



PART 2

Let's Talk About Legal Capacity



INTRODUCTIONS



To begin the conversation, ask everyone to introduce themselves. Ask people to take turns answering these questions.

- What is your name?
- How do you know the people who are here today?
- What did you have for breakfast today?

People do not need to give long answers. Each person should answer in 1 or 2 minutes.

PART 1 – Making Decisions



Making decisions is a very important part of life. We make big and small decisions every day. All of us here today have already made decisions about our day.

Have you ever thought about breakfast as a decision you have to make? When it is time to have breakfast, people decide what they will have. They might have cereal, toast, or eggs. They might decide they will not have breakfast at all.

We make decisions like this every day. We decide what shirt we want to wear. We decide what movie to watch. We decide if we are going to have a salad or a hamburger for lunch.

Question

What decisions did you make for yourself before you came here today?



Some decisions are small, like what to eat for breakfast. We also make big decisions in our life. We decide where to live, who to love, and how to spend our time. All these decisions are important. They affect us every day. They can affect our whole lives. That is why it is important to have control over big and small decisions about our lives.

When we have control over our own decisions, we can live the life we choose to have. When we do not have control, we feel it is not fair. It can be hurtful. We can lose the enjoyment of being who we are meant to be.

It is important to respect the decisions other people make. It is also important to make sure our own decisions are respected.

Questions for Discussion

1. Did you decide for yourself what to have for breakfast today?
2. Did someone else decide for you?
3. How would you feel if someone else decided what you could eat every day?
4. Where does that happen?

PART 2 – Decision Making and Legal Capacity



We are going to talk about something called Legal Capacity. Capacity means being able to do something. When someone has Legal Capacity, the law recognizes that they can make decisions. They can make big and small decisions about their own life. Other people must respect their decisions. This is true even if other people do not agree with those decisions.

People are allowed to make their own decisions because they have Legal Capacity. Most of the time, people believe that other people can make good decisions. They can decide to enter into a legal agreement. They can open a bank account. They can decide where to live.

This is not always true for a person who is labelled with an intellectual or developmental disability. People think they cannot make good decisions because they have a disability. This is not fair.

Labelled people can have their Legal Capacity taken away. This happens when other people decide not to listen to or respect their decisions.

This happens all the time. Banks, insurance companies, or hospitals decide a person cannot make decisions because of their label. They are not allowed to make their own decisions or their decisions are not respected. They are not allowed to decide about their own health, or their money, or how they live.

Example

Let's look at an example.

John has an intellectual disability. He has just started a new job. He needs information about his bank account to give to the payroll department at work. He needs this so that he can be paid. John goes to his bank and asks for the information.

The bank teller does not want to tell him. She asks John to show her a letter to prove he has a job. John is surprised that this is needed. He says he does not have that kind of letter with him.

The bank teller looks in his file and calls John's mother. She asks John's mother if it is okay to give John his own bank account information.

John does not get the bank information he needs for his new job. He has to go back to the bank two more times before they share this information with him.



Questions for Discussion

1. Why do you think the bank teller did not give John the information when he asked for it?
2. How do you think John felt when the bank teller did not give him his own bank information?
3. How did he feel when the bank called his mother?
4. Have you ever gone to a bank and not been given the service you needed?
5. Have you ever visited a doctor who did not think you could make decisions about your own health?
6. What happened? How did it make you feel?

PART 3 – The United Nations Convention on the Rights of Persons with Disabilities



Who has the right to make decisions about their own life? Everyone does! How do we know this? In Canada, it is the law.

You may have heard about the United Nations Convention on the Rights of Persons with Disabilities. Maybe you wondered what it is and why it is important.

The United Nations is an organization that works for peace and human rights around the world. Sometimes people call it the UN.

In 2006, the UN made a treaty called the Convention on the Rights of Persons with Disabilities. A treaty is an agreement between countries. Sometimes people call this treaty the CRPD. When we talk about it today, we will call it the Convention.



The Convention says that people with disabilities have the right to be treated equally. They should be treated just like everyone else. Canada signed the Convention in 2010 and agreed to follow it.

One part of the Convention is called **Equal Recognition before the Law**. This means that people with an intellectual or developmental disability have equal legal rights, just like everyone else. Other people cannot make decisions about people's lives for them just because they have a disability.

The Convention says that people with disabilities have the same rights as everyone else. They can do the following things themselves.

- Make their own decisions. They can decide where to live and how to spend their own money.
- Demand their rights. They have the right to health care and safety.
- Take part in society. They have the right to vote and have a job.

Some people wonder if people labelled with an intellectual or developmental disability have the right to make their own decisions. When this happens, we can tell them about the Convention. We can remind them that in Canada, the right to make decisions is protected. It must be respected.

Questions for Discussion

1. What do you think are the basic human rights?
2. What human rights do you think the Convention protects for people with disabilities?
3. Why do you think Canada signed the Convention?
4. Is Canada doing a good job protecting the rights of people with disabilities?
5. How would you rate Canada on a scale of 1 to 10? One means Canada is doing a very bad job protecting the rights of people with disabilities. Five means it is doing an OK job. Ten means it is doing a great job.
6. Why did you give Canada that rating?

PART 4 – Supported Decision-Making



Sometimes people need help to make decisions. They may also need help telling other people what they have decided. This is called supported decision-making. Even when people need support, they still have the right to make their own decisions.

What kind of support could someone need to make a decision? Here are some examples.

- Having someone explain different options when they are deciding what kind of bank account to open.
- Getting someone to help them hold a pencil when they are voting in an election.
- Asking a doctor or dentist to use plain language to explain a medical problem.
- Having someone speak for them if they do not communicate verbally.

People who need support do not lose the right to make their own decisions. The Convention says that people with a disability have the right to have support when they make decisions.

People who need support to make some decisions might not need support to make other decisions. Someone could need help to pick a bank account but not to decide what to have for breakfast. We should support people who need it when they ask. They should have the support they need, but only as much as they need. Giving support does not mean that someone else gets to make the decision.





Time for thinking

All of us here need support some of the time. Having support does not mean that we cannot make our own decisions. It does not mean that our decisions should not be respected.

Think about the times when you ask other people for advice or support. What kind of decisions do you ask for support about? It could be decisions about money, your health, or where to live.

Questions for discussion

1. Do you ever ask for help when thinking about a decision or a problem?
2. Think about a big decision you have made in your life. This could be a decision about where to live, how to spend your money, or another important thing. When you made that decision, did everyone agree with you?
3. What was that like?
4. Did you still get to make the decision yourself?
5. Share a story about a time that you made a decision that someone else did not agree with. What happened?

PART 5 – What Can We Do?



Let's talk about what we can do to support the rights of people labeled with an intellectual or developmental disability to make their own decisions?

We can take the following actions.

- Educate each other. This conversation was a good place to start.
- Work to change the laws in Canada. The law should support everyone's right to make their own decisions. We can talk to elected officials and tell them this is important to us.
- Work to change institutions like banks, hospitals, and agencies. They need to allow all people to make decisions about things that affect them. We can remind them that everyone has this right. We can encourage them to change rules that prevent people from making their own decisions.
- Offer support to people who need it. Let them show you how much support they need.

What else can we do to people to make their own decisions?
Can you think of anything else that you want to share?

Let's Make a Change

We all have the right to live an ordinary life. We make decisions and make plans. We hope that we are successful. People with an intellectual or developmental disability have the same right to make those decisions. They can make small decisions and big ones.

Let's continue to support that right. Let's share this knowledge with our communities. That is how we can make a change.



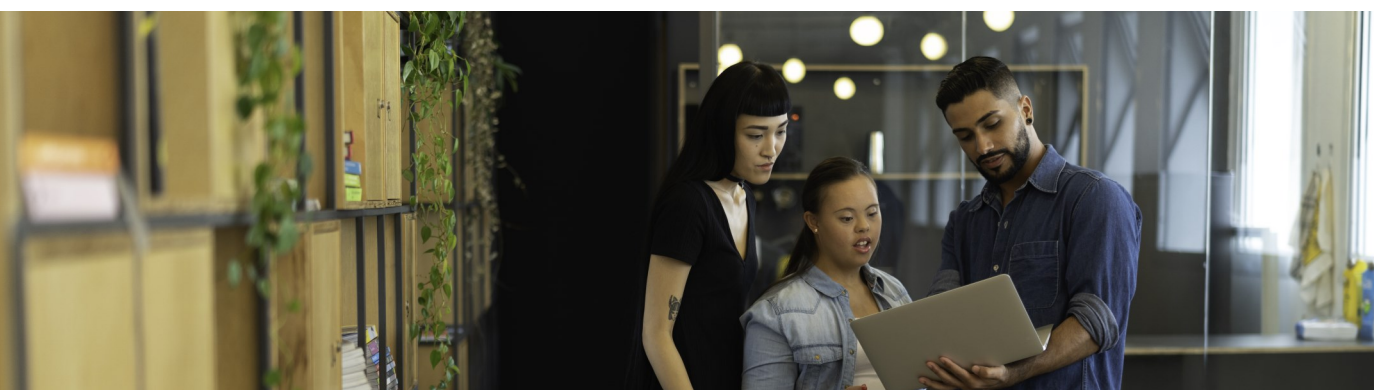
Thinking about solutions

Let's talk about ways that we can solve problems that people have making decisions.

- What can people do if someone questions their Legal Capacity? This is when someone tells them that they cannot make their own decision. It could be a bank, a doctor, or a family member.
- Is there anything they can do or someone they can talk to?
- Think about John and his experience at the bank.
- When the bank teller did not give John his own banking information, what could he do?
- Who could he talk to?
- What could he say?
- Who could help him?
- Who could give him support?
- What could the bank do to make John's experience better time?
- How can agencies and community groups help John so this does not happen again?

CONCLUSION

Thank you for being part of our conversation today. I hope it has helped you learn more about Legal Capacity. When you know about Legal Capacity you can protect your right to make decisions. You can also help other people.





Inclusion Canada
c/o WeWork
1 University Avenue, 3rd Floor
Toronto, ON
M5J 2P1

inclusioncanada.ca
inform@inclusioncanada.ca

 @InclusionCanadaFB

 @InclusionCA