

## Communication and Capacity

March 2013

- Voiceover** Colin Philips discusses the need for communication supports during legal capacity assessments with Pamela Cross, lawyer.
- Colin Philips** There are just bound to be instances where folk like Krystine and I who work at full time and lead really quite normal lives will have to interact with the legal system. We may want to draw up a will, buy a house etc, but where Krystine and I have a big advantage is it is doubtful that our capacity would be questioned. For sure where that does happen, it is vital to separate the question of cognitive ability from the question of communication. So how does facilitating adequate communication alleviate any questions relating to capacity?
- Pamela Cross** So, are you saying that in the instance of capacity assessment the issue of communication has to be resolved first?
- Colin Phillips** Yes.
- Pamela Cross** And then when there is proper communication support whether that's a tool or an assistant, then the capacity assessment can be done properly?
- Colin Phillips** Yes.
- Pamela Cross** Okay. That's really helpful.
- Colin Phillips** For example, someone with aphasia may not be able to process normal communication, but with an assistant they can and more importantly can definitely comprehend what is going on.