

KELOWNA AND DISTRICT SOCIETY FOR COMMUNITY LIVING

POLICY: DESIGNATED DECISION MAKER

Applies to: All Personnel

KDSCL adheres to the British Columbia Adult Guardianship laws as described below. Designated decision makers are responsible for providing KDSCL with legal documentation that outlines who can make decisions and what decisions can be made.

The following information is taken directly from the Public Trustee Adult Guardianship website (www.trustee.bc.ca). For the most up-to-date information, see the contact information below.

British Columbia has four laws that promote every adult's right to self-determination and provide support and protection for those who are vulnerable to abuse or no longer capable of making their own decisions.

The four acts that comprise the adult guardianship legislation are:

- The Representation Agreement Act
- The Health Care (Consent) and Care Facility (Admission) Act
- The Adult Guardianship Act
- The Public Guardian and Trustee Act

Together these acts:

- confirm the right of adults to self-determination, including the right to refuse health care on moral, religious or other grounds;
- provide an opportunity for adults to plan for a time when they may be incapable of making decisions about health, personal care, financial and legal matters;
- ensure there are clear rules and guidelines for people making health care decisions for others;
- reinforce the role of family and friends in providing adults with support and assistance and substitute decision-making;
- address the issues of abuse, neglect and self-neglect of adults who cannot seek help themselves;
- provide a range of options for substitute or assisted decision-making.

On Feb. 28, 2000, the following parts of the legislation came into effect:

- Representation Agreements - The act enables adults to plan for a time when they may become incapable of making their own decisions. Representation agreements can cover all aspects of an adult's life - health and personal care, as well as financial and legal matters.
- Support and Assistance for Adults who are Abused or Neglected – Part 3 of the Adult Guardianship Act promotes a coordinated community response to abuse, neglect or self-neglect. The Act emphasizes the importance of support and assistance and provides new tools for intervening when abused or neglected adults are found to be incapable of making the decision to refuse assistance.
- Health Care Consent Law - The consent provisions affirm the right of adults to make their own health care decisions and to have those decisions respected. When an adult

is incapable of giving consent, procedures are set out that allow family members to give substitute consent. The Public Guardian and Trustee will act as decision-maker when there is no one else to assist.

- Public Guardian and Trustee Act - This act clarifies the powers of the Public Guardian and Trustee in the investigation of financial abuse. It changes the name "Public Trustee" to "Public Guardian and Trustee" and provides for more accountability in service planning and performance reporting.

Contact Information:

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General Inquiries:
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Effective/Revision Date
August 18, 2008

Board Approval

Date Approved
August 18, 2008