

OPTIONS TO CONSIDER

When an individual has Difficulties Managing Their Financial, Legal, or Personal Affairs

TERM	MECHANISM	PROCESS	WHO BECOMES SUBSTITUTE DECISIONS MAKER	POWERS GRANTED	MENTAL CAPABILITY OF THE INDIVIDUAL
Informal Resolution	N/A	N/A	N/A	Examples: -Direct Deposit or Payment -Retirement Planning -Community Supports -Income Tax Clinics	Assume Capability
Power of Attorney	Grant of Power of Attorney	Capable Person signs a document with witnesses	Any capable adult – family, friends, trust company, and only in exceptional circumstances, the Public Guardian and Trustee	The individual directs on legal or financial decisions. Powers can be either general or specific. Enduring clause allows Power of Attorney to act if donor becomes incapable	Capable
Representation Agreements	Representation Agreement Act	Adult creates individual agreement. Witnessing is done in required format	Any capable adult – family, friends, trust company, and in limited circumstances, the Public Guardian and Trustee, for finances only	Depending on type and scope of agreement, representative may be authorized to make financial, legal or personal decisions when adult is no longer able to	Contractual capacity for Section 9 agreement Broad capability for Section 7 agreements
Pension Trusteeship	Federal Income Security Programs – standard form	One physician signs form and applicant sends to ISP	Any capable adult – family, friends, Public Guardian and Trustee	Trustee can manage monies paid through OAS/GIS/CPP Only. A trustee cannot manage any other income or assets	Incapable
Committee of Estate	Certificate of Incapability (Patients Property Act)	Certificate is signed by a Director of a Mental Health Facility	Public Guardian and Trustee only	The Public Guardian and Trustee has full responsibility for the legal & financial affairs of the individual	Incapable of managing financial & legal affairs
Committee of Estate	Court Order (Patients Property Act)	Two physician's opinions and a court hearing	Any capable adult – family, friends, trust company, Public Guardian and Trustee	The committee has full responsibility for the financial and legal affairs of the individual and is accountable to the Public Guardian and Trustee	Incapable of managing financial & legal affairs
Committee of Person	Court Order (Patients Property Act)	Two physicians' opinions and a court hearing	Any capable adult (recommend family or close friend)	The Committee makes decisions regarding both care and treatment, and facility placement	Incapable of making personal decisions
Mental Health Committal	Certificate under Mental Health Act	One medical cert. for admittance; two certs. for committal to psychiatric facility	Director of a designated facility makes treatment and placement decisions relating to psychiatric diagnosis	Involuntary committal for psychiatric treatment-time limited	Incapable