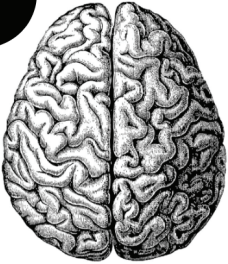


Understand representation agreements

A representation agreement is a legal document. It's designed to be used at a time **when you need help** making certain decisions. Like end-of-life decisions. Or decisions about: where you'll live, your every day care, and even juggling finances. There are **two types** of agreements. Learn about the differences between the two.

1



CAPABILITY

The legal test:

Are you able to understand the **nature and consequences** of making an enhanced representation agreement?

In other words, could you fully appreciate:

- the powers you'd be handing to your representative under the agreement, &
- the consequences of doing so?

NO

You might be able to make a standard representation agreement

In determining whether someone can make a standard representation agreement, all relevant factors need to be considered. For example, whether the adult:

- communicates that they want a certain person to help them make decisions,
- demonstrates choices and preferences,
- expresses feelings of approval or disapproval of others,
- is aware that the representative may make choices that affect them,
- has a relationship of trust with their representative.

STANDARD representation agreement

often called a section 7 representation agreement

Because of their lower threshold of capability, **standard representation agreements** are typically used as soon as they are signed. May be appropriate for an adult:

- with an intellectual disability,
- who's suffered from a traumatic brain injury,
- experiencing age-related mental decline, or
- who's capable, but only wants to give someone standard powers over their affairs.

YES

You can make either type of agreement

ENHANCED representation agreement

often called a section 9 representation agreement

Enhanced representation agreements can only be signed by someone who is legally capable. So typically, a representative will only act when needed, some time in the future.

TIP Capability shouldn't be based solely on a diagnosis or IQ. And it *cannot* be based on the way someone communicates.

Keep learning

What powers can I give to my representative?

2

Answer: It depends on the type of agreement you have.

STANDARD representation agreement

often called a section 7 representation agreement

A representative can be given **standard powers** in all or some of these areas.



+ / or

Health care includes routine tests, dental work, eye care, physio, medicine, major surgery, dialysis, radiation, diagnostic tests, chemotherapy.



+ / or

Personal care includes diet, dress, exercise, social activities, where you live and work, spiritual matters, who you spend time with.



+ / or

Routine finances includes dealing with bills, income, bank accounts, insurance, taxes, paying off loans. Doesn't include real estate, taking on new loans.



Legal matters includes dealing with legal issues, getting legal advice and services, instructing a lawyer.

ENHANCED representation agreement

often called a section 9 representation agreement


A representative can be given **enhanced powers** in health care and personal care only. You can choose to give your representative:

1

General power to do anything they consider necessary in relation to your health care and personal care



+

Health care includes the standard powers from the column to the left,  plus power to refuse consent to life-supporting treatments, such as CPR



Personal care includes the standard powers from the column to the left, plus 



power to restrain, move, or manage you to provide you care (even if you object)



power to consent to admission to certain care facilities*

*subject to a proposed change in law

OR

2

Specific powers to do certain things related to health care or personal care. For example, you must specifically say so in your agreement if you want your representative to have the power to:



consent to experimental health care treatment



consent to specific treatments, even if you object at the time



arrange for care and education of your minor kids



interfere with religious practices



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