

Overview of Decision Making & Legal Tools to Support and Protect Older Adults in Yukon

LEAST
INTRUSIVE

Seniors'
Support

Education

Prevention

ADULT PROTECTION

Referrals

Advocacy

Safety Planning

Investigation
Abuse/Neglect/Self Neglect

Court
Orders

MOST
INTRUSIVE

Bank Measures

E.g. joint accounts, Bank Power of Attorney

Supported Decision Making Agreements

19 + years
Named associate(s) help(s) make personal and/or financial decisions
Two witnesses required
Not suitable tool for progressive dementia

Representation Agreements

19 + years
Representative(s) can make personal and/or financial decisions
1 representative → valid one year
2 representatives → valid three years
Witnessed by HSS staff
Not suitable tool for progressive dementia

Advance Directives

16 + years
Appoint proxy trusted to carry out wishes when incapable for health care, personal assistance (e.g. home care) and application to continuing care
Outlines care and end of life wishes

If there is no Advance Directive then

Wills

Sets out wishes re: estate/assets after death, guardian of children under 19
Lawyer not required, but recommended

Enduring Power of Attorney

For legal and financial decisions
Lawyer required in Yukon
Trigger immediately OR when deemed incapable by Health Care Provider
Must be able to understand and enter into a legal agreement (lawyer screens)

Trustees

Either private, individuals or corporation, manages long term

Substitute Decision Maker

Chosen by health care provider
Chooses health care proxy from prioritized/legislated list in this order :
Guardian → Proxy (through Advance Directive) → Spouse → Child → Parent → Grandparent → Brother/Sister → Any other relative → Close friend → Last resort = two health care providers

(Disputes go to Capability and Consent Board)

Guardianship

Last resort
Court appointed: Private (Individual) or Public (Government)
Capacity assessed in all or one of the following 4 domains -
1. Legal
2. Financial
3. Health
4. Personal

Supreme Court Hearing requires an Incapability Assessment and Guardianship Plan

Capable
Preventative

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Short term
Few forms
No court



Capability may be
compromised or
starting to fluctuate

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More forms
Possible court



Not capable
Emotionally taxing
Time intensive

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Long term
Many forms
Court