

Making decisions on legal proceedings for a represented adult

This fact sheet addresses legal proceedings *not* primarily related to financial matters of the adult.

As a guardian, you may have been granted the authority to commence or settle any legal proceeding that does not relate primarily to the estate of the adult, and settle any legal proceeding taken against the adult that does not relate to the adult's estate. Please check your Court order.

Legal matters which might fit into this area include:

- signing licenses and permits;
- the signing of a waiver;
- responding to a complaint about a adult's actions or behavior;
- appealing a decision where the adult may not be receiving benefits to which the adult is entitled;
- helping a adult with any legal problems; or
- when legal consultation or services are needed on matters not primarily related to the financial matters of the adult.

Who directs a lawyer acting on behalf of a adult?

The guardian can help the adult make contact with appropriate legal services, support the legal service provider (help fill out forms, provide necessary information when requested, help the adult tell his or her story, etc.) and monitor legal procedures on behalf of the adult.

The guardian can also assist in or instruct the lawyer and help ensure the adult receives a fair hearing. If the adult is in a position where they must plead guilty before the Court, his or her lawyer can help make the decision.

The guardian will need to consider the following questions when deciding to act in this area:

- What are the (legal) implications of the decisions needed?

- Does the situation involve the adult's finances and should his or her trustee be contacted?
- Would the adult's interests be served by involving legal services?
- Is there another way of dealing with this situation which would also protect the adult's rights?
- What will be gained by using the legal system? Is there another option? Will this affect other areas of the adult's life?
- How are the legal services going to be accessed? Does the adult qualify for Legal Aid? How much will it cost?

Legal decisions are always difficult. Community resources are available to help a guardian in this area. Guardians may want to access the following Alberta resources for advice and referrals:

- Dial-a-Law 1-800-332-1091 www.clg.ab.ca
- Lawyer Referral Services 1-800-661-1095 www.lawsocietyalberta.com

For more information

The Office of the Public Guardian welcomes the opportunity to speak with you!

Toll-free Help Line: 1-877-427-4525

Monday to Friday (8:15 a.m. – 4:30 p.m.)

Our website: www.seniors.alberta.ca/opg

