

Self Help Kit

Guardianship and/or Trusteeship Order via Desk Application



ADULT GUARDIANSHIP AND TRUSTEESHIP ACT

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Overview

Guardianship and/or Trusteeship Applications

This kit provides information and documentation on applying to become the guardian or alternate guardian and/or trustee or alternate trustee of a proposed represented adult who lives in Alberta. You do not need to live in the province of Alberta to be a guardian, trustee or alternate guardian or trustee.

If you have never made an application to the Court for guardianship and/or trusteeship you might find the following information helpful:

- If the adult's ability to make personal decisions is significantly impaired but they can still make decisions with good support, co-decision-making may be an alternative to guardianship. This is a decision making option that is new to the *Adult Guardianship and Trusteeship Act*. A **co-decision-maker** is a person appointed by court order to assist in making decisions jointly with the assisted adult. The decisions are made in the best interest of the assisted adult. The adult must agree to the arrangement and the person who is appointed as their co-decision-maker. A co-decision-making order is appropriate for family and close friends. However, the *Adult Guardianship and Trusteeship Act* does not allow an adult to have both a formal trustee and a co-decision maker.
- A **guardian** is a person appointed by court order with legal authority and responsibility to make (or assist in making) decisions about non-financial personal matters on behalf of an adult who has been found to lack the mental capacity to make personal decisions. There may be one or more guardians for one adult and one or more alternate guardians as well.
- A **trustee** is a person appointed by court order with legal authority and responsibility to make property decisions on behalf of an adult who has been found to lack the mental capacity to make financial decisions. There may be one or more trustees as well.
- A **joint guardian and trustee** is a person appointed by court order to make both personal and financial decisions on behalf of an adult who has been found to lack capacity.

Before starting the application process you must determine if guardianship and/or trusteeship are the most appropriate and least intrusive means of substitute decision making for the proposed represented adult (hereafter the adult).

It is strongly suggested that you arrange to have a capacity assessment report completed before you start the application process. The person completing the capacity assessment will make recommendations as to the adult's needs and will suggest the type of substitute decision making required to assist the adult at the

current time. You are also encouraged to discuss the adult's decision making needs with the capacity assessor prior to the assessment in order to ensure accuracy within the document.

Call the Office of the Public Guardian for a list of capacity assessors or see the adult's physician or psychologist. Also, feel free to visit the Public Guardian's website at <http://www.seniors.alberta.ca/opg/> for further information. There is information about trusteeship on the website for the Office of the Public Trustee at http://justice.alberta.ca/programs_services/public_trustee/Pages/default.aspx

Once the capacity assessment report has been completed you may use the self-help kit/court application forms to guide you through the application process to have the Court appoint a guardian, trustee or both. It is recommended that for adults with more complicated estate situations such as those involving the ownership of land or the management of multiple bank accounts and/or investments, applicants should consider retaining a lawyer to assist with completing the application. If you choose to proceed on your own, the self-help kit/court application forms is/are designed to guide you through the application process and the forms required for your specific situation.

An application for guardianship and/or trusteeship consists of many documents. You will find a checklist further on in these instructions to ensure you have the right forms for your application.

You may complete the application forms in two ways:

1. Download and them to your computer, fill them out electronically, print them, and then sign in front of a witness where indicated or a commissioner for oaths where indicated.
2. Print out all the forms and complete them by hand. If you need additional space in particular sections, you would add pieces of paper with the information.

Please note:

- that a witness to your signing should not be anyone else connected with your application or the proposed represented adult.
- that all lawyers in Alberta are commissioners for oaths. Some students-at-law (articling students) are also commissioners for oaths. Some real estate offices, financial institutions and some Registry offices may also have commissioners for oaths on staff. There may be a cost so be sure to ask about any charges before having your documents commissioned.

IT IS A GOOD IDEA TO USE BLUE INK TO FILL OUT ALL FORMS

The Self-Help Kit/court application forms use documents that are in pdf format. It is suggested that you use Adobe Acrobat Reader 9 to open the forms. Adobe Acrobat Reader 9 is available free of charge at the following link:

<http://get.adobe.com/reader/>

If you encounter an error in opening the forms, try saving the form to your desktop, opening your Adobe Reader and using the file>open sequence to open the file from your desktop.

Court Filing Process for a Guardianship and/or Trusteeship Order via Desk Application

When you have completed all of the forms and have a complete package required for a court application for a Guardianship and/or Trusteeship order, please contact the Office of the Public Guardian (OPG) nearest you. The OPG will provide information on which OPG office the application should be sent to so that the Review Officer can complete the application process and file the documents with the appropriate Judicial Centre.

(Open 8:15 – 12:00 & 1:00 – 4:30, Monday to Friday)

Edmonton 4 th Floor, 108 Street Building 9942 – 108 Street Edmonton, AB T5K 2J5 (780) 422-4868	Grande Prairie 1501 Provincial Building 10320 – 99 Street Grande Prairie, AB T8V 6J4 (780) 833-4319
St. Paul #318 Provincial Building 5025 – 49 Avenue St. Paul, AB T0A 3A4 (780) 645-6278	Lloydminster Main Floor Provincial Building 5124 – 50 Street Lloydminster, AB T9V 0M3 (780) 871-6418
Red Deer Room 203, Provincial Building 4920 – 51 Street Red Deer, AB T4N 6K8 (403) 340-5165	Calgary 1500, 615 McLeod Trail SE Calgary, AB T2G 2M1 (403) 297-3364
Lethbridge 500 Professional Building 740 – 4 th Avenue, S Lethbridge, AB T1J 0N9 (403) 381-5648	Medicine Hat Room 107, Provincial Building 346 – 3 rd Street SE Medicine Hat, AB T1A 0G7 (403) 529-3744

Guardianship and/or Trusteeship Order Checklist

Desk Application

The following is a list of the items and forms you will need to proceed with a guardianship and /or trusteeship order via a desk application:

	Application - Form 14
	Affidavit of Applicant - Form 15
	Capacity Assessment Report
	Guardianship Plan - Form 32
	Consent - each proposed guardian - Form 24
	Consent - each alternate guardian - Form 26
	Two personal references for each proposed guardian/trustee and each proposed alternate guardian/trustee - Form 30
	Draft Order – Form 18 (only need to complete if using a lawyer)
	Court Filing Fee
	Consent - each proposed Trustee - Form 27
	Consent - each alternate Trustee - Form 29
	Trusteeship Plan - Form 34
	Inventory - Form 37

Form 14: Application for Appointment of Guardian, Trustee or Both

Court file number: leave blank. A court file number will be assigned when the documents are filed. Do not write anything in the court stamp box.

Judicial Centre: leave blank. The application will be made in the appropriate judicial centre taking into consideration to where the proposed represented adult (hereafter called “the adult”) lives.

Full name of the adult: fill in full legal name of the proposed represented adult. Do not use nicknames or abbreviations. Use the same name all the way through the documents.

Applicant’s name: fill in full legal name of the person making the application. Do not use nicknames or abbreviations. Use the same name throughout the documents.

Applicants address for service: If you are not a lawyer, leave the top three lines that reference a lawyer blank and add your own address, phone number etc.

1. INFORMATION ABOUT THE APPLICATION AND APPLICANT

- 1.1 If you are applying for guardianship and trusteeship, check both boxes. If you are applying for only guardianship or only trusteeship, check the appropriate box.
- 1.2 Most straightforward applications proceed by way of a “desk application”. This means that you do not need to attend a hearing or appear in front of a judge. Please see below for additional information that may assist you in deciding which type of application suits your situation. Once you have made your decision select “Desk” or “Hearing”.

Additional Information:

Desk Application: A desk application is made when the applicant wishes the Court to review the documents filed and grant the order(s) but there is no public court hearing.

Hearing: A hearing for an application means that the application is heard in a public court room and the Court will listen to oral submissions in addition to having the application materials. An applicant may speak to the Court or have a lawyer represent them. Other interested parties may also speak to the Court at the hearing.

- 1.3 Select the appropriate relationship. If you are selecting “other” please describe your relationship, e.g. maternal aunt.

Please note that adult interdependent partner is a term that describes a person in a variety of personal relationships that fall outside of marriage, including common law relationships and committed platonic relationships, where two people agree to share emotional and economic responsibilities.

- 1.4 If your address is different than the address provided for service then provide your address and contact information here.

2. INFORMATION ABOUT THE ADULT

- 2.1 Complete all information.
- 2.2 Fill in all the information you have. If the adult lives permanently in a residential facility (see below for the definition of a residential facility), then provide the name of the facility or the name of the Agency operating the facility.

“Permanent Residence” means the address where the adult lives the majority of the time.

A “Residential Facility” means a nursing home, a place of care for adults who are aged or infirm or who require special care, a hospital or auxiliary hospital and/or a premises, other than a private residence, in which 4 or more adults who are not related to the operator of the premises are provided with living accommodation, care and supervision, e.g. a group home or other living arrangement.

- 2.3 If the adult is temporarily living away from their permanent address, e.g. in hospital, provide the address to the current living situation; include the name of the place the person is living at (if any).

3. INFORMATION ABOUT CURRENT DECISION-MAKING ARRANGEMENTS FOR THE ADULT

- 3.1 If the adult already has a supporter, co-decision maker, guardian and/or trustee (see definitions in the general instructions), provide the information here.

If there is an existing supported-decision making agreement, refer to the written document, as there may or may not be a review date.

If a co-decision-maker, guardian and/or trustee has/have already been appointed there will be a court order – refer to this document for the review date.

- 3.2 Only complete this section if you have identified other forms of decision making support in 3.1.

If you are completing the Application on your computer you have the ability to add more spaces to provide the information required.

If you are completing the Application by hand on printed application forms then you can add separate pages to provide the information required.

- 3.3 & 3.4 If the adult made a personal directive and/or an enduring power of attorney prior to losing capacity, provide information about the documents here.

4. INFORMATION ABOUT FAMILY MEMBERS AND OTHER INTERESTED PARTIES

Provide as much information as you have about all indicated family members, treaty status (if First Nation) and other interested parties. Please make sure you provide addresses and phone numbers that are current to the best of your knowledge.

If you are completing the application on your computer, you have the ability to add more boxes to provide the information required.

If you are completing the application on paper, then you can add separate pages to provide the information required.

5. INFORMATION ABOUT PROPOSED GUARDIAN(S), TRUSTEE(S), ALTERNATE GUARDIAN(S) AND ALTERNATE TRUSTEE(S)

Complete with all information that is available; please make sure that all addresses and phone numbers are current.

If you are completing the Application on-line you have the ability to add more boxes to provide the information required.

If you are completing the Application on paper, you can add separate pages or more space to provide the information required.

6. INFORMATION ABOUT PROPOSED GUARDIANSHIP ORDER

You only need to complete this section if you are applying for guardianship. If you are not applying for guardianship (applying for trusteeship only), then cross out and do not complete this section.

- 6.1 Please refer to the capacity assessment report when completing this list as the assessor will have identified areas in which he/she believes that the adult needs a guardian. The Court can only grant authority in areas where it considers a guardian necessary.

If you are selecting the last box (“any other personal matters”) you will need to write in the decision(s) that you feel needs to be made and make sure that it does not fit in an area already identified, e.g. attending a concert would not need to go into this section because it would be covered under social activities.

- 6.2 Section 31(1) of the *Adult Guardianship and Trusteeship Act* states that the Court may appoint one or more guardians for an adult (this does not pertain to alternate guardians).

Where two or more guardians are appointed for the adult, the guardians may act and make decisions separately regarding the personal matters of the adult unless otherwise stipulated here.

Please note: Making decisions jointly means that all decisions need to be made and approved by both or more guardians. Making decisions separately means that all decisions can be made by one guardian without the approval of any of the other guardians. Making decisions jointly or

separately means that all decisions can be made together by all guardians, or independently of each other, at any given time.

If you select NO, this means that you are requesting to make an order to allow the guardians to act separately on all matters. In this case you do not need to fill in the description below. (Note: In this case you would also select NO on Form 32 – Guardianship Plan – Item 9)

If you select YES, this means that you are requesting to make an order to act either:

- jointly on all matters

Or

- jointly OR separately on all matters

You must provide a description of how you wish to act below (will either be jointly on all matters, or jointly OR separately on all matters). (Note: In either of these cases you would select YES on Form 32 – Guardianship Plan – Item 9)

- 6.3 The assessor who completed the capacity assessment form may have suggested a review period. If you do not feel that a review is necessary, then check off the last box and ensure that your affidavit explains why a review isn't needed. The Court will review the information and determine when a review is necessary and if so, in what time period. The Court will require a review date if the capacity assessment report indicates that the adult's condition may improve.

7. INFORMATION ABOUT THE PROPOSED TRUSTEESHIP ORDER

You only need to complete this section if you are applying for trusteeship. If you are not applying for trusteeship (applying for guardianship only), then cross out and do not complete this section.

- 7.1 Indicate if you are asking the Court to give any special authority or direction or to impose restrictions or conditions on your authority. If you check Yes, check the appropriate boxes and provide the indicated information which applies to your circumstances. Otherwise, please check off "no".
- 7.2 The Court has discretion to require a trustee to submit accounts for examination and approval within a specified period of time, even if you

request that no accounting is necessary. The Court is likely to require an accounting unless you provide compelling information in your affidavit showing why it is in the adult's best interest that no accounting be done.

- 7.3 If the capacity assessment report indicates that the adult's mental capacity is likely to improve, e.g. some recovery from a stroke, you must request a review of the trusteeship order within a certain period of time. If the capacity assessment report does not indicate that the adult's capacity is likely to improve, you can still proposed that the trusteeship order be reviewed within a specific period of time if there are other reasons to have the order reviewed, or you can propose that the order not be reviewed within a certain period. Your affidavit must state why you believe your proposal regarding review of the order is in the best interests of the adult.

8. OTHER DOCUMENTS SUBMITTED WITH APPLICATION

You must include with your application the documents that apply, e.g. if you are not applying for trusteeship, then you **do not** include a trusteeship plan or trustee's consents.

Also include any other documents related to the adult's current decision making arrangements.

- 8.2 Check the box that indicates you are, or will be, submitting the names of 2 personal references for each guardian, trustee, alternate guardian or alternate trustee.

9. REQUEST TO DISPENSE WITH SERVICE OR NOTICE

- 9.1 The adult has a legal right to be served with the application unless it would be harmful to the adult. The adult also has a legal right to object to your application.

If you have reason to believe it would be harmful for the adult to be served with the application you can ask the Court to allow you not to serve the adult- this is dispensing with service. You must provide information to the Court that would support your request to dispense with service. It is unlikely the Court will dispense with service on the adult unless the capacity assessment report also states that service is likely to cause harm to the adult. Be clear about why you feel service would be harmful especially when the assessor may not have come to the same conclusion. Please note that stating in your opinion the adult may become upset or angry or that the adult

would not understand the documents are insufficient reasons to dispense with service upon the adult.

- 9.2 You may request the Court to dispense with notice upon any person but, you must provide reasons why you are making the request. For example, the Court will consider requests to dispense with service if you have made diligent efforts to find a person but have been unsuccessful, or the person has had no contact with the applicant for many years, or the person is incapacitated themselves (e.g. has dementia).

10. COSTS AND OTHER MATTERS

Costs associated with a straightforward application include (but are not limited to):

Court filing fee: \$200 filing fee at this time (one time only)

Legal fees: If you choose to use a lawyer to do your application, it is important that you thoroughly discuss and understand the likely costs, including legal fees and disbursements, before you hire the lawyer. You should also understand who will be responsible for paying the legal fees and disbursements. Disbursements are items such as photocopying, courier, mail. Legal fees may vary between lawyers and depending on the complexity of the application.

Capacity assessment report charge—a maximum of \$500 for guardianship or trusteeship application. Joint guardianship and trusteeship would be up to \$700.

Costs may be managed by using this kit. You must still pay the filing fee and some out of pocket expenses but you may not have to pay a legal fee. You will also need to pay for the capacity assessment report if there is a charge.

In hardship situations, the Crown (as represented by the Government of Alberta) may agree to help pay for the costs. If the proposed represented adult's estate is less than \$7,000 in liquid assets, and it would be a hardship to the applicant(s) to pay the costs, the Crown may pay for all or some of the costs, up to the regulated maximum. The applicant does not have to disclose their specific financial circumstances but if you are requesting costs from the Crown, you must make a written statement of hardship in the sworn affidavit.

If the Crown agrees to a cost contribution, the Court filing fee will be waived. If the Crown agrees to a cost contribution and you choose to go to a lawyer, then you will need to inform the lawyer that it is a hardship for you and the estate to pay the costs. It is important that you provide this information to the lawyer right away.

Form 15: Affidavit of Applicant - Application to Appoint Guardian, Trustee or Both

An affidavit is a sworn or affirmed document. The affidavit must reflect accurately the information provided in your application.

1. INFORMATION APPLICABLE TO ALL APPLICANTS

1.1 Fill in the type of Order you are requesting and type or write in adult's name.

1.2 This section verifies that you have completed or carefully read the other documents you referred to in Section 8 of application form (Form 14) that were submitted with application, e.g. capacity assessment report, consents etc.

2. INFORMATION APPLICABLE TO APPLICATIONS TO APPOINT A GUARDIAN

Only complete this section if you are applying for guardianship or guardianship and trusteeship. Cross out and do NOT complete this section if you are only applying for trusteeship.

2.2 Complete only if the adult **has** a personal directive, co-decision-making order or supported decision-making agreement and you feel that these methods of decision-making are no longer effective, then provide reasons why. Support your reasons with examples and information from the capacity assessment report.

2.3 Complete only if the adult **does not** have a personal directive, co-decision-making order or supported decision-making agreement and you believe that these methods of decision making would not be effective. Support your reasons with examples and information from the capacity assessment report.

2.4 Provide any other reasons why you believe the adult would benefit by having a guardianship order. If you have no additional information, say "None".

- 2.5 Provide reasons why you believe that the proposed guardians and alternate guardians will act in the best interests of the adult.
 - 2.6 Review period: provide reasons why you have selected the requested time frame for a review—use the capacity assessment report as a reference. If you are not requesting a review period you will need to provide reasons as to why not, e.g. the “adult” is 95 years old and she has severe dementia.
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3. INFORMATION APPLICABLE TO APPLICATIONS TO APPOINT A TRUSTEE

Complete these sections only if you are applying to be appointed as a trustee or trustee and guardian. Cross out and do not complete this section if you are only applying for guardianship.

- 3.1 Please read carefully because you will be required to swear or affirm this statement.
- 3.2 Before applying for trusteeship you should have already considered or used other less intrusive methods to assist the adult if they were available (e.g. AISH benefits financial administration program). Please describe these. If nothing else was used before the assessment indicated a trustee is needed, please enter “none” and then explain why no other methods were considered or used.
- 3.3 Describe any other information that may be helpful to the Court about why it would be in the adult’s best interest to have a trustee e.g. financial decisions need to be made that cannot be made without the appointment of a trustee.
- 3.4 Explain any additional reasons why you and any proposed alternate trustees are suitable to act. This may include information about the wishes of the adult, your relationship with the adult, and your abilities to handle financial matters.
- 3.5 Explain why your proposal for examination and approval of accounts is appropriate.
- 3.6 Explain why your proposal regarding review of the trusteeship order is appropriate.

If you have other information you feel would assist the Court in appointing you as trustee, please use the space provided or attach an additional sheet of paper.

4. REQUEST TO DISPENSE WITH NOTICE

Complete this section only if you have requested (in the application Form 14, sections 9.1 and 9.2) to dispense with notice upon any party, including the Adult.

- 4.1 Complete this section if you are requesting the Court to dispense with notice of the application to a person who must otherwise be given notice, including the Adult. Your affidavit must state the facts supporting your request. The Court may dispense with the requirement to serve the application documents on the adult only if satisfied service would cause harm to the adult. If you are requesting the Court to dispense with notice to a person other than the adult, your affidavit should disclose facts that indicate why it would be impractical or not in the adult's best interest to give notice of the application to the person
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5. COSTS

Complete only if you are requesting costs from the Crown. Otherwise, please cross out this entire section.

Refer to the Application form instructions.

- 5.1 Provide all financial information to the best of your knowledge. If you do not know the financial resources and obligations of the adult, then type in "unknown". This does not mean the Crown will refuse to pay the costs, but it does mean that the value of the estate will need to be determined after an Order is granted. If the estate proves to be in a hardship situation then the Crown may agree to a contribution.

- 5.2 & 5.3 See Application - Form 14, section 10 instructions for more information regarding hardship to applicants.

Do not sign the document until you are in the presence of the commissioner for oaths.

The commissioner for oaths will complete the last section when you swear or affirm the document.

Refer to the "General Overview" instructions for who may be a Commissioner for Oaths.

Capacity Assessment Report

The Capacity Assessment Report is a required court form when making a guardianship and/or trusteeship application. For a guardianship and/or trusteeship application, the Capacity Assessment Report (Guardianship or Trusteeship or Both) – Form 4 must be used.

- “Capacity” means in respect of the making of a decision about a matter, the ability to understand the information that is relevant to the decision and to appreciate the reasonably foreseeable consequences of a decision and a failure to make a decision.
- An adult has the right to refuse to undergo, or to continue with, a capacity assessment and has the right to have a person present to assist in feeling comfortable during the capacity assessment.
- **Persons designated** as capacity assessors are:
 - Registered Medical Practitioners
 - Regulated member of the College of Alberta Psychologists.
- **Other health professions** may be designated as capacity assessors if the person:
 - Is a regulated member of a college of a health profession (registered nurses, registered psychiatric and mental deficiency nurses, occupational therapists, and social workers.)
 - Has successfully completed a course for capacity assessors.
 - Meets any other requirements set by the Minister.

- **Date of capacity assessment form.** Unless an application contains a request for the Court to accept a capacity assessment report that was conducted earlier, a capacity assessment report submitted in respect of an application must be dated not more than 6 months before the date the application is started.
- **Fees:** A capacity assessor may charge a fee for a capacity assessment including the capacity assessment report up to a maximum of:
 1. \$500 if the capacity assessment relates exclusively to the adult’s capacity to make decisions about either personal matters or financial matters. Ex. Applying for guardianship only.
 2. \$700 if the capacity assessment relates to the adult’s capacity to make decisions about personal matters and financial matters. Ex. Applying for Guardianship and Trusteeship jointly.
 3. The Court may, on application, allow a higher fee for a capacity assessment on the basis of the complexity.
 4. The applicant may request the Crown to pay the fees for a capacity assessment. The Public Guardian must be satisfied that it would be a financial hardship for the applicant and the adult, and would recommend to the Minister that the Crown pay the fees. The

Minister may pay the fees for only one capacity assessment of an adult in a calendar year.

Form 32: Guardianship Plan

This form lets the court know what plan you have in place to make decisions as the guardian of the proposed represented adult (hereafter called the adult). Have the capacity assessment with you when you complete this form as it will assist you in answering some details.

In the first section enter the information about the adult, their address and information about their living situation e.g. in their own home, in hospital pending a long term care bed, a residential facility, group home.

Enter the information about all of the guardian(s) and alternate guardian(s).

1. Fill in the date the capacity assessment report was prepared and the name of the adult. Using the capacity assessment report, summarize the types of decisions related to personal matters for which the adult is assessed as needing a guardian.

The form will allow for more than one line of typing and will automatically add lines as needed.

2. Add any information that you feel the Court may need to know about the adult as it relates to their need for a guardian.
3. Identify the types of decisions you expect to make in the next year, e.g. if you have the authority to make decisions about the adult's living arrangements and the adult is your elderly mother who has dementia then you may need to make decisions about where the adult is going to live, especially if they are in active treatment hospital at the time of the application.
4. Identify the types of decisions you expect to make over the next 5 years, e.g. if you have the authority to make decisions about the adult's living arrangements and the adult is a young person with a developmental disability who currently lives with you, you may decide that the adult should move out of your home.
5. As much as possible the adult should always be included in the decision making process. For example if you have the authority to make decisions about the adult's living arrangements and the adult is a young person with a developmental disability then the adult should be asked about their

preferences and realistic hopes and wherever possible their wishes should be followed if possible and prudent to do so.

6. As much as possible the adult should always be included in the decision making process. Please advise how you intend to let the adult know about the decisions you make on their behalf.
7. Guardianship is not always permanent e.g. a victim of a stroke may recover capacity. Provide examples of how you intend to help the adult become more able to take care of themselves and to make decisions for themselves, e.g. supported independent living compared to dependant living.
- 8.a. If you are aware that the adult had expressed values and beliefs before they became incapacitated give examples of how you will take these opinions into consideration when you need to make a decision, e.g. the adult is your elderly mother, she has dementia and prior to becoming incapacitated she has expressed her wish that if she required supports only provided in a long term care setting, then she would want that to be in a certain community, town or city.
- 8.b. In your role as a guardian there may be times that the decisions you make may be in opposition to what the adult wishes, e.g., the adult is your 20 year old son who has a developmental disability, he may want to live on his own, you may not feel that this is in his best interest and that he would be safer living in a supported living situation. As the guardian you are required to make decisions that are in the adult's best interests.
9. Complete this section only if you are the guardian(s). The section does not apply to alternate guardians.

If you selected YES on Form 14, Item 6.2, where there are two or more guardians and you wish to act jointly, or jointly OR separately then you would also select YES on this form.

If you selected NO on Form 14, Item 6.2, where there are two or more guardians and you are requesting to make an order to act separately on all matters then you would also select NO on this form.

10. If you have any other comments pertaining to this application, identify them here.

Date and sign the guardianship plan. If necessary, add more signature lines so each proposed guardian and alternate guardian signs the guardianship plan.

Form 24: Consent and Undertaking Guardian (Individual)

This document tells the Court that you consent to being a guardian and to following the instructions of how you will conduct yourself. You are also authorizing the review officer to conduct a criminal record check on yourself if it is needed for the review officer's report.

Court file number: Leave blank if this is an initial application and you do not have a court file number.

Judicial Centre: The application will be made in the appropriate judicial centre having regard to where the assisted adult (hereafter referred to as the adult) resides.

Adult's Full Name: fill in full legal name of the adult. Do not use nicknames or abbreviations. Use the same name all the way through the documents.

Applicant's name: fill in full legal name of the person making the application; do not use nicknames or abbreviations. Use the same name throughout the documents. Please note that the person signing the consent may not be the same person making the application.

Please read all the sections carefully.

-
1. Fill in requested information.
 2. You are confirming that you are over the age of 18.
 3. You are confirming that you believe yourself to be a suitable person to act as guardian to the adult.
 4. Check the appropriate box depending on your situation. You are confirming that you are unaware of any conflict of interest that exists or could potentially come into existence if you are appointed guardian **OR** you are disclosing an existing conflict of interest or potential conflict of interest. If you check the second box, please explain the situation.

5.-9. Please read all sections carefully.

Date and sign the document in the presence of a witness and have the witness sign the document and print their name.

Form 26: Consent and Undertaking Alternate Guardian (Individual)

This document tells the Court that you consent to being an alternate guardian and to following the instructions of how you will conduct yourself. You are also authorizing the review officer to conduct a criminal record check on yourself if it is needed for the review officer's report.

Court file number: Leave blank if this is an initial application and you do not yet have a court file number.

Judicial Centre: The application will be made in the appropriate judicial centre having regard to where the assisted adult (hereafter referred to as the adult) resides.

Adult's Full Name: fill in full legal name of the adult. Do not use nicknames or abbreviations. Use the same name all the way through the documents.

Applicant's name: fill in full legal name of the person making the application; do not use nicknames or abbreviations. Use the same name throughout the documents. Please note that the person signing the consent may not be the same person making the application.

Please read all the sections carefully.

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1. Fill in requested information.
 2. You are confirming that you are over the age of 18.
 3. You are confirming that you believe yourself to be a suitable person to act as guardian to the adult.
 4. Check the appropriate box depending on your situation. You are confirming that you are unaware of any conflict of interest that exists or could potentially come into existence if you are appointed guardian **OR** you are disclosing an existing conflict of interest or potential conflict of interest. If you check the second box, please explain the situation.
 - 5.-9. Please read all sections carefully.

Date and sign the document in the presence of a witness and have the witness sign the document and print their name.

Form 30: Personal References

Each person applying to be appointed a guardian, trustee, alternate guardian, alternate trustee or co-decision maker must complete a separate form and provide the names of two people who will provide personal references.

In the first section, enter your name and the name of the adult.

In the second section, indicate for which appointment your references will provide information.

In the final section, provide the names and day and evening phone numbers of your two references.

While the AGTA Regulations do not specify who can be utilized as a personal reference, the Office of the Public Guardian does recommend that you consider utilizing people who have good knowledge of you, your decision making style, and your relationship with the proposed assisted/represented adult.

People who have participated in completing the application (e.g., your lawyer, the capacity assessor who assessed the adult) or are a party to the application (e.g., any one who is also applying to make decisions on the adult's behalf such as the alternate named in the application) are not recommended for use as references.

You must then sign and date the form in front of a witness and have the witness sign and print their name. Please note the witness cannot be the adult for whom the application is being made.

Form 18: Order - Appointment of Guardian, Trustee or Both

Note: Filling out the draft order is OPTIONAL if you are proceeding by way of a desk application. If you do not submit a draft order along with your application package, the Review Officer will prepare one for you based on the information provided in your application package. **Law firms must still submit a draft order.**

The draft order contains many parts that may not apply to your situation.

Include only those provisions that are appropriate for the application presented to the Court. Delete all parts that do not apply to the application being made, including any portions of the preamble to the order (the part before section 1). Standard provisions should be modified as appropriate to the context, e.g. to refer to multiple guardians or trustees.

In the first section enter the information that you may already have such as your name (you are the applicant) and the adult's name. The review officer may complete the remainder of the information including the Justice's name and date.

1. APPOINTMENT OF GUARDIAN

- 1.1 Include the appropriate boxes in the guardianship section if they match to your application. If you are not applying for any matters pertaining to guardianship, delete this section and proceed to number 2.
- 1.2 Include only if requested in application. Enter the name of the guardian(s) and state which personal matters they will make decisions about for the adult.
- 1.3 Include only if requested in application; provide details about which decisions the proposed guardians should make jointly.
- 1.4 Include only if requested in application. Provide the name(s) of those wishing to be appointed as alternate guardians.
- 1.5 Include in all cases where guardianship is requested.

- 1.6 Include in all cases. Leave this section blank- this section will be completed if the Court feels conditions, limits or requirements other than those put in the application are needed.
 - 1.7 Include only if requested in application. Check the appropriate box if you are requesting that the Court terminate all or part of a personal directive.
 - 1.8 List the name(s) of the guardian(s) and check off the appropriate box regarding the review of the order. If you check the first box, be sure to enter the number of years after which you will apply to have the order reviewed.
 - 1.9 Include only if the adult is the subject of a co-decision making order. Enter the date of the order.
-

2. APPOINTMENT OF TRUSTEE

Include the appropriate boxes in this section if they match to your application. If you are not applying for any matters pertaining to trusteeship, delete this section and proceed to number 3.

- 2.1 Include in all cases. Add the name(s) of the proposed trustee(s) and the name of the adult.
- 2.2 Include only if requested in application. Enter the name(s) of the proposed alternate trustee(s).
- 2.3 Include unless application requests narrower scope for order.
- 2.4 Include only if requested in application. Provide details about what property or financial matter(s) to which the order will apply.
- 2.5 Include only if requested in application. If your application lists real property (land) located outside the province (e.g. a recreational property in B.C.) please enter the name of that jurisdiction (location such as the state or province) and a description of the property.
- 2.6 Include in all cases.
- 2.7 Include in all cases- please read carefully.
- 2.8 Include details if you are asking the Court for specific authorization to do something with the adult's real property (land) that is not within the general authority, e.g. you wish to sell the adult's land or lease property for more than 3 years.

- 2.9 Include only if requested in the application. Please enter the amount of money to be deposited each month to the adult's bank account and the maximum balance the account will hold.
- 2.10 Include only if requested in application. List the name(s) of one or more of the trustee(s) who are requesting exclusive authority over some aspect of the adult's financial matters e.g. one trustee deals with bank accounts and the other sells the real property.
- 2.11 Include only if requested in application. List the matters for which any one of the trustees may exercise authority.
- 2.12 Include in all cases. Leave this section blank. If the Court feels limits or conditions are necessary these will be added here.
- 2.13 Include in all cases. Check the appropriate box. If you check the first box, please indicate the numbers of years after which you will apply for a review of the order.
- 2.14 Include if inventory of assets and liabilities is not submitted with application.
- 2.15 Include in all cases. Enter the name of the trustee(s) who will submit accounts. Check one of the two boxes but not both. If you check the first box, enter the number of years until the trustee(s) are required to submit accounts for the examination and approval of the Court.
- 2.16 Include if the adult is the subject of a co-decision-making order. Enter the date of the order.
- 2.17 Include if the adult has signed an enduring power of attorney. Enter the date of the power of attorney.
-

3. COSTS OF APPLICATION

- 3.1 Check off the appropriate boxes. Legal fees "to be reviewed" means you are using, or are intending to use, as Court process to have your lawyer's fees established. You may only check off one of the 3 main boxes. If you check the first box you must check one of the sub boxes but not both. Be sure to enter the name of the person or source who will pay costs or disbursements e.g. estate of the Adult or the applicant. If you check the third box you are advising the Court that you are not requesting to have the adult pay for any of the legal fees or disbursements that may have been incurred in putting the application together.

4. OTHER MATTERS

- 4.1 If there are people you do not want notified of your application, including the adult, check off the box, and enter the person(s) name(s) and relationship to the adult. Add more lines if you need additional space or remove this section if it is not applicable.
- 4.2 Check only one of the boxes. If you check the second box, be sure to enter the name of the person to be served and the method of service eg. mail, registered mail, personal service.
- 4.3 Include this section only if the application is made about a person who has not yet attained the age of majority but you are applying for guardianship and or trusteeship for that individual in advance (see sections 24(10 or 43(2) of the Act.

Justice signature line and information: The Court will complete the information.

Court Filing Fees

- Costs associated with a straightforward application include but are not limited to a \$200 filing fee (one time only).
- A cheque or money order is accepted and should be made out to “**MINISTER OF FINANCE and ENTERPRISE**”. Cash is not accepted.
- A cheque will not be cashed for 30 – 50 days.
- A cheque or money order will be requested at the time you submit your application.
- In hardship situations the Crown may agree to a costs contribution. If the adult’s estate is less than \$7,000 in liquid assets and it would be a hardship to the applicant(s) to pay the costs, the Crown may pay for all or some of the costs. The applicant does not have to disclose their specific financial circumstances but if you are requesting costs from the Crown you must make a written statement of hardship in the sworn affidavit.
- If the Crown agrees to a cost contribution the filing fee will be waived.
- If the Crown agrees to a cost contribution and you choose to go to a lawyer then you will need to inform the lawyer that it is a hardship for you and the estate to pay the costs. It is important that you provide this information to the lawyer right away.
- Legal fees: If you choose to use a lawyer to do your application it is important that you thoroughly discuss and understand the likely costs- including legal fees and disbursements- before you hire the lawyer. You should also understand who will be responsible for paying the legal fees and disbursements. Disbursements are items such as photocopying, courier, mail. Legal fees may vary between lawyers and depending on the complexity of the application.

Form 27: Consent and Undertaking Trustee (Individual)

Each person who is applying to be a trustee must complete one of these forms. The signed and witnessed form is submitted with the application.

Court file number: leave blank. The Review Officer will complete this section.

Judicial Centre: Leave blank. The Review Officer will complete this section. The application will be made in the appropriate judicial centre having regard to where the assisted adult (hereafter referred to as the adult) resides.

Adult's Full Name: fill in full legal name of the adult. Do not use nicknames or abbreviations. Use the same name all the way through the documents.

Applicant's name: fill in full legal name of the person making the application; do not use nicknames or abbreviations. Use the same name throughout the documents. Please note that the person signing the consent may not be the same person making the application.

-
1. The applicants name goes in the first box. If there is more than one person who will be trustees for the adult, each person must fill out a separate form. The “adult” is the person who needs a trustee.
 3. Depending on where you reside, check off the appropriate box. If you do not live in Alberta, please enter the Canadian province or country where you live.
 4. Check one or the other box but not both. You must disclose if you have any financial or business or other type of conflict. An example might be that you operate a business with the adult, have joint bank accounts or own a house together. If you require additional room please click “add more” or attach an additional sheet of paper referencing the section.
 5. Check one or the other box but not both.
 - 6.-9. Read these boxes carefully and once you are finished sign and date the form in the presence of a witness and have the witness sign and print their name. Please note that the witness cannot be the adult for whom you are making the application.

Form 29: Consent and Undertaking - Alternate Trustee (Individual)

Anyone proposed as an alternate trustee must consent to the appointment. The signed and witnessed form is submitted with the application.

Court file number: leave blank. The Review Officer will complete this section.

Judicial Centre: Leave blank. The Review Officer will complete this section. The application will be made in the appropriate judicial centre having regard to where the assisted adult (hereafter referred to as the adult) resides.

Adult’s Full Name: fill in full legal name of the adult. Do not use nicknames or abbreviations. Use the same name all the way through the documents.

Applicant’s name: fill in full legal name of the person making the application; do not use nicknames or abbreviations. Use the same name throughout the documents. Please note that the person signing the consent may not be the same person making the application.

-
1. The applicants name goes in the first box. If there is more than one person who will be an alternate trustee for the adult, each person must fill out a separate form. The “adult” is the person who needs a trustee.
 3. Depending on where you reside, check off the appropriate box. If you do not live in Alberta, please enter the Canadian province or country where you live.
 4. Check one or the other box but not both. You must disclose if you have any financial or business or other type of conflict. An example might be that you operate a business with the adult, have joint bank accounts or own a house together. If you require additional room please click “add more” or attach an additional sheet of paper referencing the section.
 - 5.-9. Read these boxes carefully and once you are finished sign and date the form in the presence of a witness and have the witness sign and print their name. Please note that the witness cannot be the adult for whom you are making the application.

Form 34: Trusteeship Plan

A trusteeship plan must accompany every new application for trusteeship.

A trusteeship plan is necessary to indicate how the trustee(s) will be managing the property interests of the represented adult. “Property interests” include the adult’s finances, investments, assets, liabilities, legal actions involving money, income, and expenses.

An updated plan may be submitted with a review application or when there has been a substantial change and the trustee plans to do something different than what the trustee proposed in the original trusteeship plan.

In this form the word “adult” refers to the person for whom an application for a trusteeship order is being made or, if there is already a trusteeship order in place, to the represented adult.

Only the proposed trustee(s) need to sign and date the trusteeship plan.

Trusteeship Plan Preparatory Checklist

Before you sit down to complete the trusteeship plan, you may find it helpful to have the following documents and information close at hand:

Name and province of residence for each proposed trustee and alternate trustee (if you anticipate the Public Trustee or a Corporate Trustee being appointed as trustee you should contact those organizations as the trusteeship plan should come from the party who will be acting as trustee for the adult).

Assets:

Information about or copies of titles for real property including any mines and minerals, owned in whole or in part by the adult

Copies of statements or information about:

- o bank statements
- o tax sheltered investments such as Registered Retirement Savings Plans (RRSPs), Registered Retirement Investment Funds (RRIFs), Registered Education Savings Plans (RESPs), Tax Free Savings Accounts (TFSA) or Registered Disability Savings Plans (RDSPs)

- o non-tax sheltered investments such as GICs, term deposits, brokerage accounts, savings bonds, mutual funds, segregated accounts, life insurance with cash value

Information about other assets such as cash on hand, an account at a residential facility, shares, security certificates, shareholder loans, private loans

Any other type of property owned in whole or in part by the adult such as vehicles, livestock, tools, inventory, valuables)

Liabilities:

Information about any money the adult owes to anyone such as loans, child support arrears, spousal support arrears, mortgages, credit cards, outstanding taxes or other debts

Income and Expenses:

Information about the adult's income sources

Information about any benefits the adult receives such as pensions, disability benefits, veterans benefits and the like

Information about the adult's monthly expenses

Other information

Does the adult have:

- o a will? (If so, where is it?)
- o A safety deposit box? (If so, where is it located?)
- o Any outstanding tax matters?
- o Unfinished legal matters

INSTRUCTIONS:

Enter the adult's name. Do not use nicknames or abbreviations. Use the same name throughout the application documents.

1. In this section provide the names of all of the proposed trustees and the provinces in which they live. If the trustees live outside of Canada then indicate the Country of residence. There is no restriction on the number of people who can be trustees but keep in mind all of the trustees must act and make decisions jointly unless otherwise indicated in the trusteeship order and court applications may be needed to resolve disputes. If you need more room, either click “add more” if you are completing the form on your computer or attach another sheet of paper with the information.
2. Alternate trustees are those people who will become the trustees if the trustees above are no longer willing, able or suitable to act as trustees. As with trustees, there is no restriction on the number of alternates you can name.

You may name specific alternate trustees who would take over for specific trustees. You can also provide the names of alternate trustees who would take over if any of the trustee(s) were not able or suitable to continue acting. If you don't match alternate trustees with trustees, and there is a disagreement as to who will be the alternate for a specific trustee, a court application may be needed.

Again, keep in mind all of the alternate trustees must act and make decisions jointly unless otherwise indicated in the trusteeship order, and court applications may be needed to resolve disputes. If you need more room, either click “add more” if you are completing the form on your computer or attach another sheet of paper with the information.

ADULT'S ASSETS AND LIABILITIES

Assets

This section of the trusteeship plan deals with the proposed represented adult's assets. There are spaces for information about land and mineral titles, bank accounts, registered and non-registered investments, and other types of assets such as cars, machinery and jewelry. You may find it useful to quickly scan the section before beginning to fill out the boxes so you have an idea of which assets you will record in which sections. Detailed information about income and expenses will need to be provided later in the form.

3. Land may include a residential property, commercial property, farmland or any other kind of real property. Check the appropriate box. If you check yes, please complete Schedule 1 for each property.

4. Answer the question in #4 by checking the appropriate box. If you check yes, please complete Schedule 2 for each property.
5. For this section you may find it useful to have information about the adult's bank accounts handy. If you don't have the information or have been unable to get the information, please provide as much detail as you can about the accounts and estimate the balances.

Joint bank accounts are those accounts that the adult has in their name, along with another person- usually a spouse, partner, child or other relative or friend. Please indicate in the space provided if there is another person's name on the account and how they are related to the adult.

The Court will want to know what the proposed trustee(s) intend to do with funds in the account(s). Please explain in the box provided how you plan to manage the bank accounts. Provide as much detail as you can.

6. If the adult has any investments that shelter money from tax until a later date, please provide the information (non tax sheltered investments are in #7 below). You may find it useful to have the investment statements handy before completing this section. Please outline the proposed trustees' plans for these investments in as much detail as possible.
7. If the adult has other investments, please enter that information where indicated. You may find it useful to have the investment statements available to assist you. If you do not have statements but are aware that the accounts exist, provide as much detail as possible and then explain how you plan to manage the accounts should you become trustee.
8. It is possible that the adult has other types of assets that don't fit in the sections above. In this set of boxes, please provide as much detail as possible about these other assets and how you plan to manage the accounts should you become trustee.
9. In this section record other assets that have value. If you are not sure of the value of some items, try looking for the value on the internet, in trade publications, or by calling someone who might be knowledgeable. In "other information" please add any comments about things such as ownership, condition, and location of the property. At the bottom of this section, please explain what your plans are for the property and how you intend to manage the items should you become trustee.

Liabilities

This section provides information to the Court about any liabilities, i.e. money that the proposed represented adult owes.

Please provide information about whether the adult owes money and if so, how much and on what terms. If any loans or debts are in arrears please note that under other information.

At the bottom of the section, please outline your plan to manage the liabilities in the short term and in the long term.

ADULT'S INCOME AND EXPENSES

Income

For sections 11-13 you may find it useful to have copies of the proposed represented adult's bank account statements nearby.

Schedule 3 has a worksheet that you may use to estimate the adult's total monthly income. If the proposed represented adult's income is likely to change in the near future because the adult will begin to receive other income or the start of payments towards a debt please record the anticipated change in section 12.

The represented adult may be eligible for many different types of benefits. You may be required to look into other possible sources of revenue to ensure the adult has as much income as possible.

Expenses

In this section, please record the monthly expenses for the proposed represented adult. Please refer to Schedule 4 which will help you do this calculation. As you did above for the income section, please advise if you anticipate an increase or decrease in expenses in the near future or longer term.

16. Types of non-recurring expenditures may include items such as a therapeutic bed, a wheelchair or a lump sum payment on a debt among other things. If you are planning to make such a payment if you become trustee, please describe the anticipated expense. Check no if you do not anticipate making any substantial non-recurring expenditures.
17. Please indicate if you expect that the proposed represented adult's income is enough to cover their regular monthly expenses. If that is not the case, please explain how you intend to cover any shortfall.

Administration of Adult's Financial Matters

In this section you will provide more detail about how you plan to manage the proposed represented adult's financial affairs should you become trustee.

18. Check either yes, no or do not know. If you check yes, please provide additional information.
19. If there is or will be than one proposed trustee for the adult it is possible to have each of the proposed trustees responsible for different things. For example, one trustee might manage the adult's bank accounts and investments while another might manage the adult's real estate. If you are requesting the Court to appoint different trustees to manage different things, please check the appropriate boxes and explain exactly how you are proposing that multiple trustees manage the affairs of the proposed represented adult.
21. The prudent investor rule directs trustees to invest so that the investment earns a reasonable return but the investment is not placed at undue risk. If the prudent investor rule does not fit the investment situation the trustee is proposing for the adult, you may ask the Court to approve to do something different. Please specify if you are asking the Court for advance approval to manage the proposed represented adult's financial affairs differently than is stated in the Trustee Act.
22. Many care facilities or residential facilities have set up accounts or allow their clients to set up accounts to hold small amounts of money for day to day items such as coffee outings, haircuts, and pedicures. These accounts are generally called "comfort" accounts as they provide access to money for daily living expenses that enrich the adult's life e.g. coffee money, books, movies. If such an account is set up where the adult lives, or will live, you must ensure that you get statements about the account so you can verify how the money is being spent.
23. Many adults are able to manage bank accounts in the community. The adult can access his or her own account and can withdraw money as needed. If you set up such a bank account, you must decide how much money goes into the account and how often deposits are made. Generally the accounts don't carry a very high balance- you must determine how much is appropriate for the adult.
24. If you expect to hold money or other assets for the adult that will not be recorded solely in the adult's name or in trust for the adult, you must provide information to the court about why the assets are not in the adult's name and why this arrangement is appropriate.
25. If you anticipate mixing the adult's assets with your own (e.g. putting the adult's money into your bank account, you must provide information to the Court about why this arrangement is appropriate.

Use of Adult's Property for Benefit of Others

26.-28. If you anticipate making payments, loans or gifts from the proposed represented adult's money to yourself, someone you live with, to a relative or to a business in which you have a substantial investment, or for the benefit or any other person, you must describe the situation and the details of any transactions that you plan to make. It is important that you explain thoroughly to the court why it is appropriate for you as trustee to use the proposed represented adult's money in this fashion. Please use sections 26-28 to describe the plans you have regarding the use of the adult's property to benefit others.

Other Matters

These questions deal with other matters that may be relevant to the management of the proposed represented adult's property interests. Please read each carefully and make sure to provide explanations for each question that you answer "Yes".

29. A bond or other form of security (collateral) is required for proposed trustees who live outside the province of Alberta. A bond or other form of security (collateral) is also required for any proposed alternate trustee who resides outside of Alberta, if required to act as trustee for the adult in the future. The bond or security (collateral) helps ensure that the property of the proposed represented adult remains as secure as possible. In the appropriate circumstances the Court can dispense with the requirement for a non-resident trustee to provide a bond or other form of security (collateral). If you feel that in your circumstances such a bond or security (collateral) is not necessary or appropriate you may ask the Court to dispense with the requirement. Please provide as much detail as you can if you are asking the Court to dispense with a bond other security (collateral).
30. Sometimes what a proposed trustee might plan to do to manage the adult's property is different than what the adult instructed be done in the adult's will. For example, a proposed trustee might think it reasonable to sell the adult's vehicle but in a Will, the proposed represented adult may have given instructions that the vehicle be given to a specific person. So the trustee should not be selling the vehicle unless there are additional reasons not to do so. Therefore it is very important to determine if the adult has a will and if so, determining the will's instructions. If the adult has a will it is your responsibility to keep the document safe. Please explain to the Court how you intend to do this.
31. Often times, the proposed represented adult's Will or other important documents are contained in a safety deposit box (SDB). If there is no specific information available about a SDB, consider reviewing the adult's bank statements to see if there is a rental charge for a box.

32. For tax matters, you might consider dealing with the issues yourself or retaining the services of an accountant.
33. Legal proceedings may include matrimonial property issues, family law matters, corporate and business affairs in addition to class actions or other lawsuits.
34. In this section you will advise the Court whether you wished to be paid for your work if you are appointed as trustee for the proposed represented adult. The regulations contain information about the compensation that is normally available. If that compensation does not fit your situation, you may ask the Court to review the situation at a later date, such as when you apply to have your accounts examined by the Court. You may also decline compensation for your efforts but you may still claim for direct expenses and reimbursement of money given to the proposed represented adult. Indicate which scenario fits your situation by checking the appropriate box.
35. If there is any other information you feel the Court should know about your situation and that of the proposed represented adult, please use the space indicated. If you require additional room, check “add more” or use a separate piece of paper.

The following schedules ask you for details about real property and mines and minerals titles. Two other schedules are worksheets to calculate the income and expenses for the proposed represented adult. Please complete the schedules and attach them to the trusteeship plan.

If you require additional space, please copy the schedule and complete them as instructed.

Schedule 1 — Real Property (Land)

Complete this schedule if the adult owns real property (land) in Alberta. If the adult owns more than one property, provide the indicated information for each property owned by the adult.

You may find the municipal address or legal description on a certificate of title, tax assessment notice or purchase documents. If you cannot locate this information, try contacting the local city or town hall where the property is located.

Complete as much information as you have about the ownership and value of the property. You must also set out your plan for this property once you are appointed trustee. If you check “other” please provide additional information.

Please NOTE: As trustee you have no authority to sell or mortgage land or to lease land for a term in excess of 3 years, unless the trusteeship order authorizes you to do so. If such authority is requested, evidence must be provided to the Court in affidavit form explaining why the proposed transaction is in the adult's best interest.

Schedule 2 — Mineral Titles

Complete this schedule if the adult owns any freehold mineral titles in Alberta. If the adult owns more than one mineral title, provide the indicated information for each title owned by the adult.

You may find the legal description on the certificate of title for the minerals. Complete as much information as you have about the ownership and value of the property. You must also set out your plan for this property once you are appointed trustee.

If you check “other” please provide additional information.

Please note- As trustee you have no authority to sell land (including minerals), grant a lease for a term in excess of 3 years, or encumber (e.g. mortgage) land unless the trusteeship order authorizes you to do so. If such authority is requested, evidence must be provided to the Court in affidavit form explaining why the proposed transaction is in the adult's best interest.

Schedule 3 — Income Worksheet

Use this form to assist your calculation of the adult's income. If there are other types of income that are not listed, please add another page or another row(s) to the form as needed.

Schedule 4 — Expenditures Worksheet

Use this form to assist with your calculation of the adult's expenditures. If there are other expenditures that are not listed, please add an extra page or another row(s) to the form so you have enough space.

Form 37: Inventory

Use this form to report the inventory - a listing of all assets and liabilities, income and expenses of the proposed represented adult. Enter the adult's name and your name as applicant. Please use the same information as listed on the other application documents.

Enter the name of the trustee(s) and list each of their addresses. Enter the date for which the inventory is accurate (e.g. you may have done an inventory for July 1, 2009 but your application is done in September 2009- you would enter July 1, 2009). Enter the same date in the first part of the summary.

Please read the statement under the dates carefully as you will be required to swear or affirm this document.

You will need to complete the schedules before you can fill in the table in the summary section on the first page of the inventory. If you are completing this form on your computer, the form will do some calculations for you.

In the summary, enter the amounts for each category having reference to the amounts in the schedules. If you are completing this form on a computer the form will add the numbers. If you are using printed forms, please add lines 1, 2 and 3 and enter the amount in line 4. Enter the liabilities in line 5. Take the number in line 4 and subtract the number in line 5 and enter the differences as the adult's net financial position on line 6.

Enter the adult's income and expenditures on lines 7 and 8 and then calculate the surplus or deficiency by taking the number in line 7 and subtracting the number in line 8. Enter the difference in line 9.

Use each of the schedules to assist your calculations of numbers required for the summary.

SCHEDULE A

If the adult owns land please check yes and enter the number of properties owned or co-owned. Complete a schedule AA for each property and a schedule AB for each mineral title held by the adult. Enter the total value of the land and mineral titles that are owned by the adult on line A1 - calculate this number by adding all of the "adult's net share of value" lines in the schedules. Line A1 from Schedule A goes in line 1 of the summary.

SCHEDULE AA

You may find it useful to have a copy of the certificates of title for each of the adult's property before completing this schedule. Use a separate schedule for each piece of property.

If the adult is the sole owner, check that box and insert "100%" in AA1. If the adult is a co-owner, please indicate the type of co-ownership (e.g. joint tenants or tenants in common) and who else owns the land with the adult (the co-owner) and their relationship to the adult. Please note there can be more than one other co-owner. Enter the percentage of the adult's ownership (e.g. joint owners, enter 50%).

Indicate the type of property (e.g. residential) and current use (e.g. adult's and co-owner's residence) by ticking the appropriate boxes. If you check "other" please explain the situation.

Check the box that best describes how you have valued the land. If you check "other" please explain. Enter the property's estimated market value in line AA2.

If there is a mortgage or other debt owing on the land, please enter that value in line AA3. Take the number in line AA2 and subtract the number in line AA3 to determine the net value of the land (line AA4). To calculate the adult's net share of the land, multiply the number in line AA1 by the number in line AA4 and enter this value in line AA5. The total of line AA5 from each Schedule AA forms part of the value given on line A1 of Schedule A.

Please note you must also include a copy of the current certificate of title for each property. Enter the number of this document so it can be identified by the Court e.g. if this is the first attachment to your Inventory, mark it exhibit A or exhibit 1 and then continue the numbering for any other exhibits to the inventory. The exhibits must be commissioned by the commissioner for oaths or notary public before whom you swear or affirm the Inventory document.

SCHEDULE AB

Use this schedule to calculate the net value of mineral titles owned by the adult.

Enter the legal description for the mineral titles from the certificate of title. Indicate whether the adult is the owner or co-owner of the mineral titles.

If the adult is the sole owner, check that box and insert “100%” in AB1. If the adult is a co-owner, please indicate the type of co-ownership and who else owns the land with the adult (the co-owner) and their relationship to the adult. Please note there can be more than one other co-owner. Enter the percentage of the adult’s ownership (e.g. joint owners, enter 50%).

Indicate the current status of the titles by checking the correct box. If the title is leased or generates income please enter the monthly income.

Indicate how the titles were valued by checking the correct box. If you check “other” please explain. Enter the estimated value in line AB2.

Calculate the adult’s share of the next value by multiplying line AB1 by Line AB2. Put this value in line AB3. The total of line AB3 from each schedule AB forms part of the value given on line A1 on Schedule A.

Number the mineral titles using numbers that follow the land numbers from schedule AA e.g. if there are two pieces of land that are exhibits 1 and 1, the mineral titles would be exhibits 3 and 4).

SCHEDULE B

You may find it useful to complete the sub-schedules labeled with a “B” before completing the summary Schedule B. Enter the values as indicated and add the numbers in lines B1 through B4. Enter the total number in line B5. Line B5 from Schedule B goes in line 2 of the summary.

SCHEDULE BA — BANK ACCOUNT

For the purposes of this schedule a bank account includes a chequing account or savings account at a financial institution such as a chartered bank, trust corporation, credit union, or treasury branch. If cheques may be written on or bills paid directly from an account, it should be recorded here as a bank account. Investment products like GICs and term deposits should be included in the “Investment Accounts” – Schedules BB or BC, even if issued by a bank.

Complete a copy of this schedule for each of the adult’s bank accounts, even if the accounts are at the same financial institution. Include bank accounts of which the adult is the sole owner as well as accounts of which the adult is a joint owner with someone else.

The amount entered in line B1 of Schedule B will be the sum of the amounts entered in line BA3 on each Schedule BA.

Enter the name of the financial institution where the account is held and which branch. Also enter the account number and the type of account. If the adult is the sole owner of the account tick the correct box. If the adult is a joint owner, complete the name of the other bank account owner(s) and their relationship to the adult.

Enter the adult's proportionate beneficial interest held in the account on line BA1. If the adult is the sole account holder, enter 100%. There may be other circumstances where the adult is entitled to less than 100%.

Enter the account balance on line BA2 and then multiply the amount in line BA1 by the amount in line BA2 to calculate the adult's share of the account and enter the amount on line BA3. A current statement of account for the bank account is to be provided as an exhibit to the Inventory. It should have a number that follows any other exhibit numbers you may already have. For example, if you have two exhibits already with your application and they are labeled as exhibits A and B, the statement of account would be exhibit C. Do not start over with your numbering. The exhibits must be commissioned by the commissioner for oaths or notary public before whom you swear or affirm the Inventory document.

SCHEDULE BB — INVESTMENTS ACCOUNTS SOLELY OWNED BY ADULT

This schedule records financial assets held in investment accounts with financial institutions (other than bank accounts included in Schedule BA) where the account is owned by the adult. The following are examples of financial assets that might be held in such an investment account:

- cash balances (e.g. within a brokerage account) or money market instruments (e.g. treasury bills, corporate paper, bankers' acceptances);
- GICs, term deposits, savings bonds;
- marketable bonds (e.g. government, municipal, corporate);
- common shares, preferred shares, share warrants, limited partnership units;
- units or shares of mutual funds, exchange traded funds (ETFs), income trusts, gross royalty trusts;
- life insurance products with a cash value (e.g. segregated funds, whole life policies, variable life policies, universal life policies).

If a financial asset owned by the adult is held outside of an investment account with a financial institution (e.g. cash or security certificates held in a safety deposit box), they should be recorded in Schedule BD (Other Financial Assets).

Enter the financial institution, account number, what kind of tax shelter it is (e.g. RRSP, RDSP), how it is valued (e.g. book value, market value) and the value. Total all investment accounts and enter this at line BB1. The amount from line BB1 goes on line B2 of Schedule B.

A current statement of account for each investment account is to be provided as an exhibit to the Inventory. It should have a number that follows any other exhibit numbers you may already have. For example, if you have two exhibits already with your application and they are labeled as exhibits A and B, the statement of account would be exhibit C. Do not start over with your numbering. The exhibits must be commissioned by the commissioner for oaths or notary public before whom you swear or affirm the Inventory document.

SCHEDULE BC — INVESTMENT ACCOUNTS HELD JOINTLY BY ADULT WITH SOMEONE ELSE

This schedule records financial assets held in investment accounts with financial institutions where the account is owned by the adult with someone else. The following are examples of financial assets that might be held in such a joint investment account:

- cash balances (e.g. within a brokerage account) or money market instruments (e.g. treasury bills, corporate paper, bankers' acceptances);
- GICs, term deposits, savings bonds;
- marketable bonds (e.g. government, municipal, corporate);
- common shares, preferred shares, share warrants, limited partnership units;
- units or shares of mutual funds, exchange traded funds (ETFs), income trusts, gross royalty trusts;
- life insurance products with a cash value (e.g. segregated funds, whole life policies, variable life policies, universal life policies).

Enter the name of the financial institution, the account number, the joint owner(s)' name(s) and the type of account. Enter the total value of the account, the adult's share and then calculate the adult's share of the account. Total the adult's share of the joint investment accounts on line BC1. The amount from line BC1 goes on line B3 of Schedule B.

A current statement of account for each investment account is to be provided as an exhibit to the Inventory. It should have a number that follows any other exhibit numbers you may already have. For example, if you have two exhibits already with your application and they are labeled as exhibits A and B, the statement of account would be exhibit C. Do not start over with your numbering. The exhibits must be commissioned by the commissioner for oaths or notary public before whom you swear or affirm the Inventory document.

SCHEDULE BD – OTHER FINANCIAL ASSETS

Provide details of any financial assets owned by the adult that are not included in schedules BA, BB, or BC. This could include, for example:

- cash on hand;
- balance in account maintained for adult’s use with residential facility;
- security certificates (e.g. share certificates, gross royalty trust certificates, savings bonds) not held in an investment account;
- shares of private corporations;
- shareholder loans to private corporations;
- interest in a partnership or sole proprietorship;
- interest in a trust or in a deceased person’s estate;
- interest in ongoing or potential lawsuit (e.g. personal injury claim);
- private debts owed to the adult.

Enter the information about the financial asset, how it is valued (e.g. book value, market value) and then total the values on line BD1. The amount from line BD1 goes on line B4 of Schedule B.

SCHEDULE C — OTHER ASSETS

This schedule includes all of the assets owned by the adult other than land included in Schedule A and financial assets included Schedule B.

For estimated value, give the estimated amount for which the property could be sold to an arm’s length purchaser.

You will need to complete the sub-schedules labeled with a “C” before completing this summary, Schedule C. Enter the values as indicated in lines C1 and C2 and the total in line C3. Line C3 from Schedule C goes in line 3 of the summary.

SCHEDULE CA — MOTOR VEHICLES, MOBILE HOMES, BOATS

For the purpose of this schedule, motor vehicles include, for example, cars, trucks, motorcycles, recreational vehicles, off-road vehicles, snowmobiles.

Enter the type of asset, a description and the estimated value. Add all the lines and enter the total in line CA1. The amount from line CA1 goes on line C1 of Schedule C.

SCHEDULE CB – OTHER PROPERTY

This schedule should include all property owned by the adult that is of significant monetary value and is not included in any other schedule. Examples of other types of property that might be owned by the adult and included in this schedule include:

- Farm assets (e.g. equipment, tools, livestock, crops, seed, quotas)
- Business assets (e.g. equipment, inventory)
- Household and personal effects
- Identify an item or a distinct set of items (e.g. a coin collection) individually in the space provided only if the estimated market value of the item or set is at least \$1000.
- If the adult owns property of a certain description that has significant monetary value, but it is not currently possible to give a reasonable estimate of fair market value, describe the property and indicate “Unknown” in the Estimated Value column.

Enter the description of other property and the estimated values. Add all lines and enter the total in line CB1. The amount from line CB1 goes on line C2 of Schedule C.

SCHEDULE D – LIABILITIES

This schedule should include all money owed by the adult, other than loans secured by mortgages against land.

- It includes, for example, credit card debts, personal loans, car loans, lines of credit, and ongoing or potential lawsuits against the adult.
- State the total amount owing on the loan, not the amount of the monthly payment, if any

Enter the information about the creditor(s), any account information, any other person who is also responsible for the debt and the amount owed. Add all the lines and enter the total liabilities in line D1. The amount from line D1 goes on line 5 of the summary.

SCHEDULE E – INCOME

State the adult’s sources of income and the average monthly amount received from each source. If a source pays at non-monthly intervals (e.g. quarterly), convert the payments to an equivalent monthly amount.

Review the types of income listed and enter the AVERAGE monthly amount received from each source. If you enter amounts near the bottom under “other” please describe. Add the amounts and enter the total in line E1. The amount from line E1 goes on line 7 of the summary.

SCHEDULE F – EXPENSES

Indicate the type of expenses incurred by the adult and give the average monthly amount of each type of expense.

- If an expense is incurred at non-monthly intervals (e.g. quarterly) or irregularly, convert the payments to an equivalent average monthly amount.

Review the types of expenses listed and enter the AVERAGE monthly amount paid for each. If you enter amounts near the bottom under “other” please describe. Add the amounts and enter the total in line F1. The amount from line F1 goes on line 8 of the summary.

Before you sign this form, check that you completed the summary box at the beginning. Once you have completed this document you must take it to a commissioner for Oaths in the province of Alberta where you will swear or affirm that its contents are true. The commissioner will complete the box below. Please note that all lawyers in Alberta are commissioners for oaths. Students-at-law (articling students) are also commissioners for oaths. Some real estate offices, financial institutions and some Registry offices may also have commissions for oaths on staff. There may be a cost so be sure to ask about any charges before having your documents commissioned. Please make sure that the commissioner for oaths also commissions all of the exhibits attached to the Inventory.