

S.C. No. \_\_\_\_\_

SUPREME COURT OF YUKON

PURSUANT TO THE *DECISION MAKING, SUPPORT AND PROTECTION TO ADULTS ACT, S.Y. 2003, C.21* (the "Act"); specifically *SCHEDULE A, THE ADULT PROTECTION AND DECISION MAKING ACT, PART 3, COURT APPOINTED GUARDIANS* ("Part 3")

IN THE MATTER OF THE APPLICATION FOR TEMPORARY GUARDIANSHIP OF

\_\_\_\_\_  
(name of adult)  
also known as, (if applicable)  
\_\_\_\_\_

**STATEMENT OF PROPOSED TEMPORARY GUARDIAN**

(to be filed by each proposed temporary guardian, including the Applicant)

I, \_\_\_\_\_, of the City/Town/Village of \_\_\_\_\_,  
(name)

in Yukon, MAKE OATH AND SAY, to the best of my knowledge, information and belief, as follows:

1. I am nineteen (19) years of age or older and I am eligible to be appointed as a temporary guardian for the adult.
2. I am a suitable person to be a temporary guardian for the adult because: (Give particulars. Attach separate sheets if needed.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. I am not aware of any conflict of interest that presently exists, or will come into existence if I should be appointed.
4. I undertake, upon my appointment as temporary guardian to:
  - act honestly and in good faith;
  - exercise the care, diligence and skill of a reasonably prudent person;
  - act within the authority granted in the court order;
  - encourage and assist the adult to care for and make decisions about the adult, and to manage or participate in managing the adult's affairs; and
  - comply with the preliminary and any subsequent temporary guardianship plans.
5. In accordance with subsection 35(7) of the Act, I understand that without limiting section 37, a temporary guardian has authority to do anything that is necessary to preserve and protect the adult from financial damage or loss, including authority
  - a) to instruct any savings or financial institution where the adult has an account that no funds are to be withdrawn from the account until further notice;
  - b) to direct any source of the adult's income to send the income to an account that is the subject of an instruction under paragraph (a); and
  - c) to halt any disposition of the adult's real or personal property or to direct that the proceeds be paid into court.
6. In accordance with subsection 35(8) of the Act, the other provisions of this Part apply to temporary guardians, except subsection 38(1) of the Act.
7. In accordance with subsection 35(9) of the Act, I understand a temporary guardian may **not** be appointed for a period of more than 180 days.
8. In accordance with subsection 35(10) of the Act, I understand that despite subsections 35(2) and 35(3) of the Act, where the Court appoints a temporary guardian for a period of more than 30 days, the Court shall give directions for compliance with section 30, in particular paragraph 30(1)(a) and subsection 30(5) of the Act.
9. As temporary guardian, having authority for financial decision-making for the adult, I understand as follows:
  - in accordance with subsection 38(4) of the Act, I may **not**, without prior permission of the Supreme Court of Yukon, do the following:
    - dispose of the adult's business or real property;
    - grant or accept a lease of real or personal property on the adult's behalf for a period longer than 3 years;

- dispose of the adult's personal property that is worth more than the amount prescribed by the regulations;
  - invest the adult's assets in investments that a trustee is not authorized to make under the *Trustee Act*;
  - to give substitute consent on the adult's behalf to the adoption of the adult's child';
  - to commence divorce proceedings on the adult's behalf; and
  - to interfere with the adult's religious practices.
- in accordance with subsection 43(3) of the Act, I must not dispose of property other than money that I know is subject to a specific testamentary gift in the adult's will unless it is necessary to do so to comply with my duties as a temporary guardian;
  - in accordance with paragraph 45(1)(a) and 45(1)(b) of the Act, I am required to keep accounting records and to produce those records for inspection and copying at the request of the adult or the Public Guardian and Trustee;
  - in accordance with paragraph 45(1)(c) of the Act, I must, within six (6) months of being appointed as temporary guardian, file with the Court, an inventory and account of the adult's assets and liabilities;
  - in accordance with paragraph 45(1)(d) of the Act, I must, upon the discovery of any asset or liability after the filing of the inventory and account, file with the Court an inventory and account of the asset or liability;
  - in accordance with paragraph 45(1)(e) of the Act, I must, keep the adult's souvenirs and other personal effects at the disposal of the adult;
  - in accordance with paragraph 45(1)(f) of the Act, I must, keep the adult's assets separate from the temporary guardian's assets.

SWORN before me at the City of \_\_\_\_\_ )  
 \_\_\_\_\_ , )  
 in Yukon on the \_\_\_\_\_ day )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ , \_\_\_\_\_ )  
 (month) (year) )  
 \_\_\_\_\_ )

Proposed Temporary Guardian's  
Signature

A Notary Public in and for the Yukon  
Territory

S.C. No. \_\_\_\_\_

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IN THE MATTER OF THE APPLICATION FOR TEMPORARY GUARDIANSHIP OF

\_\_\_\_\_ (name of adult)

also known as, (if applicable)

\_\_\_\_\_

**STATEMENT OF PROPOSED TEMPORARY GUARDIAN**

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Address

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\_\_\_\_\_  
\_\_\_\_\_  
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