

# How Does a Guardian Decide Whether an Adult Should Work?

## FACT SHEET #4

The Guardianship Order granted by the court will state the specific areas of authority granted to you as the guardian. As a guardian, you have been granted the authority “to decide whether the adult should work and, if so, the type of work, for whom the adult is to work, and related matters.”

When making decisions about someone else’s work life, the guardian must have knowledge about the other person’s interests, skills, abilities and future goals. The guardian must also be aware of the appropriate work opportunities in the community, including employment preparation programs and employment placement and support resources. It is unlikely that work opportunities for the incapable adult (the “adult”) will be in the same area of expertise as the guardian, so often new information is needed.

### Where do you get this information?

Information about the adult’s interests, goals, skills and abilities comes from the adult, family members, friends and people who provide services to the adult.

You can find information about employment preparation, vocational training, day programs, employment support services and other work-related opportunities from agencies in your community. This includes advocacy and family support groups, government income support programs and community information services.

### What should a guardian consider when making this type of decision?

As the guardian you will need to know:

- What does the adult want to do?
- What are the adult’s goals?
- What is realistic in terms of the adult’s skills, abilities and potential?
- What special needs, such as transportation or access issues, must be taken into account?
- What are the alternatives?
- What are the pros and cons of each alternative, and what compromises come with each?
- How would each choice affect the adult’s future?

Work decisions should be reviewed and updated to keep up with the ongoing growth and development of the adult. Decisions need to be kept relevant and be open for consideration at all times.

This area of authority of a guardian can be found in Section 38(1)(b) of the *Decision Making, Support and Protection to Adults Act, Schedule A, Adult Protection and Decision Making Act, Part 3*.

This fact sheet is one in a series to provide assistance and information regarding guardianship under the *Decision Making, Support and Protection to Adults Act, Schedule A, Adult Protection and Decision Making Act, Part 3*. This legislation can be found at <http://www.gov.yk.ca/legislation/acts/Aadpr.pdf>.

For more information please call your lawyer or refer to the resource list available from the Office of the Public Guardian and Trustee.

#### **FOR MORE INFORMATION, CONTACT**

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