

# OVERVIEW OF YUKON DECISION-MAKING LEGISLATION

## Various Tools to Support People with some Degree of Mental Incapability

### ***DECISION-MAKING, SUPPORT AND PROTECTION TO ADULTS ACT***

•Consequential amendments to various Acts, including *Mental Health Act* and *Health Act*

#### **SCHEDULE A**

#### ***Adult Protection and Decision Making Act***

##### **PART 1: Supported Decision-Making Agreements**

•Private agreement between two people outlining areas the “associate” will support the adult.

##### **PART 2: Representation Agreements**

•Private agreement between two people outlining areas the “representative” will make decisions for the adult (limited financial and personal only).

##### **PART 3: Court-Appointed Guardians**

•Supreme Court appoints guardian for adult.  
•Application includes incapability assessment and guardianship plan.

##### **PART 4: Adult Protection**

•Mandated as Designated Agency (DA).  
•For adults who are abused or neglected and unable to seek their own help.  
•DA looks into reports and offers assistance, including some legal tools.

**Website: [www.hss.gov.yk.ca](http://www.hss.gov.yk.ca)**

•follow the links to Adult Protection and Decision-Making.

**Telephone: 867-456-3946**

#### **SCHEDULE B**

#### ***Care Consent Act (applies to adults and children)***

##### **PART 1: Consent to Care**

•Rules for getting consent and substitute consent to care (health care, admission to care facility, Home Care).  
•Care providers assess whether person is capable of providing consent.

##### **PART 2: Advanced Care Directives**

•People 16 and older can appoint a proxy to make care decisions for them when they are incapable of making the care decision.  
•Can also outline care wishes.

**Telephone: 867-456-6800**

##### **PART 3: Capability and Consent Board**

•One Board to review matters arising from the *Mental Health Act* and the *Care Consent Act*.  
•Panel of 3 can review determination of incapability to consent to care.  
•Part 4 Sec. 61(1) a & b allows for financial protection.

**Website: [www.hss.gov.yk.ca](http://www.hss.gov.yk.ca)**

•follow the links to the Care Consent Act.

#### **SCHEDULE C**

#### ***Public Guardian and Trustee Act***

##### **PART 1: Public Guardian and Trustee**

•Establishes office of PGT (Justice).  
•Current roles of Public Administrator plus new roles as PGT:  
•last resort guardian,  
•investigate financial abuse,  
•temporary estate protection,  
•can intervene in private guardianship applications.

##### **PART 2: Investigation of Financial Abuse**

•PGT investigates financial abuse.  
•Can freeze accounts for 21 days.  
•Referral made by Designated Agency.

##### **PART 3: Financial Protection**

•PGT can act as temporary guardian for financial affairs in certain instances.

**Website: [www.justice.gov.yk.ca](http://www.justice.gov.yk.ca)**

•follow the links to the Public Guardian & Trustee Office, Adult Guardianship.

**Telephone: 867-667-5366**

**Note: Red boxes are areas Adult Protection Social Workers can assist as a Designated Agency.**

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