Substitute Decision Maker

If you cannot make a decision to go to a Long Term Care Home, because you do not have the capacity to decide,

a Substitute Decision Maker will make the decision for you.

They must try to follow your wishes.

If they do not know your wishes, they try to decide what is best for you.
This is how we decide who is your **Substitute Decision Maker**. We follow a list provided by legislation.

**Ranking:**

1st  A Court appointed Guardian

2nd  Person named in your Power of Attorney for Personal Care

3rd  A representative appointed by the Consent and Capacity Board

4th  Spouse or partner

5th  Adult child or parent

6th  Brother or sister

7th  Any other relative by blood, marriage or adoption

8th  The Office of the Public Guardian and Trustee

**Your** Substitution Decision Maker is: ____________________
The Consent and Capacity Board

The Board was created by the Provincial government of Ontario.

The Board is a tribunal of lawyers, psychiatrists and members of the public.
When people **challenge** the finding of **incapacity** for admission to a care facility they apply to the Board for a **hearing** to review the finding.

The Consent and Capacity Board will come to you.

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The Board can order a **lawyer** to represent you.

The Board then **hears** your **application**.

They listen to **you**, your **lawyer** if you have one, to the **healthcare team**, and they read your **health records**.
They **review** the finding of **incapacity** by an evaluator to decide where you want to live.

You can **appeal** the Board’s decision to the **Superior Court of Justice**.
The Office of the Public Guardian and Trustee (OPGT)

Is part of the Ministry of the Attorney General.

If you do not have your own Substitute Decision Maker to make admission decisions

the OPGT will decide where you will live.
The OPGT may look after your legal, personal and financial interest.

Who works at the OPGT? Social Workers, Accountants and other people who are supported by Lawyers.