

SUPPLEMENTARY PAPER

SELF ADVOCATES

DISCUSSION PAPER

15 April 1992

INTRODUCTION

There are many important decisions that everyone has to make. We all want to make these decisions for ourselves. These are some decisions that we want to make for ourselves:

*Where will I live? Will I go to school?
Where will I work?*

*Who do I want as a friend? Do I want
to get married? Do I want to have a
child?*

*Who do I want for my doctor? Will I
want to take the advice of my doctor?*

*What do I want to buy with my money?
Which bank will I use? How much
money should I save?*

*But how do I make decisions? Sometimes I
make decisions all by myself. Sometimes I ask
family or friends to help me make a decision.
Maybe I cannot make the decision for myself.
Then, someone else will have to make the
decision for me.*

*Now, I do not get to choose who will help me
make decisions. Now, someone who wants to
make my decisions must get permission from a
judge. If no one else is able to, the judge will
give permission to the Public Trustee's office
to make my decisions. Then someone at the
Public Trustee's office will make decisions for
me.*

*The Project To Review Adult Guardianship
wants to change the law so that I will be able
to choose who will make my decisions for me
if I need help or if I cannot make them for
myself.*

WHO ARE WE?

What is the Project To Review Adult Guardianship?

BCACL started the Guardianship Committee two and a half years ago. The Committee wanted to change old-fashioned laws. The Committee got some money from the Law Foundation to start a project. It is called the Project To Review Adult Guardianship. Chloe, Barbara, Kelly and Charmaine work at the Project office.

Who is on the Guardianship Committee?

Everyone who might be affected by these guardianship laws can be on the Committee. There are about 3,000 people in B.C. who are members of the Committee. These members are: people with disabilities, self-advocates, friends, families, doctors, social workers, lawyers, seniors, and many, many others. Dr. Steve Kline is the chair of the Committee.

The Self Advocates Working Group is part of the Committee. The Self Advocates explain their problems and explain how they would like to see the laws change. The Self Advocates put together this section of the newsletter.

What is the Guardianship Committee saying?

The Guardianship Committee put its ideas in a very long paper. Everyone will have a chance to look at the paper and say what they think. We want to know what you think about this paper. Your ideas are important to us. Please tell us what you think!



*This paper was written
by:*

*Barb Goode
Mary Fortin
Gerry Juzenas
Ken McLean
Ludo van Pelt
Betty Flichel
Laurel Griffin
Robert Oddy
Miriam Hardwick
Jackie & Roger Siggs
Wendy and Phil Allen
Terry and Cliff Stacey
Peter Russell
Russell Zorbak
Patty Beckett*

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Here is a short form of the very long paper.

WHAT ARE WE SAYING?

REPRESENTATION AGREEMENTS:

The Guardianship Committee says that I should get to choose who I want to help me make decisions, or who I want to make decisions for me. Just because I need help sometimes, does not mean someone should make all my decisions. I should not have to be called "dumb" or "stupid" just so I can get help to make decisions.

The Guardianship Committee says that I should be able to pick someone I trust to make decisions for me. The way to do this is to tell a special person I trust, that I want them to help me make decisions. I will have to write this on a special piece of paper or I can tell someone to write this for me if I cannot write. The piece of paper is called a "representation agreement". The representation agreement is the agreement that I make with the person I trust. I can pick more than one person if I want.

The person or people I choose will be called my "representative". There are two ways that a representative can help. One way is that my representative promises to help me make decisions whenever I ask for help. Or, the second way is my representative promises to make decisions for me if I get very sick and cannot make decisions anymore.

I want my representative to help make good decisions. I have to teach my representative about the kinds of things that are important to me.

PERSONAL SUPPORT:

The Guardianship Committee says that my friends and family who help me make decisions are important. My doctor, my landlord, and my bank should accept my friends and family, who I have chosen, as my assistants. My friends and family, who I have chosen, help me to live my life without other people and strangers deciding what is best for me.

ADVOCACY:

The Guardianship Committee agrees with me, that it is important to be a self advocate and to speak up for what I want. It also says that if I cannot be a self advocate, I can choose another person to help me to speak up for myself. This other person is called an advocate.

An advocate could be my friend, my family or someone who is specially trained to be an advocate. Sometimes the advocate can explain things to other people about what I want. Sometimes the advocate explains things to me so that I can understand better. Sometimes the advocate helps me through tough times when I feel unsure about myself or about what to do.

ABUSE, NEGLECT AND SELF-

NEGLECT:

The Guardianship Committee says that I should not have to worry about people abusing me. I should be protected from abuse. What do "abusers" do? An abuser may try to take my money. An abuser may try to force me to have sex. An abuser may embarrass me or make fun of me. An abuser may try to hit me.

The Guardianship Committee also says that I should not have to worry about being neglected. What is "neglect"? I am being neglected if someone who is supposed to look after me doesn't feed me, doesn't help me to go to the bathroom if I need help, doesn't give me proper clothes to wear, and doesn't make sure that I am safe and as happy as possible.

The Guardianship Committee also says that if I am neglecting myself, I need special help. How do I "neglect" myself? I may be neglecting myself if I don't understand that I am living in a dangerous place. I may be neglecting myself if I do not take good care of myself. I may be neglecting myself if I am very sick and I do not get help.

CONSENT TO HEALTH CARE:

The Guardianship Committee says I should get to make my own decisions about my health care. Health care means getting help from a doctor, a dentist or from a hospital.

I need to know all the important information about my health and the doctor before I can make a decision about my health care. The person who gives me the health care must give me this important information before I make my decision. They must try very hard to help me understand the information. My family and friends can help too.

When I cannot make a decision about my health care, someone will be picked to make

the decision for me. If it is an emergency, the doctor will make the decision. If it is not an emergency, someone will be asked to make the decision. The person I chose to be my representative is the person who will make the decision. If I do not have a representative, my family will be asked to make the decision. If I do not have a representative or family, the Public Guardian/Trustee will make the decision for me.

CAPACITY AND NEEDS REVIEW:

Sometimes I may need help to make some decisions, but I do not need help for all my decisions. I need to know when I need help. Other people may want to know when I need help to make decisions. A "capacity and needs review" is a meeting to find out if I need help to make decisions. There may be a doctor, a nurse, and a social worker at the meeting. People I choose can come to this meeting too. At the meeting, these people will talk to me and each other. They will help me to help myself. If I cannot help myself, they will get me the help I need.

DECISION MAKERS CHOSEN BY THE COURT:

The Guardianship Committee says if there is no other way for me to get the help I need, someone will have to ask a judge for permission to be my decision maker. The judge will choose someone to make the decisions that I cannot make on my own.

The Guardianship Committee says that I should be told when somebody asks the judge for permission to make decisions for me. I can choose a lawyer who will help me by telling the judge what I want. If I don't agree with the judge's decision, I have a chance to ask the judge to change his decision.

**OFFICE OF THE PUBLIC
GUARDIAN/TRUSTEE:**

The Guardianship Committee says that the Office of the Public Trustee needs to be changed. There should be a new office called the Office of the Public Guardian and Trustee. The new office will help people with personal and financial decisions. The new office will help people (like my advocate or my representative) who have to make decisions for someone else.

WHAT CAN YOU DO ?

We would like you to read this paper. If you cannot read this by yourself, please ask someone to read it to you. We want everyone to read this paper and tell us whether you agree with what it says. Reading this paper is the first step. We want to hear from everyone by August. After we have heard from everyone we will make a new paper.

We will take everyone's comments and make changes to the paper. Then we will send you a new copy. If you like it, then we will take it to the government. We will ask the government to make the changes to the laws.

Please tell all your friends and your families about this paper. Please ask them to read it. Ask them for their comments. Send the comments to us. We really want to know what you think.

If you want to hear more about this paper, call us. We will try and meet with you and talk to you. Please call Barbara at our office: 685-3425. Barbara is our staff person. She will help you.