



Memorandum

Date: May 28, 1997

To: District Directors
Employment and Income Assistance

From: Gerry Schmidt
Executive Director
Client Services
Employment and Income
Assistance
305 - 114 Garry Street

Telephone:

Subject: **The Vulnerable Persons Act**

Proclaimed on October 4, 1996, *The Vulnerable Persons Living with a Mental Disability Act*, also known as *The Vulnerable Persons Act*, is based on the belief that vulnerable persons should have the opportunity to make their own decisions and direct their own lives, with support as necessary. This directive outlines the role of the Office of the Vulnerable Persons' Commissioner, and the Employment and Income Assistance Program in relation to clients affected by the legislation.

I. OFFICE OF THE VULNERABLE PERSONS' COMMISSIONER

The Office of the Vulnerable Persons' Commissioner is required to review approximately 1,500 **Orders of Supervision** within the next 30 months. During this review, Employment and Income Assistance staff or Community Service Workers may be contacted for information regarding the client's ability to manager his/her own affairs.

After review of each **Order of Supervision**, the Commissioner may:

- cancel the **Order of Supervision** by issuing an **Order of Rescission**. This authorizes the client as able to make his/her own decisions or decisions with the assistance of the client's support network; or
- appoint a Substitute Decision Maker and assign him/her to make decisions on behalf of the vulnerable person in one or both of the areas of:
 1. Personal Care:
 - decisions (with limitations) regarding the vulnerable person's -residence (placement power), health care, education, employment, recreation and support services.
 2. Property Matters:
 - decisions related to managing the vulnerable person's money, filing income tax returns, settling claims or making decisions regarding land, houses or property.

The Office of the Vulnerable Persons' Commissioner will notify the appropriate Employment and Income Assistance District Director by **FAX** when an **Order of Rescission** has been issued. The Office will send a letter when a Substitute Decision Maker has been appointed and identify the powers granted to make decisions on behalf of the vulnerable person.

In addition to the review of the **Orders of Supervision**, the Commissioner may appoint a Substitute Decision Maker at any time after an application for a Substitute Decision Maker has been processed by the Office of the Vulnerable Persons' Commissioner.

Attached is background information on **The Vulnerable Persons Act**, related definitions, the role of the Substitute Decision Maker and the procedures for appointment.

II. **EMPLOYMENT AND INCOME ASSISTANCE**

When an **Order of Rescission** has been issued, the Office of the Public Trustee is required to release any funds being administered by the Public Trustee to the client. The Office of the Public Trustee then has no further involvement on behalf of the client.

Employment and Income Assistance staff are to observe the following procedures when an **Order of Rescission** has been issued:

1. have the client complete a new application form for Employment and Income Assistance. Please note that:
 - if the client has a support network, staff may need to involve the support network to assist the client with forms or legal documents (e.g., application, Annual Review).
 - if the client has a Substitute Decision Maker, staff are to determine whether the Substitute Decision Maker has the authority to manage the clients' finances and to sign forms or legal documents (e.g., application, Annual Review) on behalf of the client. These powers are granted under **The Vulnerable Persons Act**, Subsection 92(2), namely:
 - (a) to purchase, sell, dispose of, encumber or transfer personal belongings;
 - (f) to receive, deposit and invest money;
 - (g) to endorse bills of exchange as required day to day;
 - (p) to apply for any benefit payable from any agency or organization including but not restricted to government.
 - the District Director may waive the medical panel requirement based on the period of enrollment as had been previously determined for the client.
2. request the Office of the Public Trustee to provide information on whether or not funds administered by the Public Trustee have been released to the client or to the Substitute Decision Maker, as well as the amount.

3. determine the impact of funds released to the client by the Public Trustee on the client's eligibility for income assistance or the treatment of benefits.

If further clarification is required regarding the review of the **Orders of Supervision**, issuance of an **Orders of Rescission**, the role of Substitute Decision Makers or Supported Decision Making, staff may contact the Office of the Vulnerable Persons' Commissioner.