



# Legal Capacity

> our vision:



Prince Edward Island  
Association for  
Community Living  
**Diversity includes.**

**The PEI Association for  
Community Living**

902.393.3507

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Facebook: PEI Association  
for Community Living

Islanders with disabilities will be recognized by law on PEI as individuals who can freely exercise their full legal capacity and have access to the required supports to do so.



**My son turns 19 in a few months; do I need to go to court to become his Guardian?**

**My parents are getting older and are concerned about what will happen to my brother who has an intellectual disability in the future. Do I need to establish guardianship to provide care for him?**

**Opening a Registered Disability Savings Plan has been a real struggle for me.**

**Are there other viable alternatives to guardianship?**



To find out more information on what we are doing to advance Legal Capacity on Prince Edward Island, please contact: (902) 393-3507 or visit our website at [www.peiacl.org](http://www.peiacl.org) or follow us on Facebook at PEI Association for Community Living.



# Equal Recognition Before the Law

## > article 12

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.
5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

To view the entire United Nations Convention on the Rights of Persons with Disabilities (CRPD), please go to: <http://www.un.org/esa/socdev/enable/rights/convtexte.htm>

**Canada**

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