

## 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 of substitution. For example:

- a Death Certificate
- a Notice of Resignation

In these cases, a Confirmation of Substitution Form may not be required but if you go by wording in the Representation Agreement it is best to use the Confirmation of Substitution Form and attach the Death Certificate or Resignation Notice to it. Make sure the Confirmation of Substitution is kept with the original Representation Agreement and included when showing the original or make photocopies. You may need to provide copies to third parties who already have a copy of the Agreement in their files. Everyone named in the Agreement should also have a copy.

**NOTE:** The Confirmation of Substitution Form (last page) is designed to be used with Representation Agreement forms provided by Nidus. The Confirmation of Substitution Form is not designed for use with Representation Agreements provided by other sources such as the Attorney General of BC and included with Ministry of Health materials (My Voice). The government forms have different wording about confirming substitution or replacement.

The law requires an Agreement to state how substitution happens if an alternate(s) is named. But the law does not say what is required for confirmation. The government decided on a more bureaucratic/legalistic approach to confirmation that adds cost and is not easy to access, especially in an urgent health care situation. The Confirmation of Substitution Form (attached) meets the requirements of the legislation and does not require the signature of a legal professional.

### 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 substitute for (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 can 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 Substitution 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 'Other Documents' in the Nidus Registry. The Other Documents section lets you upload any type of document that you want to keep track of, like vaccinations.

## Frequently Asked Questions

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

No, usually the two representatives are in effect for the same powers or authority. 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 named 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 named 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 form provided by Nidus to accommodate the names of two alternates.

## CONFIRMATION OF SUBSTITUTION FORM FOR A REPRESENTATION AGREEMENT

(See section 6 Representation Agreement Act and wording in Adult's Representation Agreement)

### This is to confirm that

Name of person(s) acting as Representative(s)

who is/are named in the Representation Agreement made by

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

Date the Adult and Witnesses signed Agreement (Month, DD, YYYY)

is being replaced by/substituted for the following who is/are authorized to act as representative(s)

Name of person(s) substituting for acting Representative(s)

### As set out in the Representation Agreement, this is confirmed by:

PRINT Full name of person who may confirm substitution

PRINT Full address of person confirming substitution

PRINT Role in Adult's Representation Agreement

Signature of person confirming substitution

Date substitution takes effect (Month, DD, YYYY)

*Note: This form is not a Notice of Resignation. For information on resigning, see the Nidus fact sheet and sample forms on Resigning as a Representative/Alternate and Resigning as a Monitor. These are available at [www.nidus.ca](http://www.nidus.ca) > Information (top menu bar) > Representation Agreement*