

Court of Queen's Bench Surrogate Town Hall Meeting

Office of the Public Guardian & Trustee
Justice and Solicitor General, Justice Services
Division

June 4, 2019: Edmonton

June 6, 2019: Calgary

- **Role of the Public Guardian:**
 - Acting as guardian/agent for adult Albertans who have no family/friend to take on this role; prior consent of the PG is required, and appointment of the PG should be the last resort, when all other options have been explored.
 - Decision maker of last resort for specific decision making provisions of the AGTA (short-term health or placement/discharge decisions) and psychiatric treatment decisions under the MHA.
 - Review Office and oversight on all Court applications under AGTA.
 - Investigator of complaints that a decision maker under the AGTA/PDA is causing harm to the adult they represent.
 - Provides training and oversight of capacity assessment under the AGTA/PDA

The Office of the Public Guardian and Trustee

•Role of the Public Trustee:

- Acting as trustee for adult Albertans who have no family/friend to take on this role.
- Acting as PR for deceased persons' estates where there is a minor or RA as a beneficiary and no one else to take on role as PR.
- Protecting the property and estates of minors and unborn persons.
- Acting as trustee for minors who are subject to a PGO, and for missing persons' property.
- Recommending settlements of claims under the MPA to the Court.



Ongoing Activities

- **ACP Alberta project will bring together GoA Ministries, AHS, Covenant Health, and the legal and health communities to:**
 - Increase Albertan's understanding of advance care planning and the risks of failing to complete planning documentation.
 - 5 documents: supported decision making authorization, personal directive, goals of care designation, EPOA and will.
- **The OPGT is still in the process of reviewing the AGTA regulations:**
 - Continue to work with the Legislative Drafters and Service Alberta (who are building online, fillable pdf versions of the forms) to get the review pkg. complete and ready for Cabinet.

Ongoing Activities

- **Calgary Surrogate Roundtable:**
 - Calgary PT staff continue to attend these meetings, with a recent focus on streamlining the NC 24.1 process, including fine-tuning a “priority fax” system to help process these documents.
- **Quarterly Clerk of the Court Meetings:**
 - OPGT continues to meet quarterly with the Clerks of the Surrogate Court to streamline the process on desk applications.
 - This includes creating a checklist that provides a reviewing Justice with the information they need to issue an Order in a timely/efficient manner, and prevents desk applications being returned for preventable errors.

Court Applications - Stats

- **In 2018-19, 73% (vs. 72% last yr.) of Private Guardians & Trustees completed AGTA court applications without legal assistance.**
 - 1194 (vs. 1713 last yr.) private AGTA applications submitted in 2018-19
 - 91 (vs. 108 last yr.) of these requested to dispense with service on the RA.
- **Once application documents are deemed “complete” by the Review Officer (RO), the RO meets with the proposed RA, notifies the family, conducts a suitability review, drafts an RO Report and files the application.**
 - Average time from completed application received and filed with Court: 53 days (vs. 55 last yr.).
 - Average time from application being filed to order granted: 51 days (vs. 50 last yr.).

Investigations Under the AGTA and PDA

- **The OPGT investigates complaints that a decision maker under the AGTA/PDA is causing harm to the adult they represent.**
 - The complaint must be submitted to the complaint officer in writing.
 - For a complaint to meet the criteria for an investigation, there has to be reason to believe that the decision maker is not following the court order **or** are not complying with their duties **and** this failure is likely to harm the adult physically, mentally or financially.
 - In 2018-19 the complaints officer received:
 - 109 (vs. 104 last yr.) AGTA complaints, 51 (vs. 48 last yr.) of which were referred for investigation; and
 - 65 (vs. 56 last yr.) PDA complaints, 21 (vs. 27 last yr.) of which were referred for investigation.

QUESTIONS/FEEDBACK