

# Guardianship and Management Hearings – an Information Resource for Young People

**“Someone has applied to appoint a Guardian or Manager for my family member... what does that mean and why is the ACAT involved?”**

**– an Information Resource for Young People –**

Adults get to make many decisions for themselves, like where to live or what to do as a job.

Sometimes an adult might find it hard to make important decisions.

This might be happening in your family right now, to one of your parents, grandparents or siblings. It happens for lots of reasons, including physical or mental health conditions.

When this happens, a family member, a friend or even a doctor, might ask the ACT Civil and Administrative Tribunal (ACAT) to choose someone to make decisions for them – about health and welfare matters, or financial and property matters, or both.

This person is called a guardian or manager.

## **What is a guardian?**

A guardian makes decisions for your family member’s health, welfare, and wellbeing and other personal matters as allowed by ACAT. This can include where they might live, work and some medical decisions.

## **What is a manager?**

A manager makes decisions about your family member’s property, including their money. A manager must report to the Public Trustee and Guardian about how the money is spent.

## **Who can be a guardian or manager?**

A guardian or manager:

- can be another relative, a family friend or a carer;
- must be over the age of 18;
- must be willing and able to make decisions for your family member; and
- must be found by the Tribunal to be “suitable”.

If there is no suitable person, then the ACAT may appoint the Public Trustee and Guardian as guardian and/or manager.

## **Who is the Public Trustee and Guardian?**

The Public Trustee and Guardian is a government service that aims to promote and support the rights, interests and life decisions of members of the community.

### How is a guardian or manager chosen?

To choose a guardian or manager for your family member, the ACAT will have a meeting of all interested persons at the Tribunal.

As part of the meeting an ACAT Member will talk to your family member and anyone else that is involved.

This could include you, other members of your family, your family's friends, a social worker and/or a doctor.

We call this meeting a **hearing**.

### What can the ACAT do?

The ACAT can help to protect your family member by:

- deciding whether they need a guardian or manager;
- choosing a suitable guardian or manager to make the best decisions for your family member;
- deciding what kinds of decisions the guardian or manager can make; and
- deciding when the appointment of a guardian or manager should be reviewed.

### Can the guardian or manager do whatever they want?

No. When making decisions, the guardian or manager must talk with your family member and ask them what they think and what they want. They need to respect your family member's wishes unless doing so would put that family member at risk, in which case they must act in the family member's best interests. They must talk to all the people involved in caring for your family member.

### Can the ACAT's decision to appoint someone as a guardian or a manager ever be changed?

Yes. The ACAT reviews all decisions to appoint guardians and managers at least once every 3 years, and at any time if asked.

When it reviews an appointment, the ACAT may:

- confirm the current guardian or manager;
- change the guardian or manager;
- change the decisions the guardian or manager can make; and/or
- decide a guardian or manager is no longer needed.

### What should you do?

In general, you do not need to do anything. The Members at the ACAT will help you and your family.

If you want to go to the hearing, you can. If you do go, the Member may ask what you think should happen. You can choose to answer or not. You might just want to listen and that is okay. But you are welcome to participate and have your say about what should happen to your family member.

If you have questions about the process, we have people at the ACAT who can talk with you or help you find the answers you need. You may call the ACAT on (02) 6207 1740 or email us at [tribunal@act.gov.au](mailto:tribunal@act.gov.au).

You may also want to talk to the Children and Young People Commissioner, whose job it is to hear from young people and help them understand their rights. You can call on 6205 2222 or email [actkids@act.gov.au](mailto:actkids@act.gov.au).

The Youth Law Centre within Legal Aid ACT also provides free and confidential advice to young people. You may want to contact them to talk about your rights or seek help from them to represent you. You can call on 1300 654 314 or email [ylc@legalaidact.org.au](mailto:ylc@legalaidact.org.au).

### **Where can I get support?**

You may want to seek support from Kids Help Line, who you can speak to about how you are feeling. You can call on 1800 55 1800, email at [admin@kidshelpline.com.au](mailto:admin@kidshelpline.com.au) or visit their website at [kidshelpline.com.au](http://kidshelpline.com.au).

You also may want to connect with other people in a similar situation. The Young Carers Network provides support, information, and shared stories from other young carers. You can contact them through their website at [www.youngcarersnetwork.com.au](http://www.youngcarersnetwork.com.au).