

Mary: A Representation Agreement Success Story

When Gina and her mother Mary first contacted the Nidus Resource Centre, Mary had already begun to show signs of dementia. She had made an Enduring Power of Attorney a few years ago naming one of her daughters as her attorney. When Mary's daughter was no longer able to act as her attorney, Mary found herself in a difficult situation.

Unfortunately, because of her dementia Mary was unable to revoke her Enduring Power of Attorney or make a new one. Mary had expressed her desire to appoint another daughter as her attorney, but the notary public was not satisfied that Mary could sufficiently demonstrate an understanding of her financial situation and the notary public could not help her make a new document.

The options available to Mary at this point seemed limited. Her family could apply to court

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for Committeeship, which is the term in British Columbia for adult guardianship. This would give them the legal authority to take over Mary's affairs, but the

process is time-consuming and expensive. Under Committeeship, Mary would be declared mentally incompetent, meaning she loses her civil rights and becomes a 'non-person'. Mary and her family wanted to ensure that she would be able to continue to make her own decisions even if she needs assistance to do so.

Then Mary's family heard about Nidus through their local seniors' centre. Her daughter, Gina, decided to call Nidus for information. The Nidus Program Staff told her about Representation Agreements and how



they are designed as an alternative to Committeeship for people who need help now with decision-making. A key feature of Representation Agreements is that a representative's duty and authority

is to assist someone with their affairs and with making decisions. Traditional legal approaches like the Enduring Power of Attorney and Committeeship are based on the concept of taking over someone's affairs. With a Representation Agreement, Mary does not have to be declared mentally incapable in order to get help from the people she trusts and who know her best.

Nidus provided Mary and her family with information about the Representation Agreement with standard powers and the different roles and responsibilities people may have. After careful thought and discussion, Mary and her family decided the Agreement would cover all standard powers (i.e. routine finances, legal matters, health care and personal care) and would involve two of Mary's daughters and a granddaughter as her representatives and monitor. This would bring together a strong network for Mary and encourage a team approach in supporting her.

Using the Nidus Self-help Kit, Mary and her family were able to complete a Representation Agreement customized to fit Mary's choices and situation that met the legal requirements of the Representation Agreement Act.

It wasn't long after Mary made her Representation Agreement that Gina and Mary called Nidus again for help. They were having a problem at Mary's bank. Because Mary could not revoke her Enduring Power of Attorney, the attorney wrote a resignation letter which they gave to the bank along with the Representation Agreement. Mary's bank had not heard of Representation Agreements and told Mary that she should use the bank's Power of Attorney form. Two days later, Gina received a call from the bank telling her that the bank Power of Attorney could not be used and that she would need to apply to court to get Committeeship in order to help her mother with her finances. Gina was confused by this so she called Nidus.

Nidus explained that although the Canadian Banker's Association and the BC Central Credit Union (now called Central 1 Credit Union) had been involved in the law reform effort to create and implement Representation Agreements, there has been little education of staff at the local Branches.

Nidus provided ideas for approaching the bank, however, after some discussion Mary and her representatives decided that it would be easier for Mary to set up her account at the same bank Gina used. Gina said that when they presented the new bank with the Representation Agreement they happily accepted it. Both Mary and Gina are happy with the change. Gina says that Mary's new bank "treats mum like a queen, they always ask for her input and are so respectful to her." Going down to the bank is now one of Mary's favorite activities; the staff know her by name and always say hello when she comes in.

Mary and Gina have had a few other opportunities to present Mary's Representation Agreement. Gina made sure that Mary's care home had a copy of the Agreement. Mary and Gina also used the Agreement at the police station when Mary had to confirm her identity for her British pension. Gina said that the employees at the police station honoured Mary's Agreement and Gina's role as representative as she helped to explain information to Mary so she could better understand why she was there and what she

needed to do to secure her pension funds.

Almost a year after Mary made her Representation Agreement Gina says that having this legal document in place has been such a blessing because it has given her mother a voice again. Gina says that she has seen a big change in her mum, "she felt very cut off but now she is involved and feels more connected and not forgotten." Gina explained that the change from an Enduring Power of Attorney, where only one person did things for Mary, to the approach of a Representation Agreement, where she now has three people assisting her, allows Mary to feel safe and in control again.

When asked what was most helpful about the process, Gina said that she was most pleased with how the information about Representation Agreements was presented by Nidus. She explained that not only was the information given with a great amount of respect for her mum but it was also easy to understand and straightforward, "The information is people friendly and you don't need a lawyer to go over it with you."



Mary and her daughter Gina on Mary's 94th birthday.

Nidus would like to express our thanks and appreciation to Mary and Gina, who allowed us to share their story with you.

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