing a person's affairs is called a committee.

For more information, visit our website to see the **Guide to the Certificate of Incapability Process under the Adult Guardianship Act** on our [Reports and Publications](#) page and the [Helping an Adult Get Support and Reporting Abuse or Neglect](#) page, including the role of the PGT and other agencies.

## How to make a report to the PGT

If you have concerns about a vulnerable adult's financial and legal affairs and would like to report to the PGT, see our website's [Assessment and Investigation Services](#) page and download, complete and send us the [AIS Referral form](#).

## When the PGT receives a report

When we receive a report, we gather information to assess if there is a need to investigate further. The principles of the [Adult Guardianship Act \(AGA\)](#) guide our approach.

We investigate to find out what kind of help the adult may need. Our focus is to always look for the least intrusive, but most effective option. The principles of the AGA are:

- All adults are entitled to live in the manner they wish and to accept or refuse support, assistance or protection as long as they are capable of making decisions about those matters
- 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 their financial affairs
- The court should not be asked to appoint and should not appoint a guardian (known as a "committee" in B.C.) unless alternatives such as providing support and assistance have been tried or carefully considered
- Every adult is presumed to be capable of making decisions about their personal care, health care

and financial affairs unless this is proven to be not true

- An adult's way of communicating with others is not grounds for deciding that they are incapable of making decisions

**The PGT will offer initial support as needed, including:**

- Providing information about options available to help the adult
- Consulting on complex situations involving abuse, neglect or self-neglect
- Initiating an investigation, if needed

## Investigation process

To begin an investigation, the following 3 criteria must all be present:

1. There is a concern the adult may be mentally incapable of managing their finances
2. There is a specific, urgent or immediate need
3. There is no other suitable person who has the authority or is willing to act on the adult's behalf

An investigation will help us determine what steps should be taken, if any, to protect the adult. For example, an investigation will help us find out if:

- Options can be put in place to protect and manage the adult's financial affairs
- The adult faces serious enough risks that would require a substitute decision maker to be appointed
- An existing power of attorney or representative is not fulfilling their legal duties

If necessary, the PGT has the authority to collect information about the adult's ability to manage their personal, legal and financial affairs. The scope of the investigation depends on factors such as the risk, urgency and circumstances of each situation.

**When investigating, we:**

- Consult with the person who made the referral and others close to the adult
- Assess whether assets are at risk, and consider options to protect them
- See if there are family, friends or others in the adult's life who can and are willing to help

**We may also:**

- Consult with the adult regarding their situation and options available to them
- Ask the power of attorney or representative to show how the adult's financial affairs are being managed
- Request information about the adult's financial situation, including bank or investment statements
- Consult with designated agencies, including making a report when health and safety concerns about the adult have been identified. A designated agency is one of the five regional health authorities, Providence Health Care and Community Living BC (which provide supports to adults with development disabilities). Designated agencies are required to investigate allegations of abuse, neglect and self-neglect of vulnerable or incapable adults
- Request information about whether the adult is capable of managing their affairs from the adult's doctor or health care provider

## Outcomes, timelines and options for help

- We can provide information on community resources to help support the adult
- We may suggest the adult explore preplanning options. For more information, see the **It's your choice - personal planning tools** publication on our [Reports and Publications](#) website page
- We may recommend that a trusted person may take steps to obtain authority to manage the adult's affairs. For more information, see the [Helping an Adult Get Support and Reporting Abuse or Neglect](#) page on our website
- We may take steps to obtain an authority to manage the adult's affairs if the adult is not able to manage their financial affairs, and no other person is able to assist. For more information, see the [Financial Management and Personal Decision Making Services for Adults](#) page on our website
- We will try to resolve the concerns or take action to replace the attorney or representative if a power of attorney or representative is not fulfilling their legal duties

The investigation process is lengthy, often taking more than six months to complete. It takes time to gather the information and to work and consult with the various people involved. It's also important that the outcome is carefully considered and provides the right amount of support and assistance to the vulnerable adult.

## More information about who to call

See the [Decision Tree: Assisting an Adult Who is Abused, Neglected or Self Neglecting](#) page on our website to better understand which agencies to contact to make the most effective referrals for adults who may be vulnerable or incapable.

## Questions or concerns

If you have questions or concerns about the investigation or assessment process, please contact us directly at [AIS-PDS@trustee.bc.ca](mailto:AIS-PDS@trustee.bc.ca).

If an assessment is requested, or the PGT is appointed committee of your estate, you can seek legal advice about your rights. PGT staff can provide information on legal resources.

For information about the PGT's complaint process, see the [Feedback](#) page on our website.

## Important note:

This information is provided by the Public Guardian and Trustee of British Columbia. It is general information and it's not legal advice, nor is it a substitute for legal advice. If you need legal advice, contact a lawyer, notary or your local community law office.

# Contact the Public Guardian and Trustee

## Assessment and Investigation Services

700-808 West Hastings Street  
Vancouver, B.C. V6C 3L3

<b>Local phone</b>	604-660-4507
<b>Toll free phone</b>	1-877-511-4111
<b>Local fax</b>	604-660-9479
<b>Toll free fax</b>	1-855-660-9479
<b>Email</b>	<a href="mailto:AIS-PDS@trustee.bc.ca">AIS-PDS@trustee.bc.ca</a>
<b>Website</b>	<a href="http://www.trustee.bc.ca">www.trustee.bc.ca</a>

### PGT hours of operation

Monday to Friday 8:30am to 4:30pm