

Nidus *Personal Planning Resource Centre and Registry*

Welcome!

You are receiving this newsletter because you requested to be on our mailing list, you registered with the Nidus Registry or you are a Nidus member, volunteer or community partner. You can view previous issues of our Newsletter [HERE](#).

Nidus promotes **alternatives to adult guardianship** by helping people to learn how to make a legal plan. To learn more about about Representation Agreements, Enduring Powers of Attorney and Living Wills/Advance Directives, please visit www.nidus.ca or e-mail us at info@nidus.ca

Make sure to Register your legal plan with Nidus so it is available when needed.

Enjoy,
the Nidus Team

Nidus needs your support

*A message from Nidus
President, Patricia Fulton*

The *Representation Agreement Act* and the Nidus Resource Centre were created by the



What's in a Registry?

Are you registered with the appropriate Registry? Do you know which Registry applies? The following is basic information on some of the popular Registries in BC.

The Nidus Registry

registry@nidus.ca

-The Nidus Registry keeps a record of Representation Agreements, Enduring Powers of Attorney and Revocations of these documents. The Registry will soon be expanding to include other personal planning documents – information that might be needed when you are alive to ensure your wishes are known and respected.

-Registration with the Nidus Registry is voluntary.

-The Nidus Registry can register basic information as well as a copy of your legal document. Basic information includes the name of the person the document belongs to, the names and

people of BC, for the people of BC.

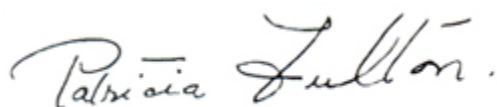
The future of Nidus and the practice of Representation Agreements continue to rest with all of us.

I am appealing to you to make a financial donation.

I became involved in the grass-roots law reform effort that created Representation Agreements and was one of the citizens along with community groups that established Nidus (formerly Representation Agreement Resource Centre) in 1995 so the public would have a place to get information and help about alternatives to adult guardianship. It took 10 years to get Representation Agreements into law and since then, over the last 10 years we have had to rally more than once to ensure we did not lose it.

The *Representation Agreement Act* has received international recognition and the Nidus Resource Centre and Registry is one-of-a kind in Canada. This newsletter provides information on Nidus and our services.

For all its accomplishments, the reality is that Nidus has no base or ongoing financial support from government or funding agencies. Nidus manages on short-term grants. The current economic situation limits the availability of even small grants. Our financial situation as we approach the end of 2009 is very urgent and I am appealing to you, my fellow citizens, to make a financial donation today.



contact information of those appointed in the legal documents, the date the document was executed (signed and witnessed), and the location of the original document.

-You or your authorized representative or attorney may register your documents with the Nidus Registry; or you may have a lawyer or notary public register the documents for you.

-Registrants can update information and access documents using the Nidus Registration Number and password.

-Authorized Access Users (third parties such as financial institutions, hospitals, care facilities, government agencies, etc.) who have completed Nidus security measures may obtain a copy of information in the Nidus Registry based on the permission provided by Registrants at the time of registration.

-The Nidus Registry is operated by the Nidus Personal Planning Resource Centre, a non-profit charitable organization, in partnership with the Law Society of BC's Juricert Program.

-You can contact the Nidus Registry at 604-408-7414 or registry@nidus.ca

Organ Donor Registry

How to donate:

By personal cheque or money order – make out to 'Nidus' and mail to us at: 411 Dunsmuir Street, Vancouver, BC V6B 1X4

By credit card online – please e-mail us at info@nidus.ca and let us know that you would like to make a donation and how much you would like to donate. We will email you a link to PayPal where you can safely and securely make your donation online.

By directing your Vancity Visa points - If you are a Vancity Enviro Visa holder you can donate your My Rewards Points to Nidus. You will receive an official tax receipt from Vancity for your contribution. You can donate with as little as 2,000 points. To get started, visit the Vancity My Visa Rewards*plus* site [HERE](#).

By designating workplace donations – You can donate through the United Way Workplace campaign. You will need to provide our legal name and charity number listed below. Check if your workplace matches employee donations.

More information:

Nidus is a registered charity and any donation you make of \$10 or more will receive a tax receipt. If you donate by December 31, 2009, you can use the tax receipt toward your 2009 income tax return.

Please help Nidus continue to help you!
Nidus Personal Planning Resource Centre,
registered as a non-profit corporation in BC
S-34564

<http://www.transplant.bc.ca/index.asp>

-The Organ Donor Registry (ODR) is the way to legally record your decision about organ and tissue donation.

-The ODR is the only way to record this decision and replaces all previous methods such as placing a decal on your driver's license or Care Card.

-Registration is voluntary. It allows you to state which organs and tissue you want to donate. You can also register that you do not wish to donate any organs or tissue.

-You can register with the ODR in one of four ways:

1. Complete the form on-line. You can find the online form [HERE](#).
2. Request a brochure by mail by contacting BC Transplant.
3. Pick up a brochure from a driver service centre, any London Drugs location, ICBC autoplan centres, ICBC claim centres, or your doctor's office.
4. Download and print a copy of the form [HERE](#).

-Hospital personnel may access the ODR using a confidential, secure Internet access system which searches

Charitable Business No.: BN 88940 8332 RR0001
411 Dunsmuir Street, Vancouver, BC V6B 1X4
Tel. 604.408.7414 E-mail. info@nidus.ca

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 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

by your BC Care Card number.

-The Organ Donor Registry is operated by BC Transplant, an agency of the Provincial Health Authority.

-You can contact BC Transplant at 1-800-663-6189 or at the link above.

The Wills Registry

<http://www.vs.gov.bc.ca/wills/index.html>

-The Wills Registry allows you to register information about your Will, called a Wills Notice.

-A Wills Notice records the name, sex, date of birth, and birthplace of the person who made the Will. It also lists where the original Will is located, and the date the Will was executed (signed and witnessed).

-You cannot register a copy of your Will with the Wills Registry.

-Registering your Will is voluntary. However, if the Will must be probated, the courts require that a Will Search be conducted before an estate can be probated and settled.

-Anyone is eligible to conduct a search of Wills Notice of a deceased person. There is an application form and fee required to complete a search. You

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.

must provide a death certificate or a statutory declaration that proves the adult is deceased.

-To be eligible to conduct a search of Wills Notice for a person who is living, you must be a lawyer acting on their behalf, or the maker of the Will.

-You can mail or drop off your application for filing a Wills Notice or application for Search of Wills Notice at any British Columbia Vital Statistics Office. Requests can also be placed online through BC OnLine but you must be a registered BC OnLine customer to do this.

-The Wills Registry is operated by the Vital Statistics Agency of the British Columbia Ministry of Health.

-You can contact Vital Statistics through Enquiry BC. In Victoria call 250-387-6121; in Vancouver call 604-660-2421; all other BC locations call 1-800-663-7867. Or use the website link above.

The Land Title Registry

<http://www.ltsa.ca/>

-The Land Title Registry is BC's official legal record of private property ownership – your land title.

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

-The Land Title Registry can also register property transfers, mortgages, releases, transmissions, builder liens and many other documents affecting land ownership and use.

-Documents are registered primarily by lawyers, notaries public, land surveyors, registry agents and other real estate professionals on behalf of their clients.

-If you want to have a copy of your title for your personal records, your lawyer, notary public, or registry agent can apply for a State of Title Certificate, which is a certified true copy of your title. There is a fee for this service.

-For a less formal printout of your title, you may obtain a computer-generated 'title search print', for a fee, from a Land Title Office or through the professionals listed above.

-You can access land title and survey records in BC through a lawyer, notary public, land surveyor; an independent registry agent (you can find a list of agents at the BC Association of Professional Registry Agents [HERE](#)); a BC Government Agent; or in person at any Land Title and Survey Authority Land Title Office.

-The Land Title Registry is operated by the Land Title and Survey Authority of

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."

B.C., an independent corporation established by the BC Legislature.

-You can contact the Land Title Registry Offices in New Westminster at 604-660-2595; in Kamloops at 250-828-4455; in Victoria at 250-387-6331 or use the link above.

The Nidus Registry welcomes Prospera Credit Union as an Access User

Prospera Credit Union has signed up and is using the Nidus Registry. Using the Nidus Registry to search for Enduring Powers of Attorney, Representation Agreements that include financial authority and Revocations of such documents is another way Prospera Credit Union can support and protect its members.

Integra Law Group, who is on the Prospera Credit Union approved Solicitor's list, has also signed up with the Nidus Registry as a Registration Agent. The firm will now be registering documents on their clients' behalf.





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.



Gold Star Award

Gina and Mary want to acknowledge **Westside Village TD Bank** in Victoria for making the Representation Agreement an easy legal document to use and the local police detachment for their respect of Mary and the Representation Agreement.

Do you have a Gold Star award that you would like to give an institution or organization for their leadership in acknowledging Representation Agreements? Email your Gold Star Award to info@nidus.ca

Frequently Asked Questions

My son is turning 18 and I need to help him apply for disability benefits, can he make a Representation Agreement?

No. He may make a Representation Agreement when he turns 19 years old. The law says you must be 19 years or older (an adult) and a resident of British Columbia to make a Representation Agreement. Parents may sign consent on behalf of their child who is not yet 19 years old. This includes the application form for Person with Disability Assistance (PWD).

Parental/guardian rights end when the child turns 19 years old.

If you have a relative or friend who is 19 years or older and who needs assistance with decision-making and managing their affairs, contact Nidus about making a Representation Agreement.

A Big Thank You!

Nidus would like to thank everyone who volunteered to help us with the photos for our new brochures and a **GIANT** thank you for those who were able to come out to our office to spend the day having their photograph taken by our professional photographer, [Makito Inomata](#).

Our mailing address is:
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Fax: 604.801-5506
www.nidus.ca

Nidus is a Latin term for nest: a symbol of safety, support and self-development.

Nidus is a non-profit, charitable organization.
Nidus promotes Alternatives to Adult Guardianship by helping people learn how to make a legal plan.
Learn about Representation Agreements, Enduring Powers of Attorney and Living Wills/Advance Directives.
Register your legal plan with Nidus so it is available when needed.

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We had two very successful and fun days meeting new people, eating delicious snacks and posing for the camera. We could not have done it without your help!

Keep your eyes peeled – we will be unveiling our new brochures sometime in the New Year!

Upcoming Events:

Notice of Nidus Annual General Meeting

Tuesday, December 15th, 2009 @ 2pm

Member registration begins at 1:45pm

The AGM will be held in the Board Room at the BC Coalition of People with Disabilities

#204 - 456 West Broadway, Vancouver

If you wish to attend, please RSVP:

604.408.7414 (leave a message) or

info@nidus.ca

Thank you to...

Law Foundation

Vancouver Foundation

Notary Foundation