

# Self Help Kit

## Review of Guardianship and/or Trusteeship Order via Desk Application



ADULT GUARDIANSHIP AND TRUSTEESHIP ACT

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# Overview

## Review of Guardianship and/or Trusteeship Orders

This kit provides information and documentation on applying for a review of a guardianship and/or trusteeship order for a 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 for review of the order 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 review process you must determine if guardianship and/or trusteeship are the most appropriate and least intrusive means of substitute decision making for the represented adult (hereafter the adult).

It is strongly suggested that you arrange to have a capacity assessment report completed before you start the review 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](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 re-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 review of 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 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 review of 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)

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

# Review of 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 Review of a Guardianship and/or Trusteeship order via a desk application:

	Application - <a href="#">Form 19</a>
	Affidavit of Applicant - <a href="#">Form 20</a>
	Capacity Assessment Report
	Guardianship Plan - <a href="#">Form 32</a>
	Guardian's Record of Decisions - <a href="#">Form 33</a>
	Consent - each proposed guardian - <a href="#">Form 24</a>
	Consent - each alternate guardian - <a href="#">Form 26</a>
	Two personal references for each NEW proposed guardian/trustee and each NEW proposed alternate guardian/trustee - <a href="#">Form 30</a>
	Draft Order – Form 23 (only need to complete if using a lawyer)
	Consent - each proposed Trustee - <a href="#">Form 27</a>
	Consent - each alternate Trustee - <a href="#">Form 29</a>
	Trusteeship Plan - <a href="#">Form 34</a>

**Note: If also applying for an Examination and Approval of Trusteeship Accounts, additional forms are needed.** Instructions for these additional forms are not included in this booklet. Please visit the Office of the Public Guardian website at [www.seniors.alberta.ca/opg](http://www.seniors.alberta.ca/opg) for the additional forms and instructions, or contact the Office of the Public Guardian nearest you.

# Form 19: Application for Review of Guardianship or Trusteeship Order or for Examination and Approval of Trusteeship Accounts (in any combination)

Use this application if you already have an Order for guardianship and/or trusteeship and you are asking for the Order(s) to be reviewed.

This form is also used to request examination and approval of trusteeship accounts.

Use only one application to review any combination of Orders.

**Enter the Court file number and Judicial Centre that is on your existing Order(s).**

**Fill in the name of the person the Order(s) are about.**

**You are the applicant – please enter your name here.**

**Applicant’s address for service:** Fill in your address and contact information. If you are the applicant and you are not a lawyer, you are not required to complete the first three lines.

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## 1. INFORMATION ABOUT THE APPLICATION AN APPLICANT

- 1.1 Check all boxes below that apply to your situation. Be sure to enter the date(s) the original Order(s) were granted on and the most recent date they were reviewed. If this is your first review, enter “not reviewed before”.
- 1.2 Check only one of the boxes – you may only proceed by Desk application or by Hearing, not both. Please note the description of each type of process to determine which is best for your situation.

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## 2. INFORMATION ABOUT THE REPRESENTED ADULT (ADULT)

- 2.1 Complete all the information about the Adult including checking off their marital status.

Adult interdependent partner is a term to describe a relationship of interdependence between two people. This may include heterosexual or same sex common law couples, as well as two non-conjugal persons who live together in a relationship of interdependence. In some circumstances it could even include two members of the same family, or two friends who live together.

- 2.2 Enter the usual residence address for the Adult whether it is a home address or a residential facility such as a nursing home or assisted living place.
- 2.3 If the Adult is currently away from their usual residence (e.g. Hospitalized or living elsewhere with a relative or in a second residence) please provide that information. If not, check “same as above”.

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### **3. INFORMATION ABOUT GUARDIANS, TRUSTEES, ATTORNEYS AND AGENTS**

- 3.1 Provide the following information for each person who is CURRENTLY a guardian, alternate guardian, trustee or alternate trustee of the Adult and who is PROPOSED for any of these positions. Indicate both the current and proposed position, if any, for each person. If more boxes are needed please click “add more” to the form or attach an additional piece of paper with section 1.3 clearly indicated.
- 3.2 Check either yes or no, but not both. Complete the information for each attorney. If you need more space for additional names, please click “add more” or attach an additional piece of paper with the section number clearly indicated.

Please note the attorney is the person that the Adult has given the authority to manage their financial affairs (see definitions).

- 3.3 Check either yes or no, but not both. Complete the information for each agent. If you need more space for additional names, please click “add more” or attach an additional piece of paper with the section number clearly indicated.

Please note it is possible for a person to have a personal directive but not to have an agent named.

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## 4. INFORMATION ABOUT FAMILY MEMBERS AND OTHER INTERESTED PERSONS

- 4.1 You must provide the names and available contact information for all family members of the Adult living in Canada who fits the categories listed. If you require additional space please click “add more”. If you are not completing the application online, then add a piece of paper – clearly identify the section (4.1).
- 4.2 Be sure to include this information if the Adult ordinarily lives on a reserve. If the person is not living on a reserve please insert n/a.
- 4.3 If there are any other interested persons who are 18 years of age or older who you think should be given notice of this application, please provide their contact information and their relationship to the adult. This may include close friends or other relatives who are especially close to the Adult and should receive notification of this application. If you require additional space for more names, please click “add more” or attach an additional piece of paper with the section number clearly identified (4.3).

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## 5. INFORMATION FOR GUARDIANSHIP ORDER REVIEW

**Complete this item if you are applying for review of a guardianship Order. Otherwise, please delete or cross out this entire section.**

Check the boxes that apply.

- 5.1 In this section you can either request continuation of the Order (with or without amendments), termination of the Order, replacement of the Order or discharge of certain people from the Order. If you are requesting that your Order under the *Dependent Adults Act* be replaced with an Order under the *Adult Guardianship and Trusteeship Act*, you must ensure that your new Order conforms with the wording required under the *Adult Guardianship and Trusteeship Act*.
- 5.2 In the “Now” column, check off the areas that are identified in your current Order. In the “Proposed” column check off the areas that have been identified in the Capacity Assessment.

You may increase or decrease your authority from the current Order. If you wish to increase or decrease your authority you must examine your reasons

why. Refer to the Capacity Assessment Report; the assessor will have identified the authority the guardian will need to assist the Adult.

Note: The areas of Licenses, Permits, etc. and Day-to-Day Decisions do not exist under the *Adult Guardianship and Trusteeship Act*.

Note: “Any other personal matters...” – Only check this box if you require authority in a specific area, for example, a specific diet that is not health related, such as a vegetarian diet or a religion based diet or refusal of a blood transfusion on religious grounds.

5.3 Under Section 31 of the *Adult Guardianship and Trusteeship Act* the Court may appoint one or more guardians (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)

5.4 Refer to the Capacity Assessment Report.

The assessor may have suggested a specific review period. If so and you agree with the time frame, for example, 6 years, then propose this time frame.

If the assessor has not mentioned a review period but you feel that a review is needed then identify a review period, for example, 6 years.

If you do not feel that a review is necessary then check off the last box – the Court may still assign a review period.

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## 6. INFORMATION FOR TRUSTEESHIP ORDER REVIEW

**Complete this item if you are applying for review of a trusteeship Order. Otherwise, please delete or cross out this entire section.**

Check the boxes that apply.

- 6.1 In this section you can either request a continuation of the Order (with or without amendments), termination of the Order, replacement of the Order or discharge of certain people from the Order. If you are requesting that your Order under the *Dependent Adults Act* be replaced with an Order under the *Adult Guardianship and Trusteeship Act*, you must ensure that your new Order conforms with the wording required under the *Adult Guardianship and Trusteeship Act*.
- 6.2 If you are asking the Court to give you any special authority or direction or to impose limits or conditions on your authority, check yes. If you check yes, please then check the appropriate boxes and provide details. Otherwise, please check off “no”.
- 6.3 Check yes or no. If yes, you must propose a review date below. If no, you may either propose a review date or request the Court not to require a review within a certain period.

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## 7. INFORMATION FOR EXAMINATION AND APPROVAL OF ACCOUNTS

**Complete this item if you applying for examination and approval of trusteeship accounts. If you are not requesting examination and approval of accounts, please delete or cross out this entire section.**

- 7.1 Enter the start dates and end dates of the accounting period you are applying to have reviewed
  - 7.2 You may only check ONE of the options. If you check “other”, please provide information for the Court to consider.
  - 7.3 You may only check ONE of the options. If you choose the first box, please enter the number of years.
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## **8. OTHER DOCUMENTS SUBMITTED WITH APPLICATION**

- 8.1 Check all boxes that apply.

A Joint Guardianship and Trusteeship review application must contain all the documents identified in the list. An application just to review guardianship does not need a Trusteeship Plan. An application just to review trusteeship does not need a Guardianship Plan.

If the Adult has any documents relating to current decision making arrangements and you have copies of these documents then include them with the application.

- 8.2 You must supply the names of two personal references.
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## **9. REQUEST TO DISPENSE WITH SERVICE OR NOTICE**

- 9.1 Advise whether you are asking the Court to dispense with service of the application on the Adult. If you check yes, this must be supported by information in the Capacity Assessment Report or you must provide other reasons as to why service of the application would cause harm to the Adult.
  - 9.2 You may check either yes or no, but not both. If you check yes, and you need more spaces for the names, please click “add more” or attach an additional piece of paper with the information AND with Section 9.2 clearly indicated.
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## **10. COSTS AND OTHER MATTERS**

10.1 For Costs check one of the boxes. If you check the first line, you must indicate the specific amount of the lawyer's fees or if you are having the amount of the lawyer's fees reviewed. Having the lawyer's fees reviewed means that you are using, or are intending to use a Court process to have your lawyer's fees established.

10.2 Click either no or yes, not both. If you check yes, please provide a detailed explanation of your request.

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The applicant or their lawyer must sign and date the form.

# Form 20: Affidavit of Applicant - Review of Guardianship or Trusteeship Order or Examination and Approval of Trusteeship Accounts (in any combination)

Use the affidavit form to support your application if you already have an order for guardianship or trusteeship and you are asking for the order(s) to be reviewed. This affidavit is also used to support your request for examination and approval of trusteeship accounts. Use only **ONE** affidavit in support of a review of any combination of orders.

**The contents of this affidavit must be adjusted as necessary to ensure that your affidavit accurately reflects the circumstances of your application.** Tip-keep your form 19 nearby so you can reference your answers when you fill out this affidavit.

Enter the Court file number and judicial centre that is on your existing order(s). Please enter your name in the applicant space and type the represented adult's full name as well. In the rest of the instructions, the represented adult is referred to as the adult.

Fill in your name and address where indicated.

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## 1. INFORMATION APPLICABLE TO ALL APPLICATIONS

**This section of the affidavit must be completed for all applications.**

- 1.1 Check off the box(es) that apply to your situation and enter the adult's name.
- 1.2 Check off the box(es) that indicate which review(s) you are requesting. If you are asking for examination and approval of accounts you must indicate the start and end dates of the accounting period.
- 1.3 Read the documents carefully as you will either swear or affirm it after completing this document and taking it to a commissioner for oaths.

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## 2. INFORMATION APPLICABLE TO GUARDIANSHIP REVIEW

**This section of the affidavit must be completed if you are applying for review of a guardianship order. Cross out any statements that do not apply. If not applying for review of a guardianship order, please delete or cross out this entire section.**

- 2.1 Read this section carefully as you will either swear or affirm it after completing this document and taking it to a commissioner for oaths.
- 2.2 Describe alternate measures that have been put in place or considered and indicate why they have not been effective in meeting the adult's needs or are unlikely to be effective to meet the adult's needs. Indicate the source of your information and belief.
- 2.3 Describe any additional information you have for concluding it would be in the best interests of the adult for the Court to continue the guardianship order, indicating the source of your information and belief. You should consider the matters set out in section 26(7) of the Act. If you have no additional information, say "None".
- 2.4 Provide any information you have that will assist the Court in deciding whether the proposed guardian will act in the adult's best interests and be a suitable guardian for the adult. You should consider the matters set out in section 28(1) of the Act, which takes into consideration the adult's wishes and views, the relationship between the adult and the proposed guardian, and the proposed guardian's ability to effectively carry out the terms of the guardianship order.
- 2.5 Indicate why you believe your proposal regarding periodic review of the order is in the adult's best interest.

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## 3. INFORMATION APPLICABLE TO TRUSTEESHIP REVIEW

**This section of the affidavit must be completed if you are applying for review of a trusteeship order. Cross out any statements that do not apply. If not applying for review of a trusteeship order, please delete or cross out this entire section.**

- 3.1 Read this section carefully as you will either swear or affirm it after completing this document and taking it to a commissioner for oaths.

- 3.2 To continue the Order the Court must be satisfied that less intrusive methods to manage the adult's financial interests are not appropriate. These reasons may or may not have changed since your original application.
  - 3.3 Set out any additional information you feel the Court should have as to why you should continue as trustee for the adult.
  - 3.4 Explain any additional reasons why you and any proposed alternate trustees are the most 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 future proposal for review of the trusteeship order is appropriate.
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#### **4. INFORMATION APPLICABLE TO APPLICATION FOR EXAMINATION AND APPROVAL OF ACCOUNTS**

**This section of the affidavit must be completed if you are applying for examination and approval of your trusteeship accounts. Cross out any statements that do not apply. If not applying for examination and approval of trusteeship accounts, please delete or cross out this entire section.**

- 4.1 Normally both boxes would be checked off if you provide the required financial information for examination and approval by the Court.
  - 4.2 Read this section carefully as you will either swear or affirm it after completing this document and taking it to a commissioner for oaths.
  - 4.3 Explain why you believe your proposal regarding periodic examination and approval of accounts is appropriate. You may find it helpful to review your answers in Form 19 as you fill out this section.
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#### **5. REQUEST TO DISPENSE WITH NOTICE**

**Include this section only if you are requesting the Court to dispense with the requirement to send notice of the application to a particular person, including the adult. If you are requesting the Court to dispense with notice to two or more people, include a separate paragraph for each person.**

- 5.1 If you are requesting the Court to dispense with service to specific person(s) please provide detailed reasons why. If you are providing reasons about more than one person, please click “add more” for additional sections.
- 

## 6. COSTS

**This section should only be completed if you are requesting that the Crown in right of Alberta pay the costs of the application. Otherwise please delete or cross out this entire section.**

- 6.1 Set out the adult’s income, assets and debts on the lines below.
- 6.2 Read this section carefully as you will either swear or affirm it after completing this document and taking it to a commissioner for oaths.
- 6.3 Read this section carefully as you will either swear or affirm it after completing this document and taking it to a commissioner for oaths.

DO NOT sign this document yet. Once you have read and 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 information.

# Capacity Assessment Report

**The Capacity Assessment Report is a required court form when making a guardianship and/or trusteeship review application. For a guardianship and/or trusteeship review 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 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 19, Item 5.3, 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 19, Item 5.3, 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.

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

# Form 33: Guardian Annual Record of Decisions

This form is used to record the guardianship decisions you make for the proposed represented adult (hereafter called the adult). Include only major or important decisions made within your court-ordered areas of authority e.g. health care, accommodations, etc.) You may find it helpful to refer to the guardianship plan that was approved by the Court at the time of the order or your most recent review.

1. Fill in name of guardian(s) and name of adult.
2. Refer to your previous guardianship plan. If there were any expected decisions made within a certain time frame, indicate those dates as well as a short description of decisions you expected to make at the time the previous guardianship plan was written. Otherwise leave this blank.
3. Indicate the time period for the decisions recorded. For example if your order was granted on April 16 you may have the annual record begin April 17 or May 1 or some other date when you began making decisions under the authority of the order.

List the date, the major decision and any comments you feel would assist the Court when reviewing your order. Click “add more” if you need more lines and you are completing the form on your computer. If you are printing the form and require more room, please add additional pieces of paper as required.

4. If you have not made any decisions then explain why - e.g. adult was in a care facility and was medically stable so no health care decisions were needed.

All guardians must sign and date (alternate guardians do not sign this form).

# 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:** Fill in the Court file number from the previous court documents.

**Court file number:** Fill in the Court file number from the previous court documents.

**Judicial Centre:** Fill in the Judicial Centre (previously called Judicial District) from the previous court 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.

- 
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

**Note: Existing guardians, alternate guardians, trustees and alternate trustees do not need to fill out this form.**

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 23: Order - Review of Guardianship or Trusteeship Order or Examination and Approval of Trusteeship Accounts (in any combination)

Note: Filling out this 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.**

This draft order contains many parts that may not apply to your situation. Include only those parts that match what you are asking for in the application. Delete all parts of 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 in the order should be modified as appropriate to the situation- for example, to refer to multiple guardians or trustees.

In the first section enter all information except the name of the Honorable Justice and the date. The Justice's name and date will be entered at the Court House when the Order is granted.

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## 1. APPOINTMENT OF GUARDIAN

If you are not applying for any matters pertaining to review of guardianship, remove this section and proceed to number 2.

- 1.1 Include the appropriate boxes in the guardianship section if they match to your application.
- 1.2 Include only if requested in application.
- 1.3 Include only if requested in application; enter the name of the guardian who is to be discharged if applicable.
- 1.4 Include only if requested in application. Insert the names of the guardians and explain what personal matters the guardian(s) should have exclusive

authority over, e.g. one guardian deals only with living accommodations and another only deals with medical issues.

- 1.5 Include only if requested in application. Explain what matters the guardians must decide together e.g. medical issues.
- 1.6 Include only if requested in application. Add the name of the alternate guardian(s).
- 1.7 Leave in if guardianship plan has been submitted with application for Court's approval.
- 1.8 Leave this box in the form in all cases, unless application requests termination of guardianship Order. The Court will set out any conditions, limits, or requirements considered appropriate.
- 1.9 Include only if requested in application. Enter the name(s) of the agent, the date of the personal directive and the areas of authority that are to be terminated.
- 1.10 Include in all cases, unless application requests termination of guardianship Order. Add the names of the guardian(s) and check off the first or second box (not both), whichever matches your request as set out in the application. If you check the first box, you must enter the number of years before the next review of the Order.

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## **2. TRUSTEESHIP ORDER REVIEW**

If you are not applying for any matters pertaining to review of trusteeship, remove this section and proceed to number 3.

Include the appropriate boxes in this section if they match to your application.

- 2.1 Include in all cases, unless application requests termination of trusteeship Order. Add the names of the new or continuing trustees and the name of the adult.
- 2.2 Include only if requested in application.
- 2.3 Include only if requested in application. Add the name of the trustee who is to be discharged.
- 2.4 Include only if requested in application. Add the name of the alternative trustee(s).

- 2.5 Include unless application requests narrower scope for Order.
  - 2.6 Include only if requested in application. Explain which property or financial matter(s) the Order will apply to.
  - 2.7 Include only if requested in application. Add the location of the real property outside the province of Alberta to which the Order will apply and enter a description of that real property. (Real property is land, a dwelling, mineral rights etc.)
  - 2.8 Include if trusteeship plan has been submitted with application for court's approval.
  - 2.9 Include unless application requests termination of trusteeship.
  - 2.10 Include unless Public Trustee is proposed trustee or application requests termination of trusteeship. Check the box if appropriate and outline the authority requested.
  - 2.11 Include only if requested in application. Insert the maximum amount of money that can be deposited into the account in any given month and the maximum balance the account will hold.
  - 2.12 Include only if requested in application. Enter the name of the trustee(s) and which areas of exclusive authority each will have e.g. one trustee deals with bank accounts and the other sells the real property.
  - 2.13 Include only if requested in application. Enter information about matters for which only one trustee may act.
  - 2.14 Include in all cases, unless application requests termination of trusteeship. Leave this box empty and the Court will add the information if required.
  - 2.15 Include in all cases, unless application requests termination of trusteeship. Enter the name of the trustee(s) who will be applying for a review of the Order. Check one of the two boxes but not both. If you check the first box, enter the number of years until the next review of the Order.
- 

### **3. EXAMINATION AND APPROVAL OF TRUSTEESHIP ACCOUNTS**

Include the appropriate boxes in this section if they match to your application. If you are not applying for any matters pertaining to Examination and Approval of Trusteeship Accounts, remove this section and proceed to number 4.

- 3.1 Include in all cases. Enter the name of trustee(s) and the start and end dates of the accounting period for which you seek approval.
  - 3.2 Include if requested in application. Enter the amount of compensation requested.
  - 3.3 Include in all cases unless application requests termination of trusteeship Order. Enter the name(s) 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.
- 

#### **4. COSTS OF APPLICATION**

- 4.1 Include this section each time. Check off the appropriate boxes.

Legal fees “to be reviewed” means you are using, or are intending to use, a Court process to have your lawyer’s fees established.

You may only check off one of the 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.

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#### **5. OTHER MATTERS**

- 5.1. 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.
  - 5.2 If you check the second box, be sure to enter the name of the person to be served and the method of service e.g. mail, registered mail, personal service.
- 

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

# 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. If the application for review of the trusteeship order does not include a request for the Court to examine and approve the trusteeship accounts, the applicant is not required to submit an inventory and neither box need be checked and this section can be crossed out. If the application includes a request for the examination and approval of the trusteeship accounts, then an inventory is to be submitted as one of the required financial statements and the first box should be checked.

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 continuing as an alternate trustee for the adult, and any proposed new alternate trustee, must consent to the appointment. Each signed and witnessed form is submitted with the application.

**Court file number:** Fill in the Court file number from the previous court documents.

**Judicial Centre:** Fill in the Judicial Centre (previously called the Judicial District) from the previous court documents.

**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 each trusteeship review application.

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

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## 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 trustee and alternate trustee, as well as each proposed new trustee and alternate trustee, if applicable (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 (TFSAs) 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

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#### **INSTRUCTIONS:**

Enter Court file number, judicial centre and the adult's name.

1. In this section provide the names of all of the 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.

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## 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 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 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.
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.
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.

## **Liabilities**

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

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## **ADULT'S INCOME AND EXPENSES**

### **Income**

For sections 11-13 you may find it useful to have copies of the 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 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 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 represented adult's financial affairs.

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 trustee for the adult it is possible to have each of the 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 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 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 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 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 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 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 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 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 trustee might think it reasonable to sell the adult's vehicle but in a Will, the 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 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 as trustee for the 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 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 represented adult, please use the space indicated. If you require additional room, check “add more” or use a separate piece of paper.

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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 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. 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.

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.