

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)

TEMPORARY GUARDIANSHIP APPLICATION

Name of Applicant _____
(name of applicant who is asking to be appointed as principal guardian)

1. DATE AND LOCATION OF HEARING OF THIS APPLICATION

This application will be heard by a Justice of the Supreme Court of Yukon on,

_____ the _____, day of _____, at _____ a.m./p.m.,
(day of week) (day) (month) (year)

or so soon thereafter as may be heard, at the Law Courts, 2134 Second Avenue in the City of Whitehorse, in Yukon.

2. NOTICE TO PERSON(S) BEING SERVED

This is to notify you that if you or your lawyer does not attend before the court at the time and place shown above, the court may give the applicant(s) what they want in your absence.

Therefore, if you want to make representations at the hearing, you or your lawyer must attend in court on the date and time prescribed above.

3. APPLICATION

I am applying for an order appointing me to be the temporary guardian for the adult. (Check any of the following paragraphs that are applicable.)

- I am also applying to have the following person(s) appointed to act as temporary guardian(s) jointly with myself.

(name of proposed joint temporary guardian)

(name of proposed joint temporary guardian)

- I am also applying to have the following person(s) appointed to act as alternate temporary guardian(s). (Give particulars as to circumstances in which alternate temporary guardian is to act. Attach separate sheets if necessary.)

(name of proposed alternate temporary guardian)

(particulars)

(name of proposed alternate temporary guardian)

(particulars)

- My application requests the assignment of different financial powers to different temporary guardians, or it involves other terms or conditions for the exercise of the financial powers of different temporary guardians. (Give particulars for each temporary guardian under section 5 “Guardianship Powers Being Sought.”)

4. PERSONS TO BE SERVED

Although subsection 35(3) of the Act states that I am not required to serve any of the persons under subsection 30(5) with a copy of the temporary guardianship application, the Supreme Court of Yukon has indicated that it expects the application to be served on the adult who is the subject of the application, the Public Guardian and Trustee and the Adult Protection Unit of the Government of Yukon.

I am serving the following person(s) with my application:

- the adult who is the subject of this application
- the Public Guardian and Trustee
- the Department of Health and Social Services, Adult Protection Unit
- Other (specify) _____

5. TEMPORARY GUARDIANSHIP POWERS BEING SOUGHT

NOTE: The *Adult Protection and Decision Making Act* provides as follows:

37(1) The Supreme Court may give a temporary guardian only the authority that

(a) is necessary to make, or assist in making, decisions about the adult's affairs;

(b) will result in the most effective, but the least restrictive and intrusive, form of assistance and support for the adult; and

(c) is required to provide the care, assistance, and protection necessary to meet the adult's needs.

NOTE: The *Adult Protection and Decision Making Act* provides as follows:

35(8) Subject to this section, the other provisions of this Part apply to temporary guardians, except section 38(1).

I understand that by virtue of being appointed temporary guardian, I am **not** authorized to decide, obtain, make decisions about or make arrangements for any of the following items listed in section 38(1) of the Act in accordance with section 35(8) of the Act:

1. the adult's estate
2. the adult's living arrangements
3. the adult's social activities
4. the adult's employment ;
5. the adult's educational, vocational or other training ;
6. whether the adult should apply for any licence, permit, approval or other consent or authorization required by law that does not relate to the adult's estate
7. legal proceedings that do not relate to the adult's estate ;
8. in accordance with the *Care Consent Act*, the provision of care to the adult ;
9. the adult's daily living activities, including decisions about the adult's hygiene, diet and dress, social activities and companions ;

- 10. the restraint of the adult ;
- 11. the temporary care, education, and financial support of the adult's minor children, or any other persons who are cared for or supported by the adult ;
- 12. other (Give particulars. Attach separate sheets if necessary.)

I request that the following limitations, conditions or requirements apply to the authority requested: (Give particulars. Where separate limitations, conditions or requirements apply to different temporary guardians, state them separately for each temporary guardian. Attach separate sheets if necessary.)

- 1. _____
- 2. _____
- 3. _____

6. TEMPORARY GUARDIANSHIP PLAN

I am not required to file either a preliminary or subsequent guardianship plan when filing my application for a temporary guardianship order pursuant to section 35(2) of the Act. However, I understand that pursuant to section 35(10) of the Act, the court will provide me with direction with respect to when I need to file a temporary guardianship plan if my application is for more than 30 days in length.

7. COSTS

I am asking that the costs of the application be paid out of the adult's income or assets as follows: (Give particulars)

I am not asking for costs of the application at this time; however I may be required to do so at hearing of the temporary guardianship application.

8. LENGTH OF TEMPORARY GUARDIANSHIP ORDER

I understand that a temporary guardian may **not** be appointed for a period of more than 180 days in accordance with section 35(9) of the Act. I am asking that I be appointed as temporary guardian for _____ days.

(If asking for more than 30 days): In accordance with section 35(10) of the Act, I understand that the court will provide me with direction for compliance with section 30 of the Act, specifically, direction with respect to any documents required to be filed and served such as the report of the assessor (section 30(1)(a)), a statement by the

proposed guardian (section 30(1)(b)) and a guardianship plan (section 30(1)(c)) as well as direction with respect to service of this application on any other required individuals.

9. TEMPORARY GUARDIAN’S REMUNERATION

I am asking that the Court order that the temporary guardian(s) be remunerated from the adult’s income and assets as follows: (Give particulars)

I am not asking for remuneration from the adult’s income and assets.

10. TEMPORARY GUARDIAN’S EXPENSES

I am asking that the Court order that the temporary guardian(s) be reimbursed from the adult’s income and assets for reasonable expenses properly incurred in performing the duties or exercising the authority given under this application.

I am not asking to be reimbursed from the adult’s income and assets for reasonable expenses.

11. DOCUMENTS ACCOMPANYING THIS APPLICATION

1. Applicant’s Affidavit (Form 4T).
2. Statement of Proposed Temporary Guardian (Form 5T) for each proposed guardian. ;
3. Copy of each document in which the adult’s wishes respecting the choice of a guardian are expressed and attached to the Applicant’s Affidavit as an exhibit. ;

I will file an affidavit of service for each person I have served or are required to be served under section 4 of this application.

I am relying on the provisions of the *Adult Protection and Decision Making Act*, and its regulations in support of my application.

Date (day/month/year)

Applicant’s signature, or signature of Applicant’s lawyer

The address of the Supreme Court Registry is:

The Law Courts
2134 Second Avenue
Whitehorse, Y.T. Y1A 5H6

The APPLICANT'S address for delivery is:
(include physical address if address for delivery is a box number)

Fax Number for Delivery (if any) _____

The name and office address of the applicant's solicitor is: (if applicable)

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