

**Review of the Adult Capacity  
and Decision-making Act**

Summary of  
**What We Heard**

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Submitted by:



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## Review of the Adult Capacity and Decision-making Act

# Summary of What We Heard

This section of the report summarizes “what we heard” from Nova Scotians. What follows are the dominant themes emerging from the consultation process.

The results of the ACDMA Review Public Consultation reveal general support for the purposes and design of the ACDMA. There are, however, significant issues with how it has been implemented, particularly where it intersects with other legislation. There was general support for increasing the recognition of supported decision-making, the need for education on the elements and principles of supported decision-making, and a desire for formally incorporating supported decision-making in the ACDMA.

Most participants reported that the Act’s values and principles aligned with their personal, professional, and organizational values, particularly in the area of respect for a person’s rights and recognizing a spectrum of capacity. Consultation participants also reported that they appreciated that the Act defines capacity as separate domains and not as “all or nothing”. Having more than one health profession which can conduct assessments was also seen as positive by participants.

Lack of information about and access to the ACDMA were common themes. Participants with experience applying for representation under the Act reported challenges with almost every step of the application process as well as high financial and personal costs associated with completing that process. Some of these challenges are directly related to the Act, and others are also “system-wide” (e.g., capacity assessments). Generally, participants reported that the ACDMA worked well if it can be accessed, when it is used appropriately, and if there is a person willing to be a representative.

Consultation participants shared many suggestions of ways to improve the legislation and its effectiveness, including providing more information and assistance to support the application process, streamlining the process, improving the capacity assessment process, eliminating or reducing costs, and addressing broader system issues. There was general consensus among participants that more and ongoing training and education was needed for the ACDMA to have its intended reach and impact.

Participants asserted that supported decision-making could only be implemented if people know about and understand the concept. Throughout this consultation, participants stressed the importance of people having more information about supported decision-making and having access to supported decision-making. They also said that the principles of supported decision-making should not be limited to the ACDMA; rather, they should be applied to other legal frameworks such as Personal Directives, Powers of Attorney, and Substitute Decision Maker.

Many participants strongly suggested the ACDMA should recognize formal supported decision-making approaches. Participants were generally unable to provide concrete methods but agreed that a stronger understanding and knowledge base of supported decision-making approaches and best practices that have worked well in other jurisdictions should be explored further. The theme of these conversations centered around human rights, person-directed planning, and the importance that whatever is put into legislation be grounded in the principles enshrined in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). As one participant expressed, *"I think that our systems should be geared towards trying to maximize capacity so we can do the best by the most."*

Throughout this consultation, professionals, adults with disabilities, seniors, and families expressed their concerns about contextual influences on decision-making such as vulnerability, risk, and marginalization, which they identified as being strongly associated with poverty, inadequate housing, and poor health. These voices emphasized the importance of leaders both strengthening the ACDMA in its culture shift on capacity and rights and recognizing supported decision-making processes similar to those practices taking place in other Canadian provinces.