

Capacity

The ability to understand information relevant to a decision and to appreciate the reasonably foreseeable consequences of (i) making a decision or (ii) the failure to make a decision.

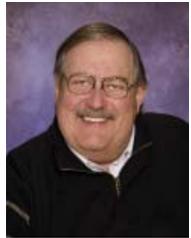
Capacity Assessments are required part of applications for Adult Guardian and Trusteeship under the Alberta Adult Guardian and Trusteeship Act.

Please Call to Arrange an Appointment

1(866) 824-8175



Counsellors

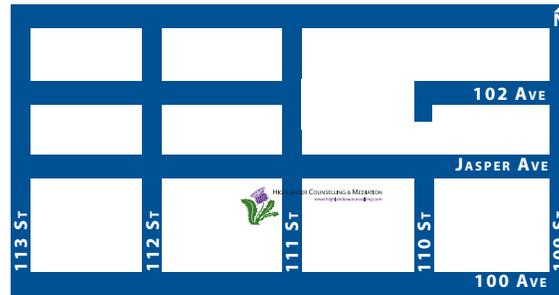


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CAPACITY ASSESSMENT



**Co-Decisionmaking, Supported
Decisionmaking, Guardianship,
& Trusteeship**

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Designated Capacity Assessor, Registered Professionals And Members Of Associations such as Play Therapy International, Association for Death Education & Counselling, International Society for Neuronal Research and the Association for Applied Psychophysiology and Biofeedback.



What Is Capacity?

Capacity is a person's ability to understand facts about a decision and what could happen if they choose one option over another, or if they choose to do nothing.

The legal definition of capacity under the Act is: Capacity is the ability to understand information relevant to a decision and to appreciate the reasonably foreseeable consequences of (i) making a decision or (ii) the failure to make a decision.

Disagreeing with a decision does not make someone incapable. For example, someone could decide not to take medication recommended by their doctor. If they understand why the medication is important and what will happen if they do not take it, they are probably capable of making the decision.

It is also possible to have capacity in one area and not another. For example, someone might struggle to understand complex health care decisions, but still be capable of making decisions about their social activities and finances.

Why Is Capacity Assessed?

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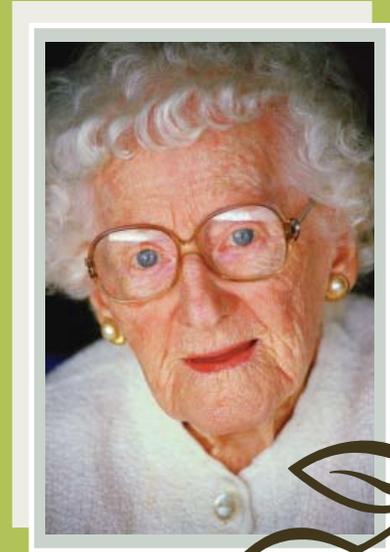
What Happens When Capacity Is Assessed?

There must be legitimate reasons for a capacity assessment. The capacity assessor will ask about the adult's situation, why there are concerns about their ability to make decisions, and the specific types of decisions in question. The assessor will confirm that a physician has examined the person to ensure a reversible or temporary medical condition is not affecting their ability to make decisions.

If an assessment is needed, the assessor will meet with the adult to explain the assessment process including what will happen if they are found to lack capacity. The adult can have someone present (e.g., family member or legal counsel) to help them feel comfortable and they can have a person or device to help them communicate during the assessment.

The assessor will focus on the types of decisions that need to be assessed. For example, there may be concern about the adult's ability to make health care and residential decisions, but no concern about capacity for other personal or financial decisions. The assessor will discuss with the adult their understanding of specific decisions (e.g., medical condition) and the consequences of making or not making a decision (e.g., risks and benefits of having surgery or not having surgery).

In conclusion, the assessor documents the findings regarding the adult's capacity in the specific areas assessed. The assessor identifies whether or not the adult is likely to regain capacity. If they believe the adult may regain capacity, they will recommend a date when capacity should be re-assessed.



Who Gets A Copy of Assessment Report?

The person applying to become a co-decision maker, guardian, or trustee will receive the Capacity Assessment Report from the assessor. The report is then included with all the information given to the Court to help determine if a decision maker should be appointed for the adult. The adult is also provided with the same information that is given to the Court unless, in rare circumstances, it is believed that providing the information will only harm the adult. The adult can request a Court hearing about the application.

Who Is Authorized to Conduct Assessments?

Health professionals may be designated as capacity assessors. Physicians and psychologists are included in this group and other health professionals (e.g., registered nurses) may become capacity assessors if they complete specific training.