

Making Changes to a Representation Agreement

Do NOT make any changes on the original legal document as this can raise suspicions and may affect validity.

This fact sheet discusses **two types of changes**:

- 1) Changes of who is 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 WHO IS NAMED IN THE REPRESENTATION AGREEMENT (RA)

Can I add another person or swap one person for someone else in an existing Representation Agreement? NO.

While the BC Representation Agreement Act says you can make changes to a RA—like changing people named—the procedure is complex and the result very messy and confusing. The common practice is to revoke (cancel) the previous RA and make a new one. These actions make things clear for everyone.

To add a different person to the RA, the adult (who the RA belongs to) needs to:

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

Only the adult can revoke their RA. Making a new RA does NOT automatically revoke the previous one.

The Nidus Resource Centre provides information on the legal procedures and sample form for *Revoking a Representation Agreement*. See where to find more resources on page 3.

Can someone resign from the Representation Agreement? YES.

Yes, a person named in the RA can resign. The Nidus Resource Centre provides information on the legal procedures and sample form for *Resigning from RA*.

What if the monitor resigns or dies or becomes incapable?

Without a monitor, the representative named in a RA7 may be unable to act. The law does not allow for naming more than one person in the monitor role and does not allow for an alternate monitor.

If a monitor is named in a Representation Agreement under section 7 and the monitor dies, resigns, becomes incapable, or is unwilling or unable to act, a new Representation Agreement is likely needed. In such cases, the adult revokes the existing RA7 and makes a new one with a new monitor.

A RA7 may state that if the monitor is unable to act, the representative may still act for other areas of authority but not for routine management of finances. Check the wording in the Agreement.

An Example

Carlos has a Representation Agreement under section 7 for all areas of authority (RA7All). José is the representative, Camila is the alternate, and Jorge is the monitor.

Jorge is an employee of an agency that provides services to Carlos. Jorge is leaving his job and is moving. He does not want to be the monitor anymore.

José helps Carlos with financial matters. Carlos is trying to save money for taking a trip.

If there is no monitor, José can no longer act as a representative for financial matters. Using pictures and photos, José goes over this with Carlos.

Carlos has become friends with the brother of a person who goes to the same day program as Carlos. Carlos and José ask the brother if he will be the monitor in a new Agreement.

NOTE: A representative cannot authorize a new person to take over as representative. If there is no one already named in the Agreement who can act (like another representative or an alternate), the adult revokes the existing RA and makes a new RA with a new representative. Someone named in the monitor role cannot move up to be a representative—this is why it is a good idea to name an alternate (so there is a back-up).

2) CHANGES TO CONTACT INFORMATION

Do we have to make a new Representation Agreement if there is a change to contact information? NO.

No, you do not have to make a new RA due to a change of address, phone number, or email. 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 RA as it may raise concerns. For the original, 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.
- If you have already distributed copies of the RA, let those institutions and professionals know of changes. It is just like informing people and organizations when you move.
- One of the purposes of the **Nidus Registry** service is to provide a way to keep contact information up-to-date. See the box to the right.

What about a legal name change?

A legal name change does not affect the validity of the RA. In BC, a name change due to marriage does not prevent use of one's unmarried last name—the names can be used interchangeably.

A name change may raise questions if ID cards have the new name but the RA has the old name.

The adult can revoke the existing RA and make a new one. Or, stick with the existing RA and keep a copy of the name change confirmation handy. Make sure everyone who is part of the RA is aware and can explain if needed. Follow the same tips as listed above.

Updating Contact Information in the Nidus Registry - if the RA is registered

These instructions are for doing it yourself. (If a lawyer or notary public is updating information as a Registration Agent, there are some differences.)

1. Go to <https://nidusregistry.ca/>
2. Scroll down a bit to the green Log In button and click it.
3. At Access Your Account - enter the Nidus ID (7 numbers) and password and click Log In.
4. At the Account/Welcome page, see the second container/box called 'My Personal Planning Documents' - click Representation Agreement.
5. At a new web page, there are separate containers with information about the registered document. To change contact information for those named in the RA, find the container for appointees and click 'Edit Information' and make updates. Be sure to click 'Save Changes'.
6. If you need to change contact information for the adult (called the Account Holder), click 'Return to Account' You should be back at the Welcome page - look at the green container to the right. Click the View/Edit tab at the bottom of the green container. Click Edit to make changes and be sure to click 'Save'.
7. When finished in the Nidus Registry, click Log Out in top right corner.

If you need to contact the Registry, email registry@nidus.ca

HOW FAMILIAR ARE YOU WITH THE REPRESENTATION AGREEMENT?

Since a Representation Agreement is a legal document and is used when an adult is alive, it is very important to understand what it means and how to use it effectively.

The Nidus Resource Centre has lots of resources on its website for self-help, including information with the free Representation Agreement forms we provide. See heading about where to find more resources on page 3.

If the completed RA is registered and a copy uploaded in the Nidus Registry, you can permit Nidus staff to view it. If you run into problems, we will try to explain what it authorizes and tips for using it.

Answers to some frequently asked questions

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

A NO. The adult revokes the RA and makes a new one to name the new person. See page 1.

Q I tried to change the name of the alternate in the Nidus Registry Account but I can only Edit the address and phone, but not the name. How do I change the name?

A You cannot change names in the Nidus Registry—this would affect the integrity of the system. The adult first needs to follow the legal procedures to revoke the previous RA. Go to www.nidus.ca > Information (top menu bar) > Representation Agreement - click to read information and see sample form for *Revoking RA*

After doing the Notice of Revocation and giving it to those required, you can register the revocation (to replace the previously registered RA) and then you can register the new RA.

Log into the Nidus Registry Account and at the Welcome page, scroll down to 'Registration Options. Select Notice of Revocation. If the previous RA is registered, it will show up on the top half of the page 'Revoke Existing Registered Document.' Click the link for the previously registered RA and proceed to register the revocation. Then 'Return to the Account' and scroll down to 'Registration Options' and select Representation Agreement to register the new RA.

Where can I register the RA?

One of the biggest problems people have is locating important information and documents when they are needed. This might be during a health crisis or other emergency like a wildfire or flood.

The online Nidus Registry, operated by the Nidus Resource Centre, is the only registry in BC for types of powers of attorney and Representation Agreements — it can also securely store other important information and documents.

You can retrieve your own records in the Nidus Registry yourself and you can arrange access for others who may need to know. The Nidus Registry is online for 24/7 access.

For example, Does a Representation Agreement exist? Where is the original located? Who is the representative?

The Personal Information Record in the Nidus Registry can keep track of details like—What regular bills need to be paid? What financial institutions are the bank accounts at? Are there allergies to food or medications? What are the current prescriptions and dosages? Information is typed in online and can be changed.

Learn more at <https://nidusregistry.ca/faqs/>

First time to register?

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

Click Sign Up and create an Account—*put the name of the person the document belongs to, not the name of the representative.*

After creating the Registry Account, you will come to the Account/Welcome page. *Scroll down to 'Registration Options' and select what you want to register.*

INFORMATION AND RESOURCES

Where to find more resources?

Go to www.nidus.ca > Information (top menu bar) > select Representation Agreement or other topic.

Thanks from the Nidus Resource Centre to donors for funds to produce this and other education resources.