

WeirFoulds Associate Claire McNevin discusses protections for adults without capacity with *Lexpert Magazine*

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By

On February 16, 2021, *Lexpert Magazine* published an article authored by Claire McNevin, Associate in WeirFoulds' Wills, Trusts and Estates and Commercial Litigation Practice Groups.

In her article, Claire discusses Ontario's critical legal protections for incapable adults including vulnerable people and seniors. She explains that one key framework for protecting the rights of those lacking capacity in Canada is the guardianship system – a legal mechanism whereby the court appoints a guardian to make property and care decisions for those who cannot act for themselves. She explains what guardians are, how they are created and operate, and how the guardianship system aims to prevent abuse and exploitation of vulnerable individuals.

She goes on to discuss the checks and balances of the guardianship system under the *Substitute Decisions Act* ("SDA"), the governing act for guardianships in Ontario, and how these safeguards prevent abuse and exploitation.

Claire draws comparisons and differences between guardianships in Ontario and conservatorships in California while discussing the popular Britney Spears case that brought the real and potential issues with guardianship and substitute decision making into sharp focus.

To read the full article in *Lexpert Magazine*, click [here](#).

To learn more about WeirFoulds' Wills, Trusts and Estates Practice Group, click [here](#).

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