

Audrey Cole

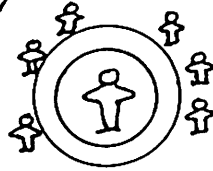
1. The "Human" Person



- What does it mean?
 - we can grow
 - we can learn
 - we can trust
 - we can choose
- It means we have feelings
 - we have likes & dislikes
 - about things & about people
- It means we are human and we have rights

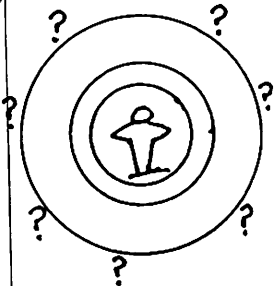
2. Natural Support &

Relationships



- we need people around us
 - that we care about & who care about us
- we need people we can trust
 - & opportunities to make friends
- Sometimes we want the same people around us forever
- Sometimes we change those we like to have around us
- Sometimes they want to change

3. Decisions about our lives



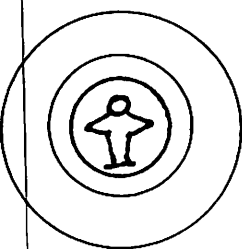
- decisions have to be made
 - little & big
 - easy & hard
- where we live, what we eat, what we wear, medical needs ("personal care" decisions)
- how we get money & things
 - how we spend money ("property" decisions)



How do decisions get made ??

- sometimes others know things we don't know
- sometimes we know things they don't know
- when we put those things together it is called making decisions interdependently.
- that's how most "human" persons make decisions
 - with help from those they love & trust
- need "protection" re. consequences of decisions
 - for ourselves & for others
- we are "human" persons & we are also "legal" persons

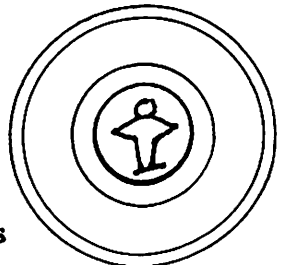
4. The "Legal" Person



- not like the "human" person
 - not about likes, dislikes & feelings
 - fixed & formal
 - presumed to make decisions independently.
- presumed to be legally "competent"

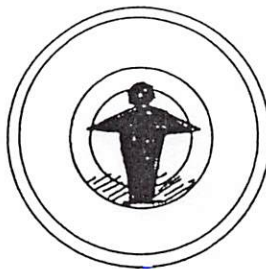
5. Legal liability.

- responsibility in law for how our decisions affect others
- legal "protection"
- e.g. laws about contracts
- "informed consent" (understanding what might happen if we say "yes" or "no" to a contract)



6. The Guardian

- Replaces person who does not pass test of capacity
- Becomes the "legal" person
- Has all the authority & all the right to make the person's decisions
- Overshadows natural supports



Guardian's job:

- to replace the person in making decisions
 - about property
 - or about personal care
 - or both

8. We need a New Way of Thinking

- Remove obstacles to human well-being
- Take away Guardianship
- Take away liability based on "competency"

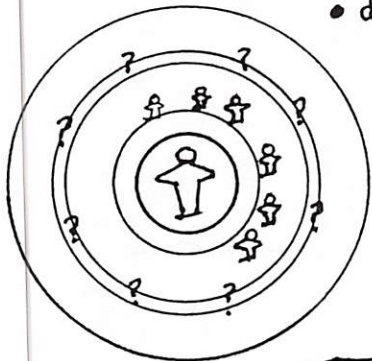
7. Guardianship

an Obstacle



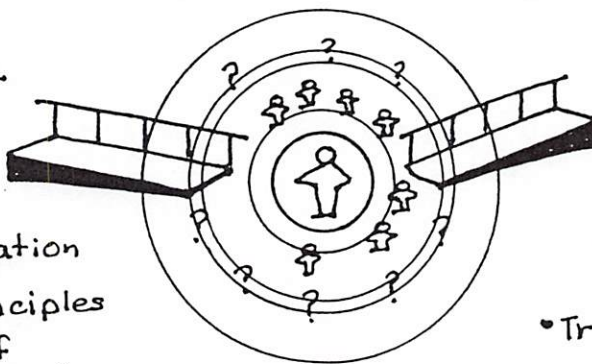
- a barrier to:
 - participation
 - self-determination
 - citizenship
 - equality
 - well-being

- different way to see "capacity"
- reflect reality - recognise peoples' right to support, as needed, from those they choose
- keep the human person inside the legal person
- Build checks & balances and accountability safeguards
- Build "RAMPS"



Preserving the Right to Self-determination: Supported Decision-making
(An Alternative to Guardianship)

- Build legislative "ramps"
- legal "protection"
- enabling legislation
 - principles
- different ways of seeing "competency"
- Review mechanisms
 - omnibus legislation
- abuse legislation



- checks and balances
- accountability safeguards

- Build personal support "ramps"
- real human protection
- a human (social) response
- True equality and well-being
- Standards
 - "Support" not "Replace"