

Confirmation of Substitution Form

What is a Confirmation of Substitution Form?

A Confirmation of Substitution Form is a way to provide written confirmation to a third party—for example, a financial institution, a hospital or a government agency—that an alternate is now acting in place of a representative. Nidus provides a Confirmation of Substitution Form attached to this information sheet, which you can use or adapt.

When would we use a Confirmation of Substitution Form?

If a representative is temporarily or permanently unable to act or continue to act, then the alternate appointed in the Representation Agreement will need to take the place of the representative. The alternate will have the same authority as the representative for whom they are substituting. Use the Confirmation of Substitution Form to confirm the alternate's authority to act.

Other documents can provide evidence that an alternate is authorized to act in place of a representative. For example:

- a Death Certificate if the representative died
- a Notice of Resignation completed by the representative

In these cases, it is not necessary to complete a Confirmation of Substitution Form. You can attach a copy of the Death Certificate or Resignation Notice to the original Representation Agreement and with any copies you make. You may need to provide copies to third parties who already have a copy of the Agreement in their files. Everyone appointed in the Agreement should also have a copy.

NOTE: The Confirmation of Substitution Form is designed to be used with Representation Agreements produced by Nidus. The Confirmation of Substitution Form is not for use with Representation Agreements published by the Attorney General of BC and included with Ministry of Health materials. The government forms refer to a Statutory Declaration Form as evidence that an alternate is authorized to act in place of a representative. The Statutory Declaration must be signed by a B.C. lawyer or notary public. The Nidus Confirmation of Substitution Form (attached) does not require the signature of a lawyer or notary public.

What if the representative is out of town temporarily and will return in a few weeks?

If the representative is out of town or unable to act temporarily, use the Confirmation of Substitution Form to confirm the alternate is able to act while the representative is away. The following example explains the process:

Neeta is the representative for her mother, Shalini. Neeta is going on vacation for a month. Her brother, Ashok, is the alternate and they want to complete a Confirmation of Substitution Form so there is no problem if Ashok has to act in the role of representative while his sister is away.

Shalini's Representation Agreement says written confirmation of substitution will be provided by the monitor. Vishal, the monitor, completes and signs the Confirmation of Substitution Form. Neeta places the form with the original Representation Agreement and gives copies to Ashok in case he needs to provide it to the bank or the doctor when helping his mother.

When Neeta returns to resume her role as representative, Vishal will complete another Confirmation of Substitution Form to reverse the substitution.

Should we destroy the Confirmation of Substitution Form when the representative returns?

Do not destroy the Confirmation of Substitution Form when the original representative returns. It is a good idea to keep previous Substitution Forms as part of the record. You can also register them under 'Additional Documents' in the Nidus Personal Planning Registry. You can upload them individually or all as one file so they are easy to access if you need a copy for your reference.

What if the alternate has to replace the representative permanently?

If the representative is permanently unable or unwilling to act and is capable, the representative should complete a Notice of Resignation Form. This will indicate to a third party that the alternate is now authorized. There is no reason to also complete a Confirmation of Substitution Form.

If the representative died, a Death Certificate will indicate the alternate has authority to act in his or her place.

If the representative is not able to resign and there is no death certificate or other documentation to verify that the alternate has to permanently replace the representative, then the Confirmation of Substitution Form should be completed and kept with the original Representation Agreement. A copy of the form should be attached to all future copies of the Representation Agreement.

Be prepared to provide a copy of the Confirmation of Substitution Form to third parties that already have a copy of the original Agreement. They may ask for it to keep their files up-to-date. Store the original Confirmation of Substitution Form with the Representation Agreement.

Who will sign the Confirmation of Substitution Form?

In order to determine who should sign the Confirmation of Substitution form, check the wording in the Representation Agreement. Look for a heading called 'Confirmation of Substitution.' Read the paragraph under the heading to see who will provide confirmation in writing. For example, if it says 'the monitor,' then that is the person who will sign the Confirmation of Substitution Form.

Do I register a copy of the Confirmation of Substitution Form with Nidus?

You may register a copy of the Confirmation of Substitution Form under Additional Documents in the Nidus Personal Planning Registry. The Additional Documents section lets you upload any type of document that you want to keep track of.

Frequently Asked Questions

There are two representatives appointed in the Representation Agreement; do we use the Confirmation of Substitution Form?

No. A Confirmation of Substitution Form is used when the Representation Agreement appoints an alternate(s) and the alternate needs to move up to act as a representative.

There is more than one alternate appointed in the Representation Agreement; what do we do?

Check the wording in the Agreement. Do the alternates move up in order—one at a time? If yes, then use the Confirmation of Substitution Form to confirm that the person appointed as Alternate #1 is now acting in place of the representative.

If the Agreement says that both alternates will move up together, then use the Confirmation of Substitution Form to confirm that both alternates are now acting in place of the representative. You may need to adapt the Nidus form provided to accommodate the names of two alternates.

CONFIRMATION OF SUBSTITUTION OF REPRESENTATIVE

In accordance with Section 6 of the Representation Agreement Act

This is to confirm that

Full name of person acting as Representative (first, middle, last)

who is named as a representative in the Representation Agreement made by

Full legal name of the Adult (first, middle, last)

Date the Adult/witnesses signed (Month, DD, YYYY)

is temporarily or permanently unable or unwilling to act or continue to act as a representative in the Agreement.

This further confirms that

Full name of person substituting for Representative (first, middle, last)

is authorized to act as a representative in his/her place.

The above is confirmed by

Full name of Person Confirming the substitution – e.g. the Adult/Monitor/Representative/Alternate (first, middle, last)

Current Address of Person Confirming the substitution (Address, city, province, postal code, country)

Signature of Person Confirming the substitution

Current date (Month, DD, YYYY)

Note: This form is not a Notice of Resignation. For information on how to resign as a representative or alternate, see the Nidus fact sheet, Resigning as a Representative or Alternate. It is available at www.nidus.ca – Information – Representation Agreement – Resources.