

Making Changes to a Representation Agreement

This fact sheet discusses **two types of changes** to a Representation Agreement:

- 1) Changes to a person appointed/named in the Agreement (see below); and
- 2) Changes to contact information for the adult or other people named in the Agreement (see page 2).

1) CHANGES TO A PERSON NAMED IN THE AGREEMENT

Can I add another person or swap one person for someone else in an existing Representation Agreement?

NO. If you want to add a different person to a Representation Agreement, the adult needs to:

1. **Revoke** (cancel) the existing Agreement, and
2. **Make a new** Representation Agreement.

Only the adult can revoke their Agreement.

Making a new Agreement does NOT automatically revoke (cancel) the previous one.

Please read the Nidus fact sheet and sample form on [Revoking a Representation Agreement](#). Click link or go to www.nidus.ca - click Information (top blue menu bar) > Representation Agreement > scroll down

Don't forget to register the Notice of Revocation and the new Representation Agreement. See the box on page 2 about updating the Registry.

Can someone resign from the Representation Agreement?

Yes, a person named in the Representation Agreement may resign. See the example in the box on this page about Chris' Agreement.

The Representation Agreement Act outlines the requirements for resigning. See the Nidus fact sheet with sample form on [Resigning from a Representation Agreement](#) at www.nidus.ca > Information > Representation Agreement > scroll down

An Example

Chris has a Representation Agreement for health care and personal care. Larry is the representative, Sylvie is alternate #1, and Jorge is alternate #2.

Chris and Larry used to be good friends but they have grown apart. Chris is not comfortable with Larry being his representative. Chris is undergoing cancer treatments and can't think about making a new Agreement at this time. Larry agrees to resign as the representative.

Fortunately, Chris named Sylvie as an alternate. If Chris needs help making decisions or managing his affairs, Sylvie will act as the representative.

After his treatments, Chris plans to revoke (cancel) his Agreement and make a new Custom Agreement with Sylvie as the representative, Jorge as alternate #1 and a new person as alternate #2.

What if the monitor resigns or dies or becomes incapable?

If a monitor is named in the Representation Agreement and the monitor dies, resigns, becomes incapable, or is unwilling or unable to act for some reason, a new Representation Agreement is likely needed.

Without a monitor, the representative may be unable to act. In some cases the Agreement may state that the representative may act for certain areas of authority even if the monitor is unable to act. Check the wording in your Agreement. The law does not allow for naming a back-up monitor.

NOTE: A representative cannot appoint a new person to take over as the representative if the original representative decides they can no longer act. If there is no one already named in the Agreement who can act (like another representative or an alternate), the adult must revoke the existing Agreement and make a new Agreement to give someone else authority.

2) CHANGES TO CONTACT INFORMATION

Do we make a new Representation Agreement if there is a change to contact information?

No, you do not have to make a new Agreement due to a change of residence, phone number, or email address. These types of changes do not affect the validity of the Representation Agreement.

Follow these tips:

- Do **NOT** make changes on the original of the Representation Agreement as it may raise concerns. Use a sticky note or paperclip a sheet of paper with the new information.
- When you make new photocopies of the original, you can neatly cross out the old information and print the new information on the photocopies.
- One of the purposes of the **Personal Planning Registry** is to provide a way to keep contact information up-to-date. See the box below.

What if the adult or a representative, alternate or monitor changes his or her legal name?

A legal name change does not affect the validity of the Representation Agreement but it may cause confusion if ID cards have the new name. If someone named in the Representation Agreement changes his or her legal name after the Agreement is made, attach a copy of the legal paper that confirms the name change. Make sure everyone in the Agreement is aware and can explain if needed.

Updating your Record in the Nidus Personal Planning Registry

Log In (with Nidus ID and password) and update contact information such as changes of addresses, phone numbers, emails, and location of your original Agreement. There is no cost.

You cannot use the Registry to change who is named in the Agreement. As discussed on page 1, you need to legally revoke the existing Agreement and make a new one. Then you can register the revocation and the new Agreement.

Read how-to-instructions for registering a revocation and for editing contact information. Ask registry@nidus.ca to email you instructions.

Answers to some frequently asked questions

Q The alternate named in the Representation Agreement died. I have someone else who is willing to be an alternate. Can we just cross out the name of the deceased alternate and write in the new name?

A NO. The adult needs to revoke the old Agreement and make a new one—see page 1.

It is always a good idea to have an alternate representative, in case something happens to the representative — even a temporary situation like going on vacation or being sick.

Perhaps the Agreement names a monitor. A monitor is a different role. A monitor cannot move up to be an alternate for the same area of authority (they cannot monitor themselves).

Q My representative was my spouse but we are now legally separated. Do they need to resign or do I need to make a new Agreement?

A It depends. The Representation Agreement Act says that a Representation Agreement is automatically ended if the representative is your spouse and your marriage or marriage-like relationship breaks down. If you named an alternate or another representative who can act, the Agreement might continue — it will depend on the wording in the Agreement.

Your Agreement may include a statement that your spouse's authority as representative may continue even if your marriage or marriage-like relationship breaks down. (If your Agreement was made before September 1, 2011, this wording required the Agreement to include a Certificate of Consultation signed by a lawyer.)

HOW FAMILIAR ARE YOU WITH THE REPRESENTATION AGREEMENT?

Since this document is used when an adult is alive and in need of assistance, it is very important to understand what it means and how to use it effectively. Nidus has lots of resources on its website for self-help, see page 3.

If the completed Agreement is stored in the Nidus Registry, you can permit Nidus staff to view it. We will try to explain what it authorizes and tips for using it.

Where to find Representation Agreement forms provided by Nidus?

Go to www.nidus.ca — at **home page**, scroll down to see 3 photos/headings:

> Helping an adult with a disability from birth or childhood (special needs, autism, FASD) — whose mental capability to understand is in question?
Click first photo/heading.

> Making your own documents while you are considered mentally competent to understand (in case are incapable in the future)?
Click middle photo/heading.

> Helping an adult whose mental capability to understand was affected in adulthood? Perhaps due to a stroke, advanced dementia, or other condition?
Click third photo/heading.

More information from Nidus

Go to www.nidus.ca

Hover **Information** (top menu bar), click topic

- > Representation Agreement - scroll down
 - [Revoking a Representation Agreement](#)
 - [Resigning from a Representation Agreement](#)
- > Health Care Consent - see list of fact sheets, such as
 - [Health Care Consent: Your Rights & the Law](#)
 - [Who Makes Health Decisions if You are Incapable?](#)
- > Adult Guardianship/Committeeship
 - [Adult Guardianship/Committeeship in BC](#)
 - [When PGT is Guardian of Adult's Finances](#) (statutory guardianship)

Hover **Get Help** (top menu bar), click topic

- > [Online Presentations](#) (and recorded webinars)
- > [Personal Help](#)

To view legislation and regulation

Go to www.bclaws.ca > Laws of BC > Public Statutes and Regulations > R > Representation Agreement Act (see link for Regulations, click for Representation Agreement Regulation).

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How to register with the Nidus Registry?

The online Nidus Registry is for registering important information and documents you or others might need in case of a health crisis OR other emergency (for example, an evacuation from a flood or wildfire).

The Registry is secure and private with 24/7 access. YOU stay in control!

The Nidus Registry is NOT only for documents provided by Nidus. You do NOT have to register immediately, sometimes people register years later.

FIRST TIME REGISTER?

Go to <https://nidusregistry.ca/>

> Click **Sign Up** button

Create a Registry Account (in name of person being registered, not the name of the representative or other support person)

At Welcome/Account page, scroll down to **Registration Options** and, for example, select 'Representation Agreement' and follow instructions. If you do not have the completed Agreement scanned in PDF format to upload, you can select 'Later'. There is no cost to upload later, for how-to-instructions contact registry@nidus.ca

After you make a registration, return to Welcome page. **Print wallet cards** from a link in the green container to the right. The wallet card shows the Nidus ID (do not put your password on the wallet card, keep the password private).

NOTE: *Personal Information Record* is a type of registration you can do online. It is for listing contacts such as physician, pharmacy, veterinarian, and others that might be helpful to those who have to know who and where to call. You can keep it updated at no cost.

AFTER FIRST TIME - Log In to manage your Account

Go to <https://nidusregistry.ca/>

> Scroll down and click **Log In** button

At Access Your Account, enter the Nidus ID and the password you used when creating the Registry Account.

After sign up, you will receive confirmation by email, with the Nidus ID (7 numbers, no dash or spaces).