

FORM J
[Clause 3(j) and Section 5]

In the King's Bench

Judicial Centre of _____

Affidavit re Assessment of Adult's Capacity

I, _____, of _____, _____,

MAKE OATH AND SAY:

1. THAT I am a _____ and have assessed the capacity
(occupation)

of _____ to make decisions with respect to:

personal matters

property matters

("Capacity" is defined in *The Adult Guardianship and Co-decision-making Act* as the ability:

(i) to understand information relevant to making a decision; and

(ii) to appreciate the reasonably foreseeable consequences of making or not making a decision.)

2. THAT the information contained in this assessment form is, to the best of my ability, true and accurate.

NOTE: The disclosure of personal health information is in accordance with subsection 5(4) of these regulations and may be disclosed by a trustee, in accordance with clause 27(4)(1) of *The Health Information Protection Act*, without the consent of the subject individual for the purpose of completing the assessment.

3. THAT my address and telephone number are as follows:

Address: _____

Phone: _____

4. THAT my qualifications are as follows:

5. THAT the reasons provided by the applicant to me for making this assessment are as follows:

(Describe the issues that have led to the assessment, e.g., financial mismanagement by the adult; medical or nutritional neglect; disorientation or wandering.)

6. THAT my personal relationship to and/or professional involvement with the adult is as follows:

7. THAT in making this capacity assessment, I have followed the following process:
(Describe assessment tools or methods used, number of visits with adult, results of interviews with caregivers, other professional reports relied on, etc. You may attach copies of any reports or other documents supporting the assessment.)

8. THAT in my opinion the adult's decision-making ability is as follows: *(Describe the adult's decision-making ability and support required.)*

9. THAT I base my opinion on the following factors: *(Describe the evidence relating to the adult's decision-making ability on which you have based your decision.)*

10. THAT in my opinion the likelihood of change in the adult's decision-making ability is as follows: *(Include reasons.)*

11. THAT in my opinion the adult requires a personal co-decision-maker: *(If the application is for the appointment of a personal co-decision-maker or personal guardian, check as appropriate.)*

NOTE: A person requiring a personal co-decision-maker is a person whose capacity is impaired to the extent that he or she requires assistance in decision-making in order to make reasonable decisions with respect to the matters listed below.

- to assist in making decisions respecting the adult's living arrangements
- to assist in making decisions respecting access to the adult
- to assist in making decisions respecting the adult's social activities
- to assist in making decisions respecting the adult's employment
- to assist in making decisions respecting the adult's educational, vocational or other training
- to assist in making decisions respecting whether the adult should apply for any licence, permit, approval or other consent or authorization required by law that does not relate to the estate of the adult
- to assist in making decisions respecting legal proceedings that do not relate to the estate of the adult
- to assist in making decisions respecting the adult's health care, including decisions respecting admission to a health care facility or respecting treatment of the adult
- to assist in making decisions respecting the restraint of the adult
- to assist in making normal day-to-day decisions respecting the adult
- other: *(specify)* _____

12. THAT in my opinion the adult requires a personal guardian: *(If the application is for the appointment of a personal co-decision-maker or personal guardian, check as appropriate.)*

NOTE: A person requiring a personal guardian is a person whose capacity is impaired to the extent that he or she is unable to make reasonable decisions with respect to the matters listed below.

- to make decisions respecting the adult's living arrangements
- to make decisions respecting access to the adult
- to make decisions respecting the adult's social activities
- to make decisions respecting the adult's employment
- to make decisions respecting the adult's educational, vocational or other training
- to make decisions respecting whether the adult should apply for any licence, permit, approval or other consent or authorization required by law that does not relate to the estate of the adult
- to make decisions respecting legal proceedings that do not relate to the estate of the adult
- to make decisions respecting the adult's health care, including decisions respecting admission to a health care facility or respecting treatment of the adult

NOTE: A clear direction set out in a health care directive will take precedence over the decision of a personal guardian. As well, unless a court decides otherwise, the decision of a proxy appointed in a health care directive will take precedence over the decision of a personal guardian.

- to make decisions respecting the restraint of the adult
- to make normal day-to-day decisions respecting the adult
- other: *(specify)* _____

13. THAT I make the following recommendation respecting the adult's need for a personal co-decision-maker or personal guardian: *(Complete this section if the application is for the appointment of a personal co-decision-maker or personal guardian.)*

NOTE: *The Adult Guardianship and Co-decision-making Act* provides that the court shall not give the personal co-decision-maker or personal guardian the authority to act with respect to all the matters mentioned above if an order providing particular powers would be sufficient to meet the needs of the adult.

14. That in my opinion the adult: *(If the application is for the appointment of a property co-decision-maker or property guardian, check as appropriate.)*

NOTE: A person requiring a property co-decision-maker is a person whose capacity is impaired to the extent that he or she requires assistance in decision-making in order to make reasonable decisions with respect to matters relating to his or her estate. A person requiring a property guardian is a person whose capacity is impaired to the extent that he or she is unable to make reasonable decisions with respect to matters relating to his or her estate.

- requires a property co-decision-maker to assist in making decisions with respect to matters relating to his or her estate
- requires a property guardian to make decisions with respect to matters relating to his or her estate

15. THAT I make the following recommendation respecting the adult's need for a property co-decision-maker or property guardian: *(Complete this section if the application is for the appointment of a property co-decision-maker or property guardian.)*

NOTE: *The Adult Guardianship and Co-decision-making Act* provides that the court shall consider whether an order appointing a property co-decision-maker or property guardian should be made subject to limitations, conditions or requirements, including limiting the authority of the property co-decision-maker or property guardian to decisions involving more than a certain dollar amount.

16. *(Optional)* THAT in my opinion, without the appointment I have recommended, the following consequences are likely to occur:

SWORN before me at _____, }
Saskatchewan, this _____ day }
of _____, 20 _____ }

(Signature of Assessor)

A Commissioner for Oaths in and for Saskatchewan

My appointment expires _____