

How Does a Guardian Decide about Licences and Permits?

FACT SHEET #6

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 apply for any licence, permit, approval or other authorization required by law.”

This area of decision-making may include applying for such documents as:

- a driver’s licence;
- a fishing or hunting licence or permit;
- required travel documents such as a passport or visa;
- a marriage licence;
- a birth certificate; or
- a Social Insurance Number to apply for Goods and Services Tax (GST) rebates, Canada Pension Plan benefits and/or Old Age Security benefits.

A guardian may sign the application form for a licence or permit on behalf of the incapable adult (the “adult”), but this does not mean the adult is going to be approved for that licence or permit. That decision rests in the hands of the agency or government department giving out the licence or permit.

How should a guardian make decisions to support an application?

Each decision to support an adult’s application for a licence or permit will be specific to that individual and their personal situation. The guardian will need to consider all aspects of the situation, including:

- What is the purpose of making the application?
- Is the application request realistic or appropriate to the adult’s needs and circumstances?
- What benefit will there be for the adult if the application is successful?
- What would the implications be for the adult if the application is not approved?
- Is there another way of providing the same or greater benefits to the adult?

This area of authority of a guardian can be found in Section 38(1)(d) 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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