

List of Key Words Used in Adult Guardianship

Adult Guardianship Self-Help Guide



Public Guardian and Trustee of Yukon

Information Resources – Whitehorse, Yukon

Seniors' Services/Adult Protection

867-456-3946; toll free (in Yukon) 1-800-661-0408, local 3946

Email: hss@gov.yk.ca

Web site: www.hss.gov.yk.ca/seniorservices.php

Location: 100–204 Black Street

Office of the Public Guardian and Trustee

867-667-5366; toll free (in Yukon) 1-800-661-0408, local 5366

Email: publicguardianandtrustee@gov.yk.ca

Web site: www.publicguardianandtrustee.gov.yk.ca

Location: Third Floor Andrew A. Philipsen Law Centre, 2134–2nd Avenue

Yukon Public Law Library

867-667-3086; toll free (in Yukon) 1-800-661-0408, local 3086

Email: yukon.law.library@gov.yk.ca

Web site: www.justice.gov.yk.ca/prog/cs/library.html

Location: Ground Floor Law Courts, 2134–2nd Avenue

Registry of the Supreme Court of Yukon

867-667-5937; toll free (in Yukon) 1-800-661-0408, local 5937

Email: courtservices@gov.yk.ca

Web site: www.yukoncourts.ca/courts/supreme.html

Location: Ground Floor Law Courts, 2134–2nd Avenue

Non - Government

Yukon Public Legal Education Association (YPLEA)

867-668-5297; toll free (in Yukon) 1-866-667-4305

Email: ypleyt@gmail.com

Web site: www.yplea.com

Law Society of Yukon (Lawyer Referral Service)

867-668-4231; toll free (in Yukon) 1-800-661-0408, local 5937

Email: info@lawsocietyyukon.com

Web site: www.lawsocietyyukon.com

Lawyer Referral Service – half-hour consultation with a lawyer – \$30 incl. GST

Lawyers

To contact a lawyer's office, look in the phone directory under "Lawyers" in the Yellow Pages or under names of local law firms

Key Words Used in Adult Guardianship

These key words will help you understand some of the legal terms that you may come across if you become involved in the administration of an estate.

These definitions do not replace legal advice from a lawyer about what these terms mean and how they may apply in your situation.

These definitions may be worded differently than the definitions in a statute (law) so that they are easier to understand. Please note that if there is a conflict between a definition here and what is in a statute, the definition in the statute applies.

— A —

Adult: A person who has reached 19 years of age.

Affairs: Includes activities of daily living and other personal matters, health care, legal matters, and financial affairs.

Affidavit: A written statement of facts sworn under oath as being the truth. The potential guardian files an affidavit to give evidence to the court. Each form in the Application for Guardianship package is an affidavit. An affidavit is sworn in front of someone who is allowed to hear an oath such as a lawyer, justice of the peace or a notary public.

Alternate Guardian: The Supreme Court may appoint one or more guardians for the adult. The court must specify the circumstances in which the alternate guardian is authorized to act.

Applicant: The person who starts an application in court.

Application: A person who wants to ask the court to make a guardianship order files an application for guardianship. The application says what type of guardianship the applicant would like to obtain from the court in the court order.

Assessor: A person who holds the qualifications prescribed by the *Adult Protection and Decision-Making Regulation*. Included are: a medical practitioner, a registered nurse, a psychologist, or an occupational therapist. The assessor determines if the adult is incapable of managing all or part of their affairs and completes an Incapability Assessment Report.

Asset: Any property or object of value that an individual possesses.

— C —

Care Facility: A facility that is designated by the *Care Consent Act* regulations as a care facility.

Clerk: An officer of the court who files documents and keeps records of court proceedings.

Costs: Expenses incurred in preparing and filing a guardianship application.

Court Order: A decision by a judge that the people named in the order (i.e. the guardians) must follow.

— D —

Directive: A document that names or appoints a person to give or refuse consent to care for the person making the document.

— E —

Exhibit: A paper, document or piece of physical evidence provided to the court at a trial or hearing or attached to an affidavit.

— F —

Fees: Money payable to the court for certain services. Applicants must pay a fee to the court to file documents or to obtain a legal document such as an order. A guardian may also charge fees for services provided as set out in the *Adult Protection and Decision-Making Regulation* (OIC 2005/78).

Filing Documents: The process of adding documents to a court file by giving the original and one or more copies to the court clerk at the court registry.

Financial Affairs: With respect to an adult, this term means the income, expenses, assets and liabilities of the adult, and of any business carried on by the adult.

— G —

Guardian: A person appointed by the Supreme Court for an adult who is incapable of managing all or part of their affairs.

— H —

Health Care Provider: A medical practitioner, dentist or registered nurse, or any other person designated by the *Care Consent Regulations*.

Hearing: When a matter is heard by a judge in a courtroom, it is called a hearing.



Incapability: The inability to understand, appreciate the consequences of a decision or lack of a decision, or to execute or put the decision into action.

Incapability Assessment Report: A report completed by a person qualified to be an assessor to determine if an adult is incapable of managing their financial, personal, health or legal affairs. This report is included in a guardianship application. (The applicant must pay the assessor for the cost of the assessment report and can ask the court to order that the cost be recovered from the adult's estate.)



Manage: Includes make decisions about matters concerning the incapable adult.

Minor: A person under the age of 19 years.



Principal Guardian: When one or more guardians are appointed by the Supreme Court, the court will name the guardian who is to be the principal guardian and who will act as the spokesperson for the guardians.

Proxy: A person appointed in a directive to give or refuse care for the person who made the directive.



Remuneration: Payment for funds received or disbursed on behalf of the adult and for the management of the adult's assets.

Rules of Court: Procedures that people must follow when they apply to the court for an order or are involved in a court action. The Rules of Court also include forms that must be used when a person is filing any documents with the court.



Serve: When court documents are given to the right person, they are considered to have been "served". Documents served usually give notice of a legal proceeding, in this case the guardianship hearing. Documents may be served by registered mail, or personally by putting the documents into the hands of the named person. The list of persons who may be served is found under paragraph 4 of Form 3, the Guardianship Application and Form 3T, the Temporary Guardianship Application.

Substitute Decision Maker: A person chosen to make or refuse care decisions, as outlined in the *Care Consent Act*, on behalf of another person.



Temporary Guardian: A person appointed by the Supreme Court in urgent circumstances where the applicant has reason to believe the adult is incapable of managing all or part of their financial affairs. An order is necessary to protect the adult from financial damage. A temporary guardian may not be appointed for more than 180 days. If the appointment is for more than 30 days, the court must give directions for compliance with the process for applying for guardianship.

NOTES

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For more information, or to obtain copies of these publications, please contact:

Government of Yukon, Department of Justice

Public Guardian and Trustee

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Box 2703, Whitehorse, Yukon Y1A 2C6

www.justice.gov.yk.ca