

## Representation Agreements and Turning 19

**NOTE:** This fact sheet is written for parents/guardians with minor children who are likely to need assistance with decision making after they reach adulthood (19 years of age). Their need for assistance may be due to a developmental disability, acquired brain injury, Fetal Alcohol Spectrum Disorder or other disability or health condition.

### **My son/daughter is turning 18 and will be applying for disability benefits. Can a Representation Agreement help with this?**

No, a Representation Agreement cannot help your 18 year old apply for disability benefits. Your son/daughter/relative cannot make a Representation Agreement until he or she turns 19 years old. Nineteen is the age of majority (adulthood) in British Columbia.

In B.C., a parent or someone who has legal guardianship of a minor child has legal status to help or to act on behalf of his/her child until the child reaches the age of 19. This includes applying for disability benefits and other decisions involving consent.

### **We were told to get a Representation Agreement in place by his/her 19th birthday. What can we do?**

You can gather information and learn about Representation Agreements before the child's 19th birthday. However, as stated above, the child cannot make an Agreement until he or she turns 19.

A Representation Agreement is very different from the various other forms and paperwork you may be encouraged or required to complete during your child's transition to adulthood.

A Representation Agreement is a legal document. It is an agreement between your son/daughter (the adult) and his/her personal supporters (the representative). The Agreement gives a representative legal authority to help the adult with decision making or to act on the adult's behalf. A Representation Agreement also involves legal responsibilities for those involved.

The first step to making a Representation Agreement is to get informed and discuss it with everyone who might be involved, including the soon-to-be adult.

Sometimes it is better to wait until after your son/daughter turns 19 to focus on the Representation Agreement. Although parental rights end on the child's 19th birthday, it is not likely to have an immediate impact on how you support your son/daughter. A Representation Agreement is not intended to replace the informal support we all enjoy from family, friends and community members. A Representation Agreement is for situations when informal support is not enough and legal authority is required.

### **Where can we get more information?**

Go to [www.nidus.ca](http://www.nidus.ca)

Nidus provides lots of information and resources on our website. You can read fact sheets, watch videos and read about real people's experiences making and using Representation Agreements.

We also recommend you subscribe to the Nidus Newsletter so you can stay informed of new resources and services from Nidus. Sign up at the Nidus website in the right sidebar.

To get started, go the website home page - click on the heading 'Helping a Relative with a Disability.' You will find information for self-help. If you would like personal help, please click on **BOOK NOW** in the right sidebar to book an in-person or phone appointment with Nidus staff.

## Answers to some frequently asked questions:

**Q** My son/daughter cannot read or write. Can he or she still make a Representation Agreement?

**A** Yes. The Representation Agreement Act says that the way an adult communicates does not prevent him or her from making a Representation Agreement. People communicate in a variety of ways including through vocalizing, gestures, body language and behaviours. Visit the Nidus website for information, stories and videos.

The law also says that an adult may make a Representation Agreement with Section 7 standard powers even if he or she cannot manage his or her own affairs or make decisions independently.

**Q** Will we need to consult a lawyer for the Representation Agreement?

**A** No. The law does not require the adult to consult a legal professional in order to make a Representation Agreement with Section 7 standard powers. Of course, you can go to a legal professional, but be prepared that he or she must take instructions directly from the adult — not from you.

Nidus uses a self-help approach that enables you to assist your son/daughter to make a Representation Agreement.

**Q** How long does it take to make a Representation Agreement?

**A** Nidus has learned that an effective Agreement is one where people take their time to get informed and have discussions with those who will be involved.

The Nidus website has lots of resources for self-help. Go to the Nidus website home page at [www.nidus.ca](http://www.nidus.ca) - click on the photo/heading that fits your situation. Self-help requires you to read the general information and apply it to your situation. If you would like personal help, you can book an appointment with Nidus through the website. Click on BOOK NOW in the sidebar.

**Q** Where do we get the forms?

**A** Nidus offers Basic Representation Agreement forms through the website. Go to [www.nidus.ca](http://www.nidus.ca) - click on Self-Help > RA Forms.

Nidus can also provide a Custom RA form if you want something different. The first step is to book an appointment through the website - click on BOOK NOW in the sidebar.