

## Representation Agreement

### Section 9 Non-standard Powers (RA9)

For adults who meet the traditional definition of capability



*Making a Representation Agreement is about quality-of-life to the end-of-life. It gives us peace of mind.*

Most links are for resources at [www.nidus.ca](http://www.nidus.ca) > Information (blue menu bar) > [Representation Agreement](#) You may wish to read the Representation Agreement Overview fact sheet in that section.

#### What is a Representation Agreement?

A Representation Agreement is a legal document under the Representation Agreement Act of BC (RA Act). This law came into effect on February 28, 2000. There were some amendments (changes) to the law as of September 1, 2011.

There are two types of Representation Agreements (RA7 and RA9) and they have different capability requirements.

#### Who is this fact sheet for?

This fact sheet is **for adults who are capable of understanding** the Representation Agreement section 9 (RA9) at the time they are making it.

If you are helping an adult whose capability to 'understand' is in question, please see the [Nidus RA7 fact sheet](#). A Representation Agreement under section 7 (RA7) has a different definition of capability than the RA9. Please read the information that applies to the situation or you may be confused.

#### Who may make an RA9?

Making an RA9 depends on:

- Age; and
- Capability requirements.

You must be **at least 19 years old** (the age of adulthood in BC) in order to make an RA9.

You must also meet the capability requirements listed in section 10 of the RA Act, which say **you must understand the nature and consequences** of the proposed RA9. This means you must understand the kinds of matters that are covered in your RA9 and the effect of authorizing a representative to make decisions about them.

The RA9 capability requirement is based on the traditional definition of capability — 'understand nature and effect.' (Some countries use the term 'appreciate nature and effect/consequences'.)

#### What matters are covered by an RA9?

An RA9 can provide the most comprehensive coverage for health and personal care matters. It does NOT cover any financial matters. The authorities covered by an RA9 are discussed on pages 2-3.

**Nidus provides RA9 forms on its website.**

#### What document do I make for financial affairs if an RA9 does not cover this?

Most people will make an Enduring Power of Attorney (EPA) to cover their financial and legal affairs. It is the most comprehensive legal planning document for those matters.

By making an RA9, an EPA, and a Will, you have completed the essential planning documents. You must make these documents when you are capable of understanding. This way, the RA9 and EPA can be used when you are alive and if you lose capacity to understand. A Will is used after your death.

More options and details about planning for financial and legal affairs are discussed on page 4.

#### What are some examples for an RA9?

Geraldine was **recently diagnosed with Alzheimer Disease** and is concerned about her ability to make decisions and manage her affairs in the future. She learned about Representation Agreements through her support group and decided to make an RA9 through Nidus.

*Geraldine named her husband, Hank, and daughter, Sara, as her representatives. Geraldine feels better about her future, knowing that she has put legally enforceable arrangements in place. The people she trusts and who know her best will be able to ensure she is treated with dignity and respect even as her capability may be affected by dementia.*

*Equally important, Hank also made an RA9. He does not have a specific diagnosis but he knows that it is important for Geraldine's well-being that his affairs are in order. He names Sara as his representative and his son Hank Jr. as his alternate.*

Michael has an **inoperable brain tumour**. Michael made an RA9 and named his friend, Gustav, as his representative. Although Michael took part in experimental therapy at an earlier stage of his illness, he has decided he does not want further treatments, however promising. He wants to be sure Gustav can refuse these treatments if he becomes mentally incapable, and even if the doctors believe these could extend or prolong his life. Gustav will also have authority to consent to pain medication and comfort care for Michael. Michael feels reassured that the RA9 will enable him to die with dignity.

Tammy is a **single mom with sole custody** of her two sons, ages 5 and 7. Tammy has breast cancer. She is about to have surgery and wants to prepare for various situations that may arise. Tammy's common law spouse, Sandra, will be looking after her sons and Tammy wants to ensure that Sandra has the legal authority to look after their well-being. Tammy learned that an RA9 can include the authority to make arrangements for the care and education of an adult's minor children. Tammy made an RA9 naming Sandra as her representative and Tammy's sister as the alternate. The RA9 gives authority to make health and personal care decisions for Tammy and also manage the care and education needs of her sons. Tammy made an Enduring Power of Attorney in case Sandra needs to use Tammy's money to cover any financial needs of her sons.

*When Tammy gets through the surgery and follow-up treatments, she and Sandra plan to get married and Sandra will adopt the boys so she and Tammy will both have parental rights (and responsibilities). Sandra will also make an RA9 with authority to cover the care and education of minor children. (A Will lets parents appoint a guardian for minor children, but a Will only applies after death, not in the event of incapacity.)*

Jazmin has an **episodic mental illness**. There are times when she is well and other times when her judgement and insight are affected by the mental illness. Jazmin made an RA9 when she was well and met the capability requirements to understand. She wants her representatives to be able to consent to treatment when she is mentally ill, even if she refuses treatment at that time. This way, her representatives can give voluntary consent and Jazmin will not be involuntarily committed under the Mental Health Act of BC. If Jazmin is under the Mental Health Act, her representatives are limited in some of their authorities. The Mental Health Act also does not recognize Jazmin as having the same consent rights as other British Columbians—even if she knows what treatments are most effective.

### Who should make an RA9 and when?

Although the examples above all describe situations where the adult has a diagnosis or condition, an RA9 is for anyone 19 years and older who meets the capability requirements. See the discussion on appropriate planning for young adults on page 5.

The best time to make an RA9 is before a crisis occurs, because a health crisis might affect your capability to make an RA9. If you make an RA9 in advance, you can always revoke/cancel it and make a new one. Most people will make more than one Representation Agreement in their lifetime.

### What does the RA Act say about capability?

The RA Act, section 3, states that until the contrary is demonstrated:

- Everyone is presumed capable of making their own decisions and of making a Representation Agreement, and
- The way an adult communicates does not prevent them from making a Representation Agreement.

### What is required for capability to make an RA9?

Section 10 of the RA Act outlines the capability requirements for making an RA9. As noted on page 1, **you must understand the nature and consequences** of the RA9, at the time of making it.

Usually people have a good sense about capability to make an RA9 based on reading the Nidus fact sheets and experiences with service systems. A medical assessment is not required.

You must be careful not to apply requirements or evaluations from other laws, government policies, or medical assessments to the RA9. For example, it would be wrong to assume that everyone who receives benefits from Community Living BC (a Crown corporation) is automatically not capable of making an RA9. Many self-advocates, especially those who were former residents of Woodlands, have a good understanding of matters covered by an RA9 from personal experiences in Woodlands.

### How do I make an RA9?

You do not have to consult a legal professional to make an RA9. Nidus has produced a Basic RA9 form or you can order a Custom RA9 if you need or want something different than the basic set-up. The following headings provide some details. Page 8 explains where to find the RA9 forms by Nidus.

### What authorities are available under section 9?

The authorities listed in section 9 of the RA Act can cover all health and personal care powers possible. The RA Act lists some of the same health and personal care powers under section 7, for the RA7, but not as many as those available under section 9, for the RA9, because of the different capability requirements.

Section 9 provides **general wording** to cover most powers or authorities in an RA9, including the authority to refuse life supporting health care.

Some authorities listed in section 9, have to be **specifically mentioned** if you want them in your RA9. They are not covered by the general wording.

### What is included in the Nidus Basic RA9?

Nidus provides Representation Agreement forms on its website, for personal use. The Basic RA9 by Nidus is more comprehensive than the RA9 form provided online from the BC Ministry of Attorney General and in the BC Ministry of Health 'My Voice' booklet. The Nidus RA9 is also more flexible and accessible than many RA9 forms by legal professionals, who tend to use wording from the government form, even though it is not required by legislation. Nidus recorded a video to explain some issues — go to [www.nidus.ca](http://www.nidus.ca) > Get Help > Videos

The Nidus Basic RA9 is for 1 representative and 1 alternate (who moves up if the representative is temporarily or permanently unable to act).

### What is NOT included in the Nidus Basic RA9?

The Basic RA9 form by Nidus does NOT include the following authorities available in section 9:

- Interfering with your religious practices;
- Making temporary arrangements for the care and education of minor children or others you support;
- Allowing your spouse to continue to act as your representative, even if your relationship breaks down.

You can order a **Custom RA9** form by Nidus if you need or want any of the above authorities in your RA9 or a different configuration of the roles. Some people want to name two representatives (like Geraldine in the example on page 1) or one representative and two alternates. There is a modest fee for a Custom RA9 to cover our costs as we do not receive funding to help with this.

### How are authorities different from wishes?

A legal planning document is about giving legal authority to those you name in it. This applies to a Representation Agreement, a Will, and types of powers of attorney. Those you name or appoint need authority or they will not be able to apply your wishes and values.

Although a representative has legal authority for a particular matter, how they use that authority will depend on the circumstance at hand. Your wishes and values also guide the use of their authority.

For example, the general authority in an RA9 includes the authority to 'move or manage me despite my objections in order to provide health

care or personal care.' This does not mean your representative will do this, but, it lets them be involved if a situation arises where your ability to understand is being affected by illness or injury.

Let's say you are objecting to take a test that the representative believes will be helpful to determine the best health care treatment for your future care and quality-of-life. Your ability to understand is affected by dementia. The RA9 gives your representative authority to authorize the health care provider to move or manage you in order to accomplish the test.

If you cross out this authority, then your representative has no authority to insist on being informed of such matters and has no authority to give or to refuse consent, according to your wishes. Without the authority they cannot oversee the actions taken and request changes if necessary.

### What about wishes? Do I write them down?

Nidus and the top legal experts in this field recommend NOT including written wishes in your RA9. These can backfire.

If you write wishes in your RA9, then third parties — such as hospitals, health authorities, care facilities, the Public Guardian and Trustee — will feel concerned to interpret these and decide if, when, and how your wishes can be followed.

This can be very upsetting for your representative (often a spouse or family member who had discussions with you about your wishes), if interpretations are different and lead to delay, extra costs, and treatments you did not want.

We know that some legal professionals include wishes when they draft an RA9. In many cases they use 'canned wishes' from samples they got in a course or off the Internet. The whole point of wishes is that they be specific and unique to the individual. The law does NOT require you to write down wishes.

Dialogue between parties and your representative is valuable. It is best to limit the RA9 to who and what is authorized. Dialogue can focus on current circumstances and the representative can bring forward your wishes as they apply.

If you feel the need to write down wishes, do it on a separate piece of paper and discuss them with your representative(s) and alternate(s). You will need to have ongoing discussions. It is also important to talk with those you did not name in your RA9 about your expectations.

You will find a great resource on the Nidus website called the [Values and Beliefs Discussion Guide](#)

### What if I have a living will?

A living will is not a legal document in BC or Canada or even most states in the USA. The living will originated as an informal way for people to express wishes to refuse health care treatments that might prolong their end-of-life.

Some legal professionals refer to the RA9 as BC's legal living will. While this may serve as a shorthand explanation, it gives the wrong impression. The RA9 covers many more quality-of-life situations than a living will approach.

If you made a living will, you can discuss it with those named in your RA9 and give them a copy to use as guidance. It is a good idea to review it with them at least once a year.

### How does MAiD fit with an RA9?

The RA9 is a legal document and is separate from the document used to request Medical Assistance in Dying (MAiD). An RA9 covers many more situations and is an essential planning document for all BC adults.

Making an RA9 does not prevent you from requesting MAiD; it gives you more options in case you are found not eligible for MAiD or you become incapable before you can request MAiD or you are incapable before it can be administered.

Both an RA9 and MAiD enable **dying with dignity**.

MAiD can be characterized as 'dying WITH medical intervention.'

An RA9 can be characterized as 'dying WITHOUT medical intervention.' (A representative can refuse treatments.)

MAiD is when a physician or nurse practitioner prescribes and may also administer a medication(s) to cause an individual to die. The individual must be 18 years or older and mentally capable to understand the nature and effect of MAiD at the time they request it and when it is administered. The individual must be found eligible for MAiD by two qualified practitioners. See the [Nidus fact sheet on MAiD](#).

As discussed in the example for Michael on page 2, an RA9 gives a representative authority to refuse life supporting health care as well as authority to consent to pain relief and comfort care.

BC's health care consent legislation also allows an adult, like Michael, who is capable of informed consent to **refuse health care**—medical interventions—on any grounds. The RA9 is a way to give a representative this authority if you become incapable. A representative applies your wishes and values according to the circumstance.

All provinces in Canada and many countries have legislation similar to an RA9 that enables someone to authorize another individual to refuse health care on their behalf.

MAiD received much more publicity than the provincial laws about refusing life-prolonging treatments. This may be due in part to the active role of medical professionals in determining eligibility and prescribing interventions. Many of them are helping to educate about MAiD.

Groups who lobbied for MAiD continue to lobby for more changes such as allowing advance directives/advance consents. BC's example of the limited usefulness and lack of safeguards for stand-alone Advance Directives may be important to the debate.

### How does an RA9 fit with Advance Directives?

BC's legislation for Advance Directives, which came into effect on September 1, 2011, says adults can give stand-alone instructions about health care treatments they do or do not want if they are determined mentally incapable. A health care provider can apply the stand-alone instruction as a consent on behalf of an adult who is incapable (substitute consent) AND if the instruction applies to the specific circumstance.

On the face of it, an Advance Directive sounds easy and useful. However, it is NOT easy. Even medical professionals who try to make an Advance Directive report that (after many pages and much effort) it is impossible to list all expected circumstances or provide for the unexpected. A stand-alone Advance Directive is also NOT practical. A health care provider, who likely does not know you, will act alone to interpret your instruction and decide if it applies or not.

Some limitations:

- An Advance Directive cannot cover personal care matters, only health care. An RA9 covers both. Personal care matters may include living arrangements, arranging home support and other services, diet, participation in activities, personal safety, and contact with others.
- Instructions alone do not work if someone's capability fluctuates (as with dementia). A health care provider would want to be sure an adult is assessed as mentally incapable before acting on a stand-alone instruction.
- It is nearly impossible to put an instruction in writing that will be clear enough for making a specific decision in the future. Medical opinions, treatments, and circumstances can change.
  - For example, suppose an adult writes an instruction to refuse a feeding tube. Let's say they damage their esophagus from a hiking accident and are determined incapable of

consent. The doctor wants to put the adult in an induced coma and believes a feeding tube is necessary and life saving as a temporary measure while the esophagus heals. There is a stand-alone Advance Directive refusing a feeding tube. Did the refusal mean to apply to the circumstance at hand?

- In another example, an adult makes a stand-alone Advance Directive with an instruction to refuse any treatments by Intravenous (IV). Suppose the adult develops severe diarrhea at a palliative (comfort care) stage of their illness and the most effective treatment is medication delivered by Intravenous. The adult is incapable of consent. To comply with the Advance Directive, the health care provider cannot use IV. In this case, the patient's sheets must be changed at least every three hours. This does not seem a dignified situation for the patient, visitors, or staff.

The key advantage of an RA9 is that, if you are not capable of informed consent, your representative can have a dialogue with the medical team and with you, to get your input, however you can communicate your current wishes. This is critical in cases of fluctuating capability. A representative has authority to give, refuse, or withdraw consent according to the situation and your wishes and values. The representative takes responsibility and interprets your wishes and instructions based on their knowledge of you as well as discussions and experiences with you. This is a safeguard for you and a relief to health care providers who likely never met you before or who only know you from a medical context.

### What documents cover financial affairs?

As mentioned on page 1, most people will make an Enduring Power of Attorney (EPA) to cover their financial and legal affairs as it offers the most comprehensive coverage in case of mental incapacity. This could be important for younger and middle-aged adults who may acquire or inherit real estate or other complex financial matters.

An EPA has specific capability requirements based on the traditional definition — to 'understand the nature and effect.' Nidus outlines the requirements in our [fact sheet on the EPA](#).

Some adults, who meet the capability requirements of the EPA, decide to make a Representation Agreement under section 7 to cover their financial and legal affairs (RA7 F+L) **instead** of an EPA. But you must be careful as the RA7 F+L does not cover as much as an EPA. Please read the [Nidus comparison chart on the RA7 F+L and the EPA](#).

Following are some examples that require an EPA:

- You own real estate (on your own or with someone else). Only an EPA can cover dealing with real estate (and other land title matters). If you own real estate (Strata, single family dwelling) make sure all owners have an EPA.
- You have a spouse, minor children, and/or others you support financially. You will need to make sure your EPA has specific wording to allow your money to be used for someone else's benefit.
- You own or run a business.
- You have a pension in another province or country.
- You want the person you appoint to be able to delegate their decision-making authority to someone else (other than for investments, which is automatically allowed).
- You want the person you appoint to have full discretion for decisions about your investments and not be bound by the rules of the Trustee Act.

Nidus recommends going to a legal professional to make the EPA. Nidus has information on its website to help you prepare — see page 7.

Nidus has forms for the RA7 F+L if you determine you do not need an EPA. The RA7 F+L is located with the RA9 forms — see page 8.

### Some comments about planning needs of younger adults...

There are many young adults, ages 19 to 30, who meet the capability requirements for the RA9 but who may not have the life experience to truly understand some of the broad health and personal care matters covered by the RA9. The same could be said for their financial affairs.

Events such as getting married, being a parent, running a business and purchasing real estate add complexity to an adult's life and also extra demands for their planning needs.

While making an RA7 All (to cover some health and personal care matters and routine finances) could be more appropriate for a young adult, as the adult ages — and if they meet the capability requirements — it may be important to revoke (cancel) the RA7 All and make an RA9 and EPA in order to be prepared for increased complexities of their life circumstances.

This suggestion would be different for young adults who have already faced life-threatening experiences or life-limiting illnesses, even as minor children. If they meet the capability requirements, an RA9 is likely an appropriate document for their circumstances and experience.

Nidus has also had inquiries from young adult students who travel abroad as part of their studies or to work or volunteer. An RA9 and RA7 F+L may work best for them.

## FREQUENTLY ASKED QUESTIONS

### What roles are available in an Agreement?

The RA Act describes three roles. A representative is necessary, other roles are optional.

- A representative(s) is the person who has legal authority to assist you or to act on your behalf.
- An alternate representative(s) is a back-up in case your representative is unable or unwilling to act or continue to act.
- A monitor is a safeguard and ensures that the Agreement is working for you. A monitor does not make decisions for you and they are not like an alternate who 'moves up.' Only one monitor can be named in an Agreement (the law does not provide for naming more than one or for naming an alternate monitor.)
  - A Representation Agreement that includes authority for routine finances (such as the RA7 F+L) will commonly include the monitor role. The law requires an extra safeguard if finances are included and a monitor meets this requirement. See below for details.

### Who can I name in my RA9?

The idea of Representation Agreements is to strengthen or create a PERSONAL support network around an adult—so they have help when ill or injured and when dealing with service systems. An Agreement gives legal status to personal supporters.

Most people name a spouse, family member, or friend in their Agreement. Those you appoint may live in another city, province, or country.

There are many factors to consider about who is named in your Representation Agreement, such as:

- Your relationship with them;
- Their skills and abilities;
- Their willingness to work with others named in your Agreement; and
- Their respect for your wishes and values.

### What are the restrictions on who is named?

Due to amendments on September 1, 2011, the law now has some restrictions on who you can name. This applies to **a representative (or an alternate)**. These restrictions do NOT apply if the individual is your spouse, parent, or child.

You can NOT name an individual as your representative (or alternate), if:

- They are compensated to provide health care or personal care services to you (e.g. a paid caregiver, home share provider); or
- They are an employee of a facility where you live, if the facility provides health care or personal care services to you.

Agreements made BEFORE September 1, 2011 did not have these restrictions and the law says such Agreements may continue to be in effect and are NOT affected by the restrictions.

### Who can be named as a monitor?

To be named a monitor, an individual must be 19 years or older and willing to accept their duties. Their duties are outlined in section 20 of the RA Act. See the Nidus fact sheet on [Role of Monitor](#)

A monitor can NOT be an organization and therefore can NOT be a position within an organization. An individual agrees to be a monitor because of a personal relationship with the adult.

**NOTE:** *Although it is not restricted by the law, it could be a conflict and a challenge for someone in a paid role, related to providing services to the adult, to be named as a monitor.*

### What are the duties of a representative?

The duties of a representative are outlined in section 16 of the Representation Agreement Act, which says that your representative must act honestly, in good faith, and within the law. See the Nidus fact sheet on [Role of Representative](#)

Your representative is there to assist you to participate in decisions about you. This means they need to be contacted and involved—they need to know what is going on in case they are called in at some point to act on your behalf. You and third parties can facilitate this. It honours your intentions and your rights; it helps other parties.

For example, when you are asked by your travel agent or the hospital for your 'emergency contact' you need to provide the name and contact for your representative—and call them your legal representative, even if they are also your spouse.

For hospitals, you can also provide a copy of the RA9 as that is proof of authority. We often hear that BC hospitals do not ask or seem unaware of the law about consent or their computer systems cannot accommodate Representation Agreements—even though the law came into effect in 2000.

We have heard that St. Paul's Hospital (Providence Health) asks patients if they have a Representation Agreement; we hope Vancouver General Hospital (Vancouver Coastal) will make this a routine as they are often viewed as an example for best practices. If you or your representative run into difficulties, contact your provincial [MLA](#)

Many people make extra copies of their Nidus Registry wallet card to keep in every wallet/purse and glove compartment of their vehicles, in case of emergency. The wallet cards are available when you register your completed RA9. See page 7 about the Registry.

**Does my representative get paid?**

Representatives, alternate representatives, and a monitor are entitled to be reimbursed for reasonable out-of-pocket expenses related to carrying out their duties.

The law says you cannot pay a representative a fee (on top of expenses) for making health care decisions on your behalf.

If you want to pay your representative(s) a fee for other authorities, this must be spelled out in the Agreement and it must be approved by the Supreme Court of BC.

**When does an RA9 take effect?**

The RA9, using forms by Nidus, comes into effect immediately as intended. It is up to you to get the signatures of those you named so the RA9 is ready-to-go when needed, such in a sudden accident.

Detailed instructions come with the RA9 forms by Nidus and, if followed, you will have a valid Agreement.

Nidus also recommends your EPA is in effect when you are capable and if you become incapable. See the [EPA fact sheet](#)

Make sure your documents are registered (this is your ultimate back-up and reminds you where the original is located). Never lose the originals—you need it to make copies and it is proof of authority. Never make changes on your original; keep information updated in the Registry.

**What if I have to make changes?**

Some changes to a Representation Agreement do not make the Agreement invalid. However, changing the people named or the authorities requires revoking (cancelling) the existing Agreement and making a new one. See the Nidus fact sheet on [Making Changes](#)

**Can I revoke my Representation Agreement?**

Yes, you can revoke (cancel) your Representation Agreement. The RA Act outlines specific procedures for revoking. Making a new Representation Agreement does NOT automatically revoke your previous one (the same applies to an EPA). See the Nidus fact sheet on [Revoking an Agreement](#)

**Can a representative resign?**

Yes, a representative, alternate or monitor may resign from the Agreement they are named in. Sometimes this may require the adult to make a new Agreement. See the Nidus fact sheet on [Resigning from a Representation Agreement](#)

**When does a Representation Agreement end?**

A Representation Agreement ends if you revoke (cancel) it and when you die. An Agreement also ends if someone is appointed to be your legal guardian (in BC, called a committee). See [Lifespan of a Representation Agreement](#)

**What cannot be authorized by an RA9?**

The RA Act says that you can NOT authorize a representative:

- To do anything that is currently against the law.
  - For example, it is against the law for anyone, other than a physician or nurse practitioner, to provide you with medical assistance in dying. You also cannot authorize your representative to request MAiD for you from a physician or nurse practitioner if you are incapable. You must be capable of consent to request MAiD.
- To consent to your sterilization for non-therapeutic purposes.
- To refuse consent to placement or treatment related to your mental disorder if you are involuntarily committed under the Mental Health Act.
  - This is often referred to as the 'Mental Health Act Override.'
  - A representative retains their authority for decisions not related to your mental disorder.

**How do I register?**

Nidus operates the Personal Planning Registry where you can register the Agreement after it is completed.

You can also register 'Other Documents' you might need if evacuated due to a wildfire or flood.

Do NOT send any paperwork to Nidus. The Registry is online for you to do it yourself.

The first step is to Create an Account; the second step is to register. Go to [www.nidus.ca](http://www.nidus.ca) - click the **Registry** tab (top blue menu bar) > [Registry Instructions](#)

**Where do I find other Nidus resources?**

Find Representation Agreement resources (mentioned in this fact sheet and more) on the Nidus website at [www.nidus.ca](http://www.nidus.ca)

Click on **Information** (top blue menu bar) > select [Representation Agreement](#)

Under Information you will also find other topics:  
> [Enduring Power of Attorney](#)  
> [Health Care Consent](#)

The topic of [Estate Planning](#) includes information on arrangements for after death such as making a Will. Find resources about MAiD, Advance Directives, and Organ/Body Donation under [End-of-Life Planning](#)

### Where do I find Representation Agreement forms by Nidus?

Nidus does not recommend drafting your own Representation Agreement. The RA Act lists many legal requirements. Nidus forms are legally valid and also include wording to make them practical, especially for health care matters, which can be urgent and time sensitive.

The illustration below shows where to find RA9 information and forms on the Nidus website homepage. Make sure you click on the section that corresponds to your situation—go to [www.nidus.ca](http://www.nidus.ca)

<i>Helping a Relative with a DISABILITY</i>	<i>I'm planning on the FUTURE PATH</i>	<i>Caring for an Adult Who NEEDS HELP NOW</i>
<b>Helping an adult with a disability from birth or childhood?</b> Info & Forms for RA7 <i>Adult may make even if considered not capable to understand (e.g. special needs)</i>	<b>Are you considered capable now and want to prepare?</b> Info & Forms for <b>RA9 &amp; more</b> <i>For those capable to understand now—don't wait for a crisis!</i>	<b>Helping someone whose mental capability was affected in adulthood?</b> Info & Forms for RA7 <i>Adult may make even if considered not capable to understand (e.g. severe stroke, advanced dementia).</i>
Click <b>FIRST</b> photo	Click <b>MIDDLE</b> photo	Click <b>THIRD</b> photo

### What if I want personal help?

Nidus provides personal help by phone appointment. Due to limited funds and staff, you need to book the appointment online but anyone can do this for you. Go to [www.nidus.ca](http://www.nidus.ca) - click Get Help (top blue menu bar) > [Appointments](#)

If you need help to access the Nidus website for information and forms, ask at your public library or MLA office.

### How can you help yourself and Nidus?

Nidus does not receive funding for core education and assistance activities. This includes answering questions we receive by email.

Please help us continue to be a leading resource:

- We need to regularly review and sometimes revise our materials and the website.
- There is currently no organization like Nidus in any other province or country.

You can help by **making a donation** to Nidus (see the box below). You can donate online or mail a cheque — make an annual donation or become a sustaining donor.

You can also help by **promoting the Registry service**. The Registry pays for itself and any surplus goes to supporting the charitable education programs of the Nidus Resource Centre.

### Another view of RA9 with supported decision making.

See the next page for a view of the RA9 using graphics. This is particularly geared for policy makers, researchers, and professionals who teach others about concepts related to decision making and capability.

BC is a leader (from 1993) in its conception of supported decision making, which is getting more attention today due to the increased incidence of dementia and the recognition that capability is not on or off (like a light switch). Rather, capability fluctuates and is influenced by many factors.

The other lesson from dementia is that, due to fluctuating capability, an adult may need more or less help over a much longer period of time.

In other Canadian provinces and countries, planning documents generally only 'kick in' with substitute decision making authority.

*Thanks to Nidus donors—like you—for funds to produce this information and other education resources.*

*You can help yourself and Nidus by making a tax receiptable donation through Canada Helps — click [DONATE NOW](#)*

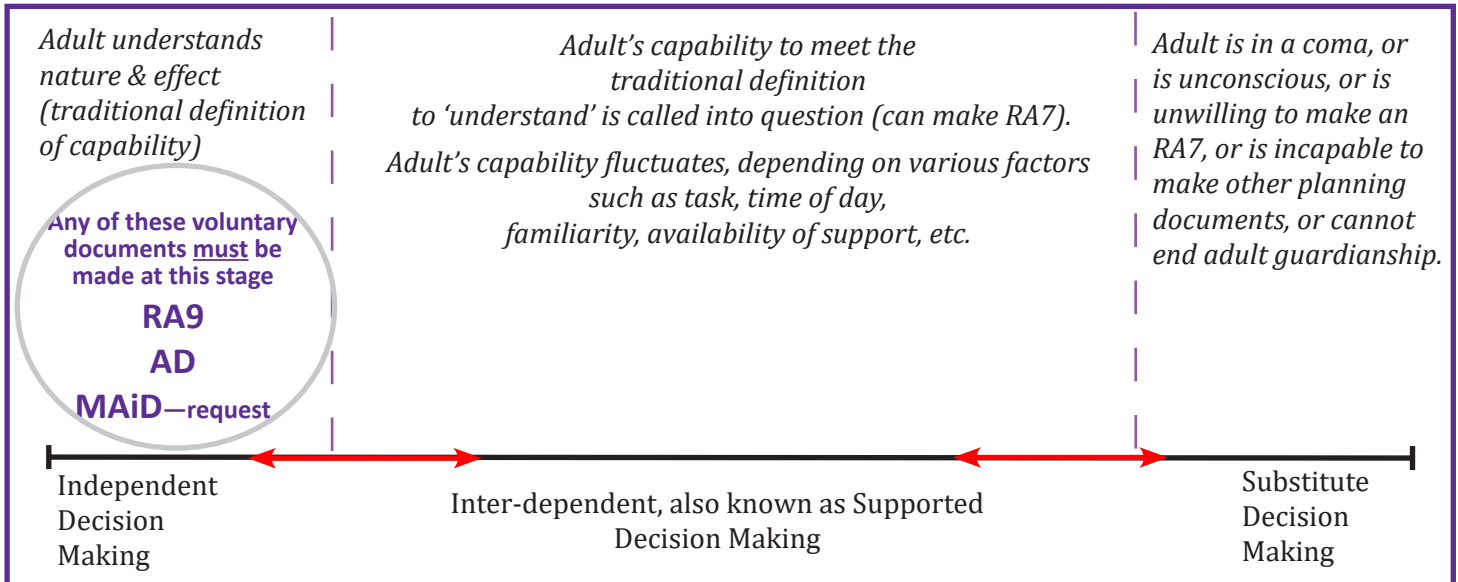


## Another View of the RA9 with Supported Decision Making

Decision making and capacity are on a **continuum**, as shown by the arrows  $\longleftrightarrow$  in the diagrams below.

### When do you make an RA9?

See the chart directly below. You must make an RA9 when you are capable of understanding the nature and consequences of the proposed RA9. This is based on the traditional definition of capability — understand nature and effect — that also applies to making various legal documents such as a Will, types of powers of attorney, Medical Assistance in Dying (MAiD), Advance Directives (AD), and contracts.



### When do you use an RA9?

See the chart below. You can use an RA9 across the continuum of decision-making. This makes it unique from other legal planning documents. The RA9 includes authority to ASSIST an adult with decisions, (inter-dependent or supported decision making) as well as to act on the adult's behalf (substitute decision making).

Although an Enduring Power of Attorney (EPA) might be used at various stages of the continuum—but only for financial affairs—the legal duty and accountability is different than for the RA9. An EPA is based on doing what is 'best' for the adult, not based on the adult's wishes and values as for the RA9.

