

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

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

Telephone: 867-456-3946

SCHEDULE B

Care Consent Act

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: Advance 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

•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

•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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