

Framework of Decision-Making

Overview

The Department of Social Supports and Well-Being (SSWB), the Department of Seniors (SEN) and the Department of Justice and Public Safety (JPS) are creating a decision-making framework to improve legislation and policies in the province regarding substitute and supported decision making.

In Fall 2024, SSWB and JPS used an online questionnaire to seek feedback from stakeholders and the public on what is currently happening in the province regarding decision-making, as well as ideas for improvement. More consultations were held in June 2025. This feedback helped to inform a draft framework of decision-making. A second questionnaire is being launched to further inform development of the framework.

Legal capacity is a person's ability to make their own decisions, like signing contracts, choosing medical care, or deciding where to live. This is important for everyday choices like health, business, and legal matters.

There are several laws in Newfoundland and Labrador that deal with capacity and decision-making in some way. These laws include but are not limited to:

- [Advance Health Care Directives Act](#)
- [Mentally Disabled Persons' Estates Act](#)
- [Adult Protection Act](#)
- [Enduring Powers Of Attorney Act](#)
- [Mental Health Care And Treatment Act](#)

Many of these laws help people who cannot make their own decisions, which is usually done through **substitute decision-making**. This means that someone else makes decisions for a person (e.g. if a person can no longer make decisions about their medical care, their next of kin can speak with a doctor and make decisions for them). Substitute decision-making helps protect the interests of people who are unable to make their own decisions. However, human rights principles emphasize that everyone, no matter their age, ability, or diagnosis, should still have a say in decisions about their life and deserve to have the right support. Regardless of age, ability, income, or other circumstance, people should be able to guide or be supported to make decisions.

Currently, Newfoundland and Labrador does not have any laws that formally allow **supported decision-making**. Supported decision-making means that people can make decisions with the help of someone they trust rather than having someone else decide for them. This approach recognizes that many people might need help to understand options, consider pros and cons, and communicate their choices, instead of

having others make those choices (e.g. even if someone cannot fully make their own health-care decisions, they can still be involved in the process with help from a trusted person).

We want to hear from you to help inform a framework of decision-making.

How Can You Get Involved?

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

Thank you in advance for your participation.

Online Questionnaire

This questionnaire will be available until **August 21, 2026**. The questionnaire should take approximately 15-30 minutes to complete.

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

Click **HERE** to view printable version of the questionnaire.

Please note you must **log in** or **register** to complete the questionnaire.

[Click Here to Complete 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 **August 21, 2026**.

Mail:

Decision-Making Feedback
Department of Seniors
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

Video Relay Service (VRS) calls are welcome.

How Will Your Feedback Be Used?

The information we receive will be reviewed by SSWB, SEN and JPS. Feedback will be considered in the creation 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 Access to Information Coordinator for SSWB by phone at 709-729-6370 or by email at ATIPP-SSWB@gov.nl.ca. You may also contact the ATIPP Coordinator for Justice and Public Safety by phone at 709-729-0840 or by email at ATIPPJPS@gov.nl.ca or Seniors by phone at 709-729-6370 or by email at Seniors-ATIPP@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

Question 1

There are several laws in Newfoundland and Labrador that deal with capacity and decision-making in some way. These laws include but are not limited to:

- [Advance Health Care Directives Act](#)
- [Mentally Disabled Persons' Estates Act](#)
- [Adult Protection Act](#)
- [Enduring Powers Of Attorney Act](#)
- [Mental Health Care and Treatment Act](#)

What is your understanding of the current laws in the province for people to make decisions for other adults when they are no longer able to do so?

- ☐ Completely understand
 - ☐ Mostly understand
 - ☐ Somewhat understand
 - ☐ Do not understand
-

Question 2

To what extent are you satisfied with the current laws in the province for people to make decisions for other adults when they are no longer able to do so?

- ☐ Completely satisfied
- ☐ Somewhat satisfied
- ☐ Do not know
- ☐ Somewhat dissatisfied
- ☐ Completely dissatisfied
- ☐ Prefer not to say

Please explain (optional):

Question 3

Newfoundland and Labrador has laws which allow a person to become a decision-maker for matters like money and property, but there are no specific laws for other decisions such as housing, legal and social decisions. This can result in guardianship being granted instead of other decision-making options.

To what extent do you agree with creating or changing laws that could update substitute decision-making?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Prefer not to say

Please explain (optional):

Question 4

Supported decision making means that people can make decisions with the help of someone they trust rather than having someone else decide for them. Currently, Newfoundland and Labrador does not have any laws that formally allow supported decision-making.

To what extent do you agree with laws that would introduce supported decision-making in the province?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Prefer not to say

Please explain (optional):

Question 5

Supported decision-making means that people can make decisions with the help of someone they trust rather than having someone else decide for them. Currently, Newfoundland and Labrador does not have any laws that recognize supported decision-making.

If supported decision-making and updated substitute decision-making laws are introduced in the province, different types of formal decision-making arrangements may need to be considered to meet the needs of all people. In the following sections, you will be asked your thoughts on four decision-making arrangements that are being considered in the new framework of decision-making.

All adults have the right to ask for support with decisions from trusted people in their lives. This support is often informal and received in an unofficial way from friends, relatives, or other relationships. In these situations, formal arrangements may not be necessary. However, some persons experience barriers when accessing supports or services, and their informal arrangements are not recognized.

Decision-Making Arrangement A

Some adults, 18 and older, may self-identify a need for support with decision-making and choose a supporter to help them without going through a court process. For example, some adults may have communication barriers but are able to make decisions on their own. This kind of arrangement could enable a supporter to get information and communicate someone's decisions, wishes and preferences to others where there are barriers, and an informal arrangement is not accepted. This would be a new type of formal arrangement that currently does not exist in the province.

To what extent do you agree with an arrangement where adults could self-identify a need for support with decision-making and choose a supporter to help them without going through a court process?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Prefer not to say

Please explain (optional):

Question 6

Decision-Making Arrangement B

Some adults, 18 and over, may not have capacity for certain decisions and need support but are able to make decisions together with a trusted person. These adults could enter into a supported decision-making arrangement through a court process. The person and their supporter could show the court that they can make decisions together through a supported decision-making process. This could apply to any adults with a willing and suitable supporter who can participate in a supported decision-making process. This would be a new type of formal arrangement that currently does not exist in the province. This differs from Decision-Making Arrangement A as it may involve a capacity assessment and court process. A capacity assessment is an assessment completed to determine whether a person can make particular decisions in their life.

To what extent do you agree with an arrangement where adults could enter a supported decision-making arrangement through a court process where the person and their supporter could show the court that they can make decisions together?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Prefer not to say

Please explain (optional):

Question 7

Decision-Making Arrangement C

Some adults, 18 and older, may lack capacity for certain decisions and may be unable to enter into a supported decision-making arrangement, as determined through a capacity assessment. They may have trusted persons in their lives who are willing to act as their substitute decision-maker. These adults could have a substitute decision-maker appointed through a court process where it is demonstrated to be necessary. Eligible persons could include adults who cannot make their decisions through a supported decision-making process and have a person who is willing and suitable to become their substitute decision-maker. This type of arrangement exists in the province for some decisions such as money and health decisions. The proposed framework would potentially expand to other types of decisions such as housing, legal, and social.

To what extent do you agree with an arrangement where adults could have a substitute decision-maker chosen through a court process?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Prefer not to say

Please explain (optional):

Question 8

Decision-Making Arrangement D

Some adults, 18 and over, may lack capacity for certain decisions and may be unable to enter a supported decision-making arrangement and have no willing or suitable persons in their lives to act as their substitute decision-maker. These adults could have a government decision-maker appointed where a decision-maker is required to address a specific issue. This option may be considered as a last resort where other arrangements are not appropriate or possible. This type of arrangement exists in the province for some decisions such as money and health decisions. The proposed framework would potentially expand to other types of decisions such as housing, legal, and social.

To what extent do you agree with an arrangement where a court process could choose a government decision-maker to help adults make decisions in areas beyond money and health?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Prefer not to say

Please explain (optional):

Question 9

A capacity assessment is an assessment completed where appropriate and required to determine whether a person can make particular decisions in their life. These may include but are not limited to decisions about housing, money, health, etc.

A new framework of decision-making could create an updated capacity assessment model with consistent standards and rules for assessing capacity. This model could include:

- Creating a list of approved assessors;
- Setting rules about professional qualifications of assessors;
- Mandatory training for assessors; and
- Clear guidelines for assessments.

Is there anything else that should be considered for an updated capacity assessment model?

Question 10

Capacity assessments can greatly affect a person's rights, if that person is found to lack capacity for certain decisions. Capacity can improve or decline if circumstances change. Currently, there is no formal process for people to ask for a review or appeal of a capacity assessment decision.

Should the proposed framework consider a review or appeal process for capacity assessments?

- ☐ Yes
- ☐ No
- ☐ I do not know
- ☐ Prefer not to say

Please explain (optional)

Question 11

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 a person who needs support with making decisions
- ☐ I am Indigenous
- ☐ I am a newcomer
- ☐ I am a professional (health care, legal, financial, etc.)
- ☐ I am a member or representative of a community organization
- ☐ I am a member of the general public

Other (please specify):

Question 12

Are there any other ideas related to a framework of decision-making that should be considered? (optional)
