

## Representation Agreement and CSIL (Choice in Supports for Independent Living)

This fact sheet applies to the Choice in Supports for Independent Living Program established by the Ministry of Health and delivered through the Health Authorities. Make sure you have contacted a case manager in your Health Authority about applying for CSIL before making a Representation Agreement. Ask them for a copy of the CSIL policy or click [HERE](#).

### When is a Representation Agreement needed for CSIL?

As of April 1, 2011, the Ministry of Health Home and Community Care policy for CSIL now includes the Representation Agreement as an option for CSIL clients who need support to fulfill the requirements of acting as an employer. Prior to this change, forming a Client Support Group was the only way to be eligible for CSIL if you needed support to fulfill the requirements.

### What is a Representation Agreement?

A Representation Agreement is a legal document that allows you to authorize trusted family members or friends to assist you with managing your affairs or, if necessary, to act on your behalf. No one, not even a spouse, has automatic legal right to act for an adult (19 years or older). A Representation Agreement can cover four life areas: health care, personal care, legal and financial. It lets you stay in charge of your life, in case you need help now or in the future.

### What does the Representation Agreement need to include for CSIL purposes?

For CSIL purposes a Representation Agreement must include the following two areas of authority:

1. Routine management of financial affairs and legal affairs (includes dealing with Canada Revenue), and
2. Personal care (includes hiring and managing staff).

Nidus can provide a Representation Agreement form that includes these two areas and restricts the use of the Agreement to CSIL purposes only.

Nidus also offers forms to make a Representation Agreement that is not restricted to CSIL only and also covers health care.

### How do I make a Representation Agreement?

Following is a list of steps for making a Representation Agreement.

#### DETERMINE AUTHORITY AND CAPABILITY

First you will need to determine if you want to make an Agreement for CSIL purposes only or if you want the Agreement to include health care.

See the box below for more details on Agreements that qualify for CSIL AND that you can use for other life situations such as a health crisis, other support needs and at end-of-life.

A Representation Agreement is a legal planning document that people make BEFORE a crisis.

There are two types of Representation Agreements described in different parts (or sections) of the Representation Agreement Act. The types are called RA7 and RA9.

Only the RA7 has routine financial and legal affairs. This qualifies for CSIL. See the FAQ on page 2 about the Enduring Power of Attorney (EPA), which is a planning document some people use for financial and legal affairs as it covers more than the RA7. An EPA does not qualify for CSIL.

Personal care and health care authorities are both found in the RA7 and the RA9. An RA7 with personal and health care authorities is for someone whose mental capability to understand is in question at the time they are making the document. For example, someone with advanced dementia or someone who has a brain injury from an accident or a stroke. To make an RA9, you must understand the nature of the document and the effect of naming a representative. You may be a caregiver of someone who has advanced dementia or other disability. They may be making an RA7, you can make an RA9.

**EXAMPLE:** Mary's dementia has progressed, she needs help with daily living. Mary will make an RA7 All for CSIL and her future. John, her caregiver will make an RA9 for health and personal care. He may make an EPA or an RA7 F+L (financial and legal only) depending what he needs to cover as he does not need it for CSIL.

## IDENTIFY ROLES

When making the Representation Agreement, you must follow the requirements of the Representation Agreement Act (RA Act). Those you appoint must follow their duties as set out in the RA Act. The CSIL policy may have additional requirements.

There are three roles available for a Representation Agreement: representative, alternate and monitor. Nidus has fact sheets on each of the roles and their responsibilities. Go to [www.nidus.ca](http://www.nidus.ca) > Information > Representation Agreement > More RA Resources.

The RA Act says that you cannot appoint someone as a representative or alternate if they receive compensation (payment or other benefit) for providing health care or personal care services to you. For example, you cannot appoint a paid caregiver. The RA Act makes an exception if the paid person is your spouse, child or parent. Check if the CSIL policy allows any exceptions.

The RA Act requires an **extra safeguard** when finances are included in a Representation Agreement. The extra safeguard can be met by either appointing someone to act as a monitor OR by appointing two or more representatives to act together (jointly) for finances. The extra safeguard requirement is waived if the representative is your spouse. The CSIL Program likes the monitor role as a safeguard.

A representative has authority to access information and documents that the adult is entitled to and that relates to the representative's areas of authority. A representative may also hire and retain the services of a qualified person to assist with their duties. For example, a representative may need to hire an accountant or bookkeeping service.

## OBTAIN THE FORM

If you want an Agreement for CSIL purposes only, you need a customized Representation Agreement. There is a fee of \$75.00. CSIL will cover some or all of this fee. The first step is to make an appointment to talk with Nidus staff. The appointment fee is included in the custom form fee. Go to [www.nidus.ca](http://www.nidus.ca) > Get Help > Appointments

For an Agreement that qualifies for CSIL AND that you can use for other life situations such as a health crisis, Nidus has basic RA forms on the website. First determine the capability of the adult who is making the document (see box on page 1).

- If the adult's capability to understand may be in question (e.g. they already need assistance managing their affairs), they can make an RA7 All.
- If the adult understands the nature and effect of the document they are making, they can make an RA7 F+L and an RA9.

For the appropriate form, go to [www.nidus.ca](http://www.nidus.ca) > click on the video above the photos.

## COMPLETE AND REGISTER THE AGREEMENT

Nidus forms come with instructions on signing and witnessing procedures for completing a valid Representation Agreement. Nidus also provides information on how to register the completed Agreement with the Personal Planning Registry. If you use a Nidus Basic RA form, the one-time fee to register is \$25.00 for the first registration and a one-time fee \$10.00 for each additional registration. The registration fee is included in a Custom Form fee.

### Where can I get more information and help?

If you need clarification, please email Nidus at [info@nidus.ca](mailto:info@nidus.ca).

## Answers to some frequently asked questions:

- Q** What if I already have an Enduring Power of Attorney in place?
- A** The CSIL policy does not recognize the Enduring Power of Attorney (EPA). An EPA only covers financial and legal authority, including real estate matters and some other matters not covered in the Representation Agreement for routine finances. Keep the Enduring PoA, but don't use it with CSIL.
- Q** I do not need help managing my CSIL obligations now, but I am worried about what will happen if I become seriously ill or if I am injured in the future. Who will be able to act on my behalf?
- A** You can make a Representation Agreement now in case you need help in the future. You may be using accounting services, but if something happens to you in the future, the bookkeeper does not have legal authority to act as the employer for your staff. A representative can and will ensure continuity so you do not jeopardize your CSIL funding.