

# What are the guiding principles of the Act?

## The Act is based on the following beliefs:

- Vulnerable persons are presumed able to make their own decisions on matters affecting their lives, unless they demonstrate otherwise.
- Vulnerable persons should be encouraged to make their own decisions, with support if needed.
- Like most people, vulnerable persons sometimes rely on the advice and assistance of support networks, with many include family members, friends, service providers and others they choose. The Act recognizes the important role support networks play and encourages their assistance with decision making, when necessary.
- Assistance with decision making should respect the privacy and dignity of vulnerable persons.
- Sometimes vulnerable persons are unable to make decisions about some aspects of their lives, even with the help of a support network. In such cases, when a vulnerable person needs decisions to be made and is unable to make, a substitute decision maker may be appointed as a last resort.

# Additional Information

For more information about The Vulnerable Persons Living with a Mental Disability Act, contact your nearest regional office of The Department of Family Services and Consumer Affairs:

## Northern

Thompson (204) 677-6570  
Flin Flon (204) 687-1700  
The Pas (204) 627-8311

## Parkland

Dauphin (204) 622-2035  
Swan River (204) 734-3491

## Eastman

Beausejour (204) 268-6226  
Steinbach (204) 346-6390

**Interlake** (204) 785-5106

**Westman** (204) 726-6336

Toll Free: 1-800-230-1885

## Central

Portage La Prairie (204) 239-3092  
Morden (204) 822-2870

**Winnipeg** (204) 945-1335

**Office of the Vulnerable Persons' Commissioner (204) 945-5039**

(toll-free 1-800-757-9857 outside Winnipeg)

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## The Vulnerable Persons Living with a Mental Disability Act

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*Manitoba has a law to promote and protect the rights of vulnerable persons—that is, adults living with a mental disability who need assistance to meet their basic needs.*

## *The Vulnerable Persons Living with a Mental Disability Act*

*reflects the right of all people to make their own decisions and have help, where necessary, in a manner that respects their independence, privacy and dignity. This pamphlet outlines the main components of the legislation.*

## What is supported decision making?

Just like other Manitobans, vulnerable persons have the right to make choices and decisions about their lives. Often, vulnerable persons will make their own decisions, without the advice or support of others.

There are times when we all ask others to help us with a decision. Vulnerable persons are no different. They may turn to their parents, other family members or friends to help them understand their choices. The members of this support network can provide information, ideas and advice that enable vulnerable persons to make their decisions. This is what supported decision making means—vulnerable persons making their own decisions, with support and advice from family and friends, if desired.

*Just like other Manitobans, vulnerable persons have the right to make choices and decisions about their lives.*

## What services are available to vulnerable persons under the Act?

Under the legislation, The Department of Family Services and Consumer Affairs may provide support services for vulnerable persons, within available program resources. Examples of support services include residential services, counseling, day services, vocational training and life-skills programs.

Generally speaking, existing services, service providers and community services workers remain in place for vulnerable persons.

## How are services decided upon?

The Act states that an individual plan must be developed for every vulnerable person receiving support services. The plan identifies the person's strengths and needs, and sets out the support services that may be provided.

The planning process may involve a number of people. The vulnerable person, members of the support networks, and the substitute decision maker or committee, if any, will be invited to work with a community service worker to develop an individual plan.

If there are disputes about support services, provisions for mediation and appeal are available.

## What is substitute decision making?

When a vulnerable person needs decisions to be made and is unable to make them, alone or with the help of a support network, then a substitute decision maker (SDM) may be appointed.

Before a substitute decision maker is appointed, an application must be made to the Vulnerable Persons' Commissioner, an official appointed under the Act to protect the decision-making rights of vulnerable persons, and appoint and monitor SDMs. If the criteria for appointment appear to be met, a hearing panel will be appointed to consider the vulnerable person's needs and capabilities and make recommendations to the Commissioner regarding the appointment. The vulnerable person, and SDM or committee, a close relative, other members of the support network, service providers and the community service worker will be invited to participate in the hearing.

An appointed substitute decision maker makes decisions only in areas where the vulnerable person cannot make them, and only for the period of time required

*When a vulnerable person needs decisions to be made and is unable to make them ... then a substitute decision maker may be appointed as a last resort.*

to make the decision. The vulnerable person is still able to make all other decisions not granted to the substitute decision maker. The substitute decision maker's decisions must respect and encourage the participation and independence of the vulnerable person.

## How does the Act protect vulnerable persons?

The legislation provides for the protection of vulnerable persons from abuse or neglect. By law, service providers, substitute decision makers and committees must report to The Department of Family Services and Consumer Affairs suspected abuse and/or neglect of the vulnerable person they support. Other Manitobans are also encouraged to report such concerns.

All reports will be investigated promptly and, when appropriate, referred to the police. If abuse or neglect is found, immediate action will be taken to protect the vulnerable person. This may include providing support services to taking the person to a safe place.