

Guardianship for adults

A guardian is a person appointed by QCAT to help adults with impaired decision-making capacity to make certain personal decisions, such as where to live or with whom they have contact, and health care decisions. This ensures the adult's needs are met and their interests are protected.

Guardians are not allowed to make decisions about:

- financial or property matters unless they have also been appointed as the adult's administrator or as attorney for financial matters under an enduring power of attorney or a general power of attorney - See the [QCAT administration for adults fact sheet](#)
- special health care matters including sterilisation or tissue donation
- special personal matters including making or revoking a will or consenting to marriage or relinquishing a child for adoption.

Impaired decision-making capacity explained

There are three elements to making a decision including:

- understanding the nature and effect of the decision,
- freely and voluntarily making a decision, and
- communicating the decision in some way.

If an adult is unable to carry out any part of this process for decision-making, the adult is said to have impaired decision-making capacity.

QCAT decisions about adults

QCAT can decide a range of matters about adults including:

- making a declaration about an adult's decision-making capacity for some or all matters
- that the informal arrangements in place are adequate to protect the adult
- appointing a guardian to make some or all personal and health care decisions
- making a temporary decision to deal with an urgent situation
- making a declaration about the execution and appointment of an enduring power of attorney.

When appointing a guardian may not be necessary

While an adult still has capacity they can appoint someone to make decisions on their behalf by making an enduring power of attorney.

An enduring power of attorney remains in effect until the death of the adult. It does not lapse when the adult loses decision-making capacity. Adults can of course cancel their enduring power of attorney when they still have capacity.



Adult Guardianship Ad Litem Manual

**Association of Continuing Legal
Education Administrators**



Adult Guardianship Ad Litem Manual:

A Manual for Guardians and Trustees Florian Giaque,1897 **A Manual for Guardians and Trustees of Minors, Insane Persons, Imbeciles, Idiots, Drunkards, and for Guardians Ad Litem, Resident and Non-resident, Affected by the Laws of Ohio** Florian Giaque,1886 *Manual for the Lawyer's Assistant* ,1988 The Iowa Probate Manual, Etc A. N. PORTER,1875 *Texas Estate Planning and Probate Manual - Second Edition* Christopher J. Pettit,2008-02-01 The Texas Estate Planning Probate Manual Second Edition is the definitive work for Texas estate planning attorneys The manual analyzes the law of estate planning from A to Z including the laws of guardianship powers of attorney healthcare directives intestacy probate of a will drafting of trust agreements and family limited partnership agreements Unlike other publications the Manual is designed to serve as a powerful resource for both the skilled practitioner as well as those new to the world of estate planning by providing detailed commentary and analysis The Manual includes not only detailed analysis of the law of Texas Estate Planning including both Texas and Federal authority but also an in depth review of the caselaw and statutory authority Detailed checklists provide structure and organization to the representation of your estate planning clients Texas Estate Planning Probate Manual 2nd Edition is regularly updated in order to keep practitioners abreast of the most up to date information regarding all estate and probate issues The Texas Estate Planning Probate Manual is the definitive work on Texas estate planning law and a vital resource for every estate planning attorney The accompanying CD ROM includes over 50 practice forms to implement your client s estate planning needs In addition the CD ROM includes the Texas Property Probate and Trust Codes Innovative Approaches to Guardianship United States. Congress. Senate. Special Committee on Aging,1993 **Arizona Probate Code Practice Manual** Richard W. Effland,1973 **Uniform Probate Code Practice Manual** Richard V. Wellman,1977 **Uniform Probate Code Practice Manual** Association of Continuing Legal Education Administrators,1972 **Protective Services for Adults** James Joseph Burr,1982

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