

## Guiding Principles

The *Adult Guardianship and Trusteeship Act* is built on four guiding principles:

- the adult is presumed to have capacity and able to make decisions until the contrary is determined;
- the ability to communicate verbally is not a determination of capacity, the adult is entitled to communicate by any means that enables them to be understood;
- focus on the autonomy of the adult with a less intrusive and less restrictive approach; and
- decision making that focuses on the best interests of the adult and how the adult would have made the decision if capable.

## For more information

Call the Office of the Public Guardian toll-free information line:

**1-877-427-4525**

Monday to Friday  
8:15 a.m. – 4:30 p.m.

**[www.seniors.alberta.ca/opg](http://www.seniors.alberta.ca/opg)**

## Offices

The Office of the Public Guardian has offices across the province. They are open Monday to Friday from 8:15 a.m. to 4:30 p.m. To be connected toll-free, call 310-0000 first.

### Northwest Region

Grande Prairie: 780-833-4319

### Edmonton Region

Edmonton: 780-427-0017

### Central Region

Red Deer: 403-340-5165

### Northeast Region

St. Paul: 780-645-6278

### Calgary Region

Calgary: 403-297-3364

### South Region

Lethbridge: 403-381-5648  
Medicine Hat: 403-529-3744



# Protective Measures and Investigations

## *Adult Guardianship and Trusteeship Act*



The *Adult Guardianship and Trusteeship Act* (AGTA) offers a variety of options to support adult Albertans who need assistance making personal and/or financial decisions.

However, the abuse of vulnerable people is always a significant concern. The protection of vulnerable people requires safeguards and the AGTA provides several protective measures including a rigorous complaints and investigations process.

### **What happens if a co-decision maker, guardian, or trustee is not doing their job properly?**

The AGTA was developed to strengthen the protection of vulnerable people. Most guardianship, co-decision-making and trusteeship arrangements work well; however, if problems exist, you can register a complaint.

The complaints and investigations process is intended for serious complaints. You can make a complaint if you have reason to believe:

- a guardian, co-decision-maker or trustee has failed (or is failing) to follow the Court order;
- a guardian, co-decision-maker or trustee has failed (or is failing) to comply with their duties;  
AND
- this failure is likely to cause harm to the assisted or represented adult—physically, mentally or financially.

### **How do I make a complaint?**

Complaints must be made in writing, signed and submitted to the Office of the Public Guardian. A complaint form is available online at [www.seniors.alberta.ca/opg](http://www.seniors.alberta.ca/opg) or by contacting the Office of the Public Guardian (see back panel for contact information).

Complaints about trusteeship are also submitted to the Office of the Public Guardian.

### **What happens during an investigation?**

During an investigation, the Complaints Officer will telephone you to let you know your complaint was received and discuss your concerns. Based on the information you provide, the Complaints Officer will decide whether or not to refer the matter for investigation.

If the complaint is referred for investigation, the co-decision-maker, guardian, or trustee will be told they are under investigation. The represented adult and any other decision-makers are also informed of the investigation.

If the Complaints Officer decides not to investigate, they will send you a letter explaining why. They may suggest other remedies such as alternative dispute resolution and mediation.

If a complaint meets the AGTA investigation criteria, the complaint will be referred for investigation. If the complaint is about the Public Guardian or the Public Trustee, an independent investigator will be appointed.

The investigators will interview people who know about the situation and review relevant records. Based on the information collected, the investigators will determine if the complaint is founded or unfounded. You will be informed of the outcome of the investigation. The co-decision-maker, guardian, or trustee involved, the represented adult, and any other decision-makers are also informed of the outcome of the investigation.

The investigators can make recommendations to resolve the situation, including referrals to mediation services, if appropriate. In situations where the represented adult is in serious danger, there are provisions to act quickly to ensure the adult's protection.

If the adult is in immediate harm, the Public Guardian can apply to the Court for a temporary protection order. This will allow the represented adult to be moved immediately to a safe place. The Public Guardian or Public Trustee can also apply to Court to have a co-decision-maker, guardian or trustee removed.

Although these situations rarely occur, safeguards are in place to protect vulnerable people.