



# Whanganui Welfare Guardian Trust

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## **WHO ARE WE?**

The Welfare Guardian Whanganui Trust is a charitable trust established to:

- recruit
- approve
- train
- support and
- allocate clients to

community volunteers who then apply to be Court-appointed Welfare Guardians for people who lack the capacity to make or communicate decisions for themselves.

## **WHO IS ON THE TRUST**

The Trust has a Board of people who bring various fields of expertise and experience to ensure the Trust's aims are met.

Board members have a background in:

- social work,
- aged care representation,
- family court work,
- mental health and

the law, in particular the Protection of Personal and Property Rights Act 1988.

## **WHO NEEDS A VOLUNTEER WELFARE GUARDIAN?**

- Increasing numbers of incapacitated people have no living relatives
- Some have no local relatives
- Some have relatives who are deemed unsuitable by the Court for a variety of reasons.

## **WHO DECIDES THAT THE PERSON IS INCAPACITATED AND A WELFARE GUARDIAN IS NEEDED:**

To decide to make an appointment a Family Court Judge uses:

- the application forms and affidavit,
- a recent medical report and
- the Court appointed lawyer's report.

## **WHO CAN BE A WELFARE GUARDIAN?**

The person the Court appoints must -

- be 20 or older and capable of carrying out a welfare guardian's duties satisfactorily
- be someone who will act in the incapacitated person's best interests, and
- who does not have any conflict of interest with the incapacitated person.

## **WHAT DOES A WELFARE GUARDIAN DO?**

A) Unless a Court Order has limited their role, a Welfare Guardian can make decisions and consent to :

- non-urgent medical procedures
- accommodation and care issues
- any day-to-day matters that affect the care and welfare of the incapacitated person.

B) The Welfare Guardian must, by law,:

- act to promote and protect the incapacitated person's welfare and best interests;
- encourage them to develop and use whatever capacity they do have;
- encourage them to act on their own behalf wherever possible ;

- help them to be, as much as possible, a part of the community;
- consult with them, and with other people the welfare guardian thinks can give competent advice about the person's care and welfare, including any relevant voluntary welfare group;
- consult with the person's property manager, if the Court has appointed one;

**NOTE: Welfare Guardians have NO right to make decisions about the person's money or other assets unless specified in a Court Order.**

C) If a Welfare guardian needs guidance in carrying out their role, they can:

- ask for advice and support from the Trust
- ask the Family Court to give them directions.

### **ARE THERE ANY LIMITS ON A WELFARE GUARDIAN'S DECISIONS?**

It is illegal for a welfare guardian to-

- make decisions for the incapacitated person about entering or dissolving a marriage/civil union;
- make decisions about the adoption of any of the incapacitated person's children;
- refuse to allow standard medical treatment or an operation that is intended to save their life or prevent serious damage to their health;
- allow the incapacitated person to be given electro-convulsive treatment;
- allow any surgery or other medical treatment that will destroy or change the brain or change the behaviour of the incapacitated person;
- allow the incapacitated person to be part of medical experiment (except one to save the person's life or prevent serious damage to their health).

### **WHEN DOES THE WELFARE GUARDIAN'S APPOINTMENT COME TO AN END?**

- 3 years from the date of the order unless an application for review is made.
- the incapacitated person dies;
- the welfare guardian dies, becomes bankrupt, is detained in a mental health institution, becomes subject to a property order, or otherwise becomes incapable of being a welfare guardian;
- the Court discharges (cancels) the order when it reviews the order.

### **HOW DO I BECOME A VOLUNTEER WELFARE GUARDIAN?**

A) To be approved by the Trust the person needs to:

- complete an application form,
- complete a satisfactory police check
- be interviewed

B) Once approved the volunteer attends a training programme to:

- gain an understanding of the extent and limitations of the role of a Welfare Guardian
- learn how to make a Court application and knowledge of the Court Process
- gain an understanding of issues that might arise during their appointment.

***For further information about the Welfare Guardian Trust Whanganui, or becoming a volunteer, contact the Coordinator, Marion Sanson***

- ***wgtwhanganui@gmail.com***

- **0273913866**
- ***Or write to Whanganui Welfare Guardian Trust, PO Box 351, Whanganui, 4541***