

Framework of Decision-Making

Overview

The Department of Children, Seniors and Social Development (CSSD) and the Department of Justice and Public Safety (JPS) are developing a decision-making framework to modernize decision-making legislation and policies in the province.

Legal capacity is the ability for a person to make their own decisions in their life, such as signing contracts, choosing medical treatments or deciding where to live. Capacity is important to many areas of everyday life including health, business and legal decision-making. We are all capable of making our own decisions unless it has been proven otherwise through an assessment or court process.

There are multiple laws in Newfoundland and Labrador that address capacity and decision-making in some way. These laws include but are not limited to the Advance Health Care Directives Act; Adult Protection Act, 2021; Mentally Disabled Persons' Estates Act; Enduring Powers of Attorney Act; and the Mental Health Care and Treatment Act.

While many of these laws exist to support persons without legal capacity, many do so through substitute decision-making, meaning that someone else makes decisions on the person's behalf.

CSSD and JPS are engaging the public and key stakeholders to help inform the development of a Framework of Decision-Making so people are supported to make their own decisions.

How Can You Get Involved?

Your feedback is important and is greatly welcomed through this engagement and consultation process.

Thank you in advance for your participation.

Online Questionnaire

This questionnaire will be available until **noon on Tuesday, November 26, 2024**. The questionnaire should take approximately 30 minutes to complete.

If you have any questions related to this questionnaire, require an alternate format, or require any other support or accommodation, please contact us by email at decisionmaking@gov.nl.ca by phone or text at 709-725-4463.

Please note you must [log in](#) or [register](#) to complete the questionnaire.

Written Submissions

If you would like to provide a written submission, you can send a response by mail, fax, text or e-mail.

The deadline for written submissions is **noon on Tuesday, November 26, 2024**.

Mail:

Decision-Making Feedback
Department of Children, Seniors and Social Development
2nd Floor, West Block, Confederation Building
P.O. Box 8700
St. John's, NL
A1B 4J6

Fax: 709-729-6237

Phone or Text: 709-725-4463

Email: decisionmaking@gov.nl.ca

How Will Your Feedback Be Used?

The information we receive will be reviewed by CSSD and JPS. Feedback will be considered for the development of a Framework of Decision-Making in Newfoundland and Labrador.

Privacy Statement

Please do not include your name or any information that could identify you. The collection of information is done under the authority of [section 61\(c\) of the Access to Information and Protection of Privacy Act, 2015](#), for the purpose of collecting public feedback on the development of a Framework of Decision-Making.

Any personal information that may be received will be governed in accordance with the Access to Information and Protection of Privacy Act, 2015 and will only be used for the purpose of informing participants of public engagement results at the end of the process.

If you have any questions about how this information will be collected, used and disclosed, please contact the ATIPP Facilitator for Children, Seniors and Social Development by phone at 709-729-6370 or by email at ATIPP-CSSD@gov.nl.ca. You may also contact the ATIPP Facilitator for Justice and Public Safety by phone at 709-729-0840 or by email at ATIPPJPS@gov.nl.ca.

Contact Us

If you have any questions or additional comments, please contact decisionmaking@gov.nl.ca or by mail, fax or text as listed above.

Framework of Decision-Making — Questionnaire

1. Which of the following apply to you?

Select all that apply.

- I am a person with a disability
- I am a senior
- I am a friend, family member and/or caregiver of an individual who requires support with decision-making
- I am Indigenous
- I am a newcomer
- I am a professional (health care, legal, financial, etc.)
- I am a member of the general public
- Other (please specify):

2. Have you ever received help with decision-making from another person? This may include but is not limited to decisions about housing, finances, medical care, etc.

- Yes (please explain)

- No
- Do not know
- Prefer not to say

3. Have you experienced barriers while trying to receive support in making decisions?

Yes (please explain)

No

Do not know

Prefer not to say

4. Have you ever been responsible for helping another adult make decisions? This may include but is not limited to decisions about housing, finances, medical care, etc.

Yes (please explain)

No

Do not know

Prefer not to say

5. Have you ever been responsible for making decisions on behalf of another adult? This may include but are not limited to decisions about housing, finances, medical care, etc.

Yes (please explain)

No (if you answered no to questions 4 and 5, go to question 8)

Do not know

Prefer not to say

6. Thinking about the two previous questions, are there formal arrangements whereby you help an individual make decisions, and/or make decisions on behalf of an individual?

Select all that apply.

- Power of Attorney (gives another person the legal authority to act on your behalf in relation to your finances while you are living and still have capacity)
- Enduring Power of Attorney (a specific type of Power of Attorney that can be exercised after the person granting the power of attorney loses his or her legal capacity)
- Advance Health Care Directive (allows people to explain their wishes about health care and treatment when they are not able to make decisions or communicate them at a future time)
- Guardianship of the Person (a person is appointed by the Court and is given legal authority to make certain types of decisions on another person's behalf)
- Guardianship of a Person's Estate (a person can be given guardianship of another person's estate when they are unable to make decisions with respect to their financial affairs)
- Prefer not to say
- No formal arrangement
- Other (please specify):

7. Thinking about the previous three questions, have you experienced barriers while trying to help an individual make decisions, and/or make decisions on behalf of an individual?

Yes (please explain):

No

Do not know

Prefer not to say

8. A capacity assessment is an assessment completed to determine whether a person can make certain decisions in their life. These may include but are not limited to decisions about housing, finances, medical care, etc. What is your experience with capacity assessments?

Select all that apply.

I have lived experience with capacity assessments (myself or a family member) (go to question 9)

I have professional experience with capacity assessments (go to question 10)

I have no experience with capacity assessments (go to question 11)

Do not know (go to question 11)

Prefer not to say (go to question 11)

Other (please explain) (go to question 9)

9. Thinking about your personal lived experience with capacity assessments (for example, you or your family member have participated in and/or required a capacity assessment):

Please describe your experiences.

In your opinion, what are the gaps or problems in the capacity assessment process?

Do you have any recommendations for ways to improve the process?

10. Thinking about your professional experience with capacity assessments (for example, you are a healthcare provider):

Please describe your experiences.

In your opinion, what are the gaps or problems in the capacity assessment process?

Do you have any recommendations for ways to improve the process?

11. When thinking about decision-making in your community and/or for your client, loved one or self, what would you consider important?

Select all that apply.

- Making sure that legal rights are protected
- Making sure that appropriate support to make decisions is accessible
- Making sure that appropriate support to make decisions is available
- Making sure a trusted person is able to make decisions for my client, loved one and/or self when that person is no longer able to do so
- Making sure that service providers are educated about the decision-making arrangement in place
- Do not know
- Prefer not to say
- Other (please explain)

12. What type(s) of decision-making arrangements do you think need to be considered in a new decision-making framework?

Select all that apply.

- The ability to have my decisions recognized and respected by others
- The ability to receive support in communicating decisions
- The ability to receive support in making decisions
- The ability for trusted persons to make decisions for other persons
- The ability for a third party to make decisions when no trusted person is able
- Do not know
- Prefer not to say
- Other (please explain):

13. What safeguards do you think need to be considered in a new decision-making framework?

Select all that apply.

- Regular review of decision-making arrangements
- Providing an option for people to share their views, opinions and wishes throughout the decision-making processes
- If someone is to support another person's decision-making, they must show they are suitable through background checks, reference checks, or other requirements
- Adults and/or persons significant to adults have the ability to appeal decision-making arrangements
- Adults who have undergone an assessment have the ability to appeal capacity assessment findings
- Do not know
- Prefer not to say
- Other (please explain):

14. What tools and/or resources do you think will be needed for a new decision-making framework?

Select all that apply.

- Access to a lawyer
- Guideline documents to support people with decision-making processes
- Dedicated staff and/or office to support people with decision-making processes
- Do not know
- Prefer not to say
- Other (please explain):

15. Do you have any other recommendations or feedback you would like to share regarding a new decision-making framework in Newfoundland and Labrador?

**If you would like to submit this questionnaire in a written format,
please send to:**

Mail: Decision-Making Feedback
Department of Children, Seniors and Social Development
2nd Floor, West Block, Confederation Building
P.O. Box 8700 St. John's, NL A1B 4J6

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