

[readers' note: when considering the recently-increased potential for similar scenarios to arise in other Canadian provinces through legislative, provincial empowerment of 'public health & safety' bureaucrats, one might ponder whether it was Manitoba's provincial government "stepping in" that deliberately caused this denial of individual and family decision-making rights to begin with, before asking them to "step in" again, to fix the problems that they have created for their individual citizens and families?]

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This can't continue

Criminals have more rights than people under Trustee

By Tom Brodbeck -- Winnipeg Sun

If you think the province's Public Trustee does a thorough examination of people before they take over their lives, seize their bank accounts and confiscate their pension cheques, think again.

The Public Trustee -- which has sweeping, arbitrary powers to take over the affairs of people deemed incompetent -- in fact, does no analysis at all.

It's a startling revelation and it comes in the wake of an explosive story over the weekend in The Winnipeg Sun of how North End man Thomas Hanaway, 80, had his life taken over by the government against his wishes, even though he lives with his wife and son and receives daily home care visits.

The story has triggered a firestorm of controversy and The Sun has been flooded with phone calls and e-mails over it.

"The Public Trustee has no knowledge of a person or a situation prior to its appointment," Manitoba's Public Trustee Anne Bolton told The Sun. "We don't have any knowledge of the situation until we're appointed."

And once they're appointed, there's no review of the situation -- they just move in and take over.

That's what happened June 6 when the Public Trustee took over all the affairs of Hanaway, including withdrawing \$900 from a joint bank account he shares with his wife Grace Hanaway.

Shoot first, don't ask questions

The Public Trustee did no review of Hanaway's situation before taking over his life, made no home visit and did not consider any alternatives to the intrusive step of assuming full control of his life.

"When the Public Trustee receives the appointment then it commences action," said Bolton.

And there are no requirements the Public Trustee review any of the information about a "client" before taking over, said Bolton.

It's shoot first and don't even ask questions later.

Under Manitoba's Mental Health Act, the province's director of psychiatric services has the power to deem anyone unfit and appoint the Public Trustee to take over their lives.

They do not have to consult with the family before making the decision, although they allow them to make a submission in writing before making the order.

But what's even more unbelievable is that no one -- not the Public Trustee nor the director of psychiatric services -- is required to inform the client or the family of the reasons behind the order to seize control of their lives.

The family has no rights in the process whatsoever, even if they have power of attorney over the family member in question -- which Grace Hanaway has over her husband.

"Because if the director is making that kind of a finding, the director is of the opinion that the families through their own inabilities or bad faith are not serving the best interests of that individual," said Bolton.

So the director doesn't have to inform the Public Trustee of his decision and the family is not allowed to know the specifics.

Criminals have more rights than someone being taken over by the Public Trustee.

At least they're presumed innocent until proven guilty and they eventually have their day in court where all the facts come out in front of a judge.

Not so with the totalitarian, communist-state approach of the Office of the Public Trustee. They just take over and that's the end of it.

There is one avenue of appeal after they've taken your money and seized your assets. Family can apply to the Court of Queen's Bench for what's called a private committee, where the family is appointed to run the person's affairs instead of the Public Trustee.

But that usually costs thousands of dollars in legal fees and you don't always win.

Meanwhile, the Public Trustee is charging you fees to run your affairs, including a 3% cut from your income.

Which is really a conflict of interest. The more "clients" the Public Trustee has -- and they have 3,500 living ones right now -- the higher their revenue, because they operate as a special operating agency, which is arm's length of government and is supposed to be financially self-sufficient.

This entire thing is a disaster and the provincial government should move in and do something about it. This can't continue.