

The Essentials of a Plan for Your Future

for incapacity, end-of-life, and other support needs

- This presentation provides basic information. It is not legal advice.
- Thanks to donors for supporting Nidus to provide education through various means.

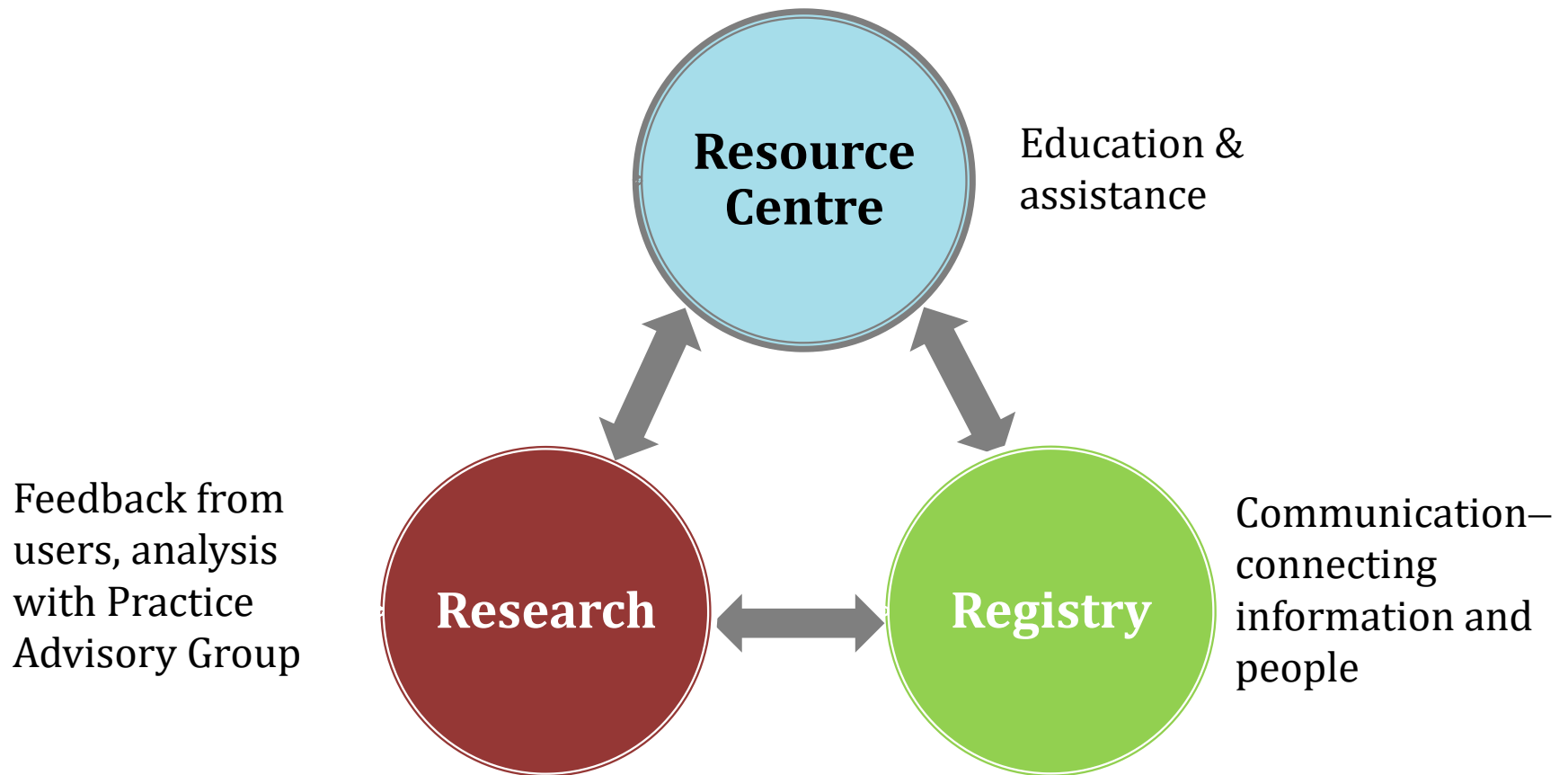
Who is Nidus?

Nidus...

- BC-wide, non-profit, charitable organization, established in 1995 by other community groups.
- Hub for expertise on Representation Agreements.
- Resource to the public, community organizations, and professionals.
- Provides a Registry service to help communicate important information and documents.

Nidus is the Latin term for nest: a symbol of support and safety.

Nidus' participatory approach

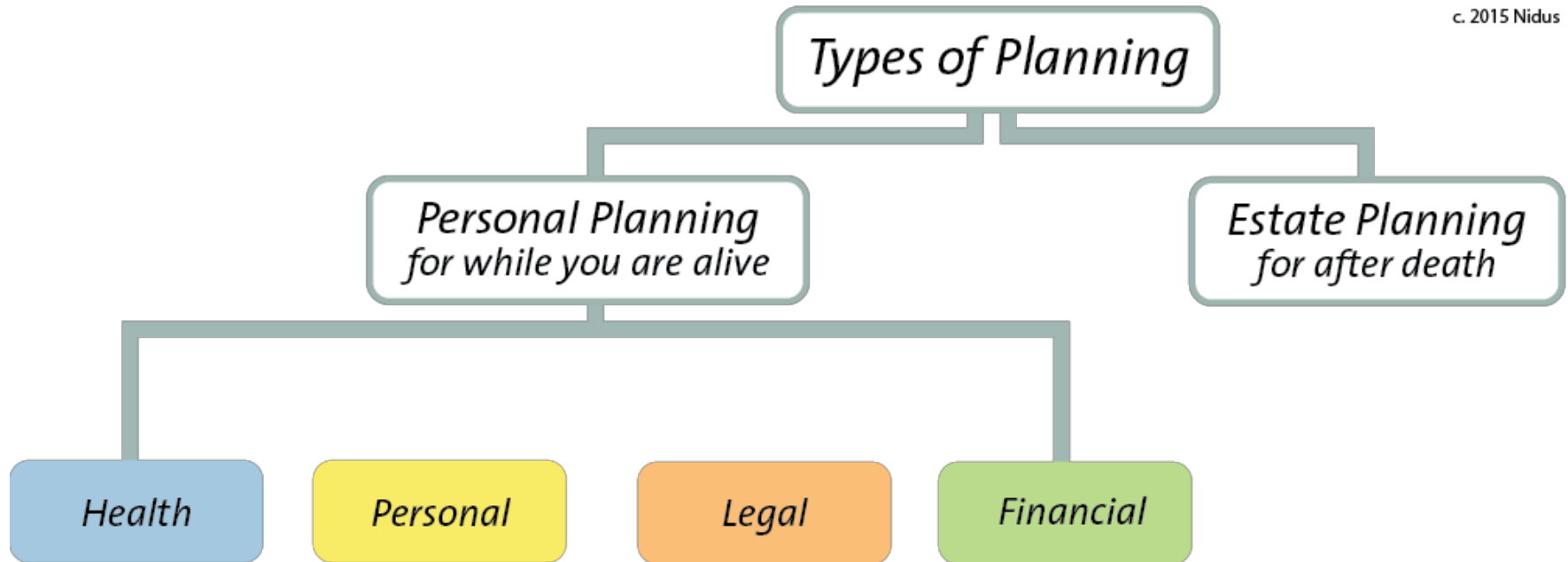


Context for Personal Planning



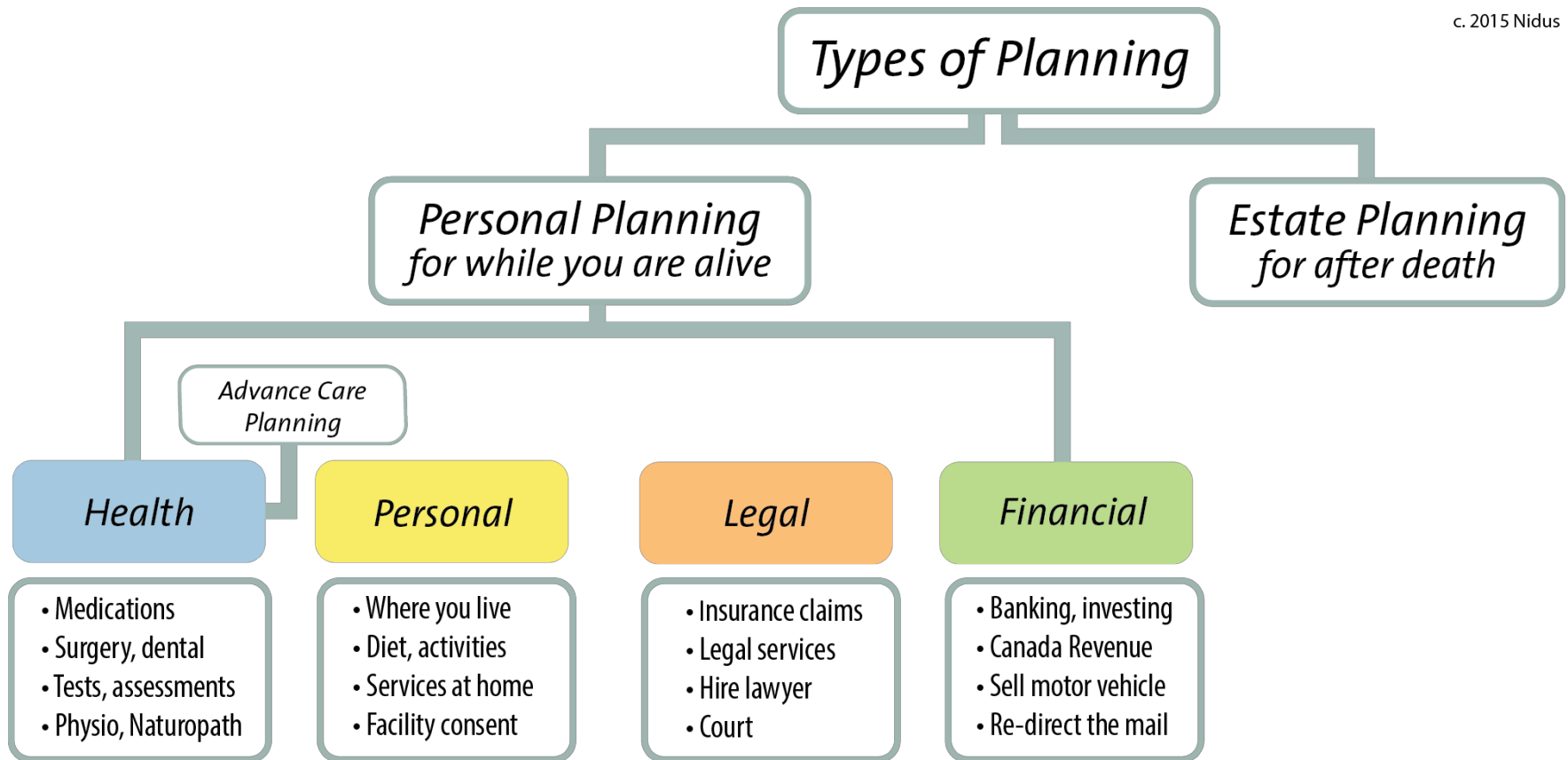
Personal planning – 4 life areas

c. 2015 Nidus



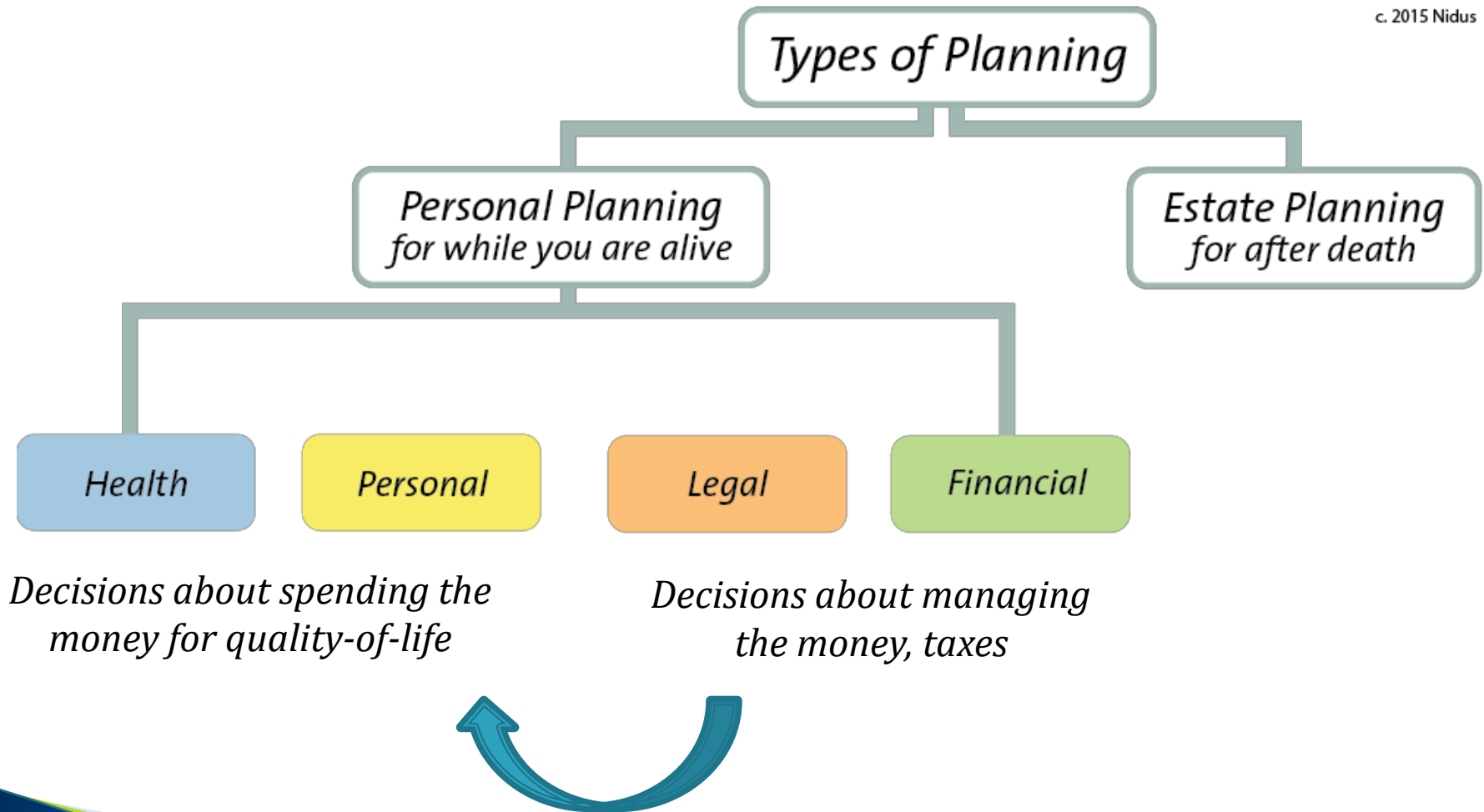
Examples of authorities for life areas

c. 2015 Nidus



All areas are related

c. 2015 Nidus



Personal Planning Law Reform

Law reform – social change

- Guided by principles including right to self-determination, right to legal presumption of capability, adult guardianship as the last resort.
- Invest in support from family and friends (as opposed to relying on professionals and government).
- Shift the service systems away from paternalism to self-determination.
- Fill gaps in legislative framework to enable people to help themselves.

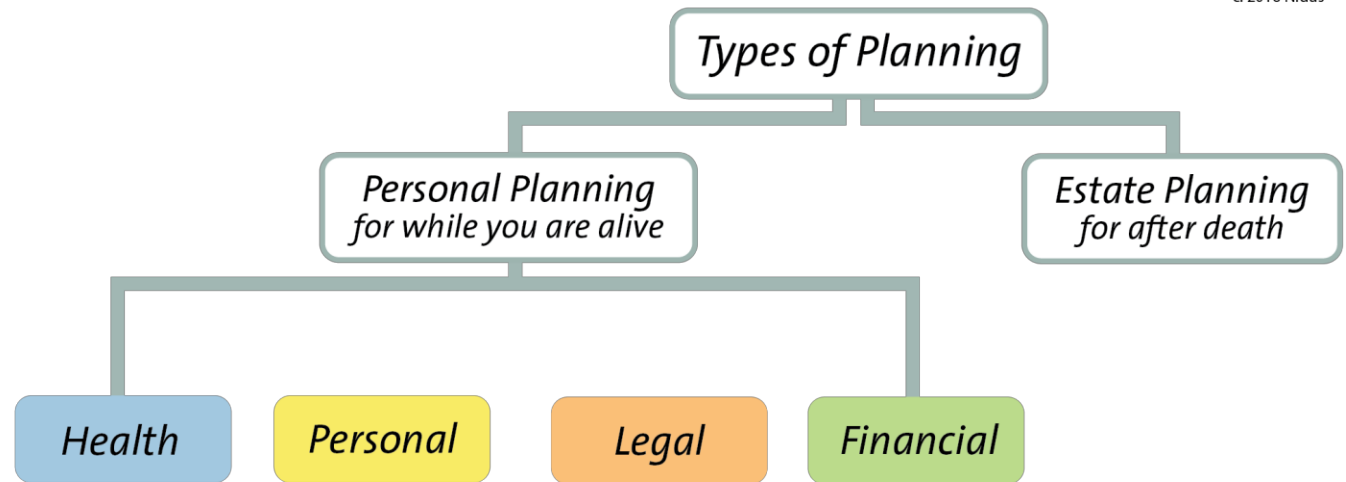
Gaps in legal framework for planning

	Planning for Financial & Legal Affairs	Planning for Health Care & Personal Care	Legal alternative to adult guardianship (all life areas)
BEFORE 2000	Enduring Power of Attorney	NO	NO

Legal tools in BC for Personal Planning

Two paths for personal planning

c. 2016 Nidus



FUTURE PATH

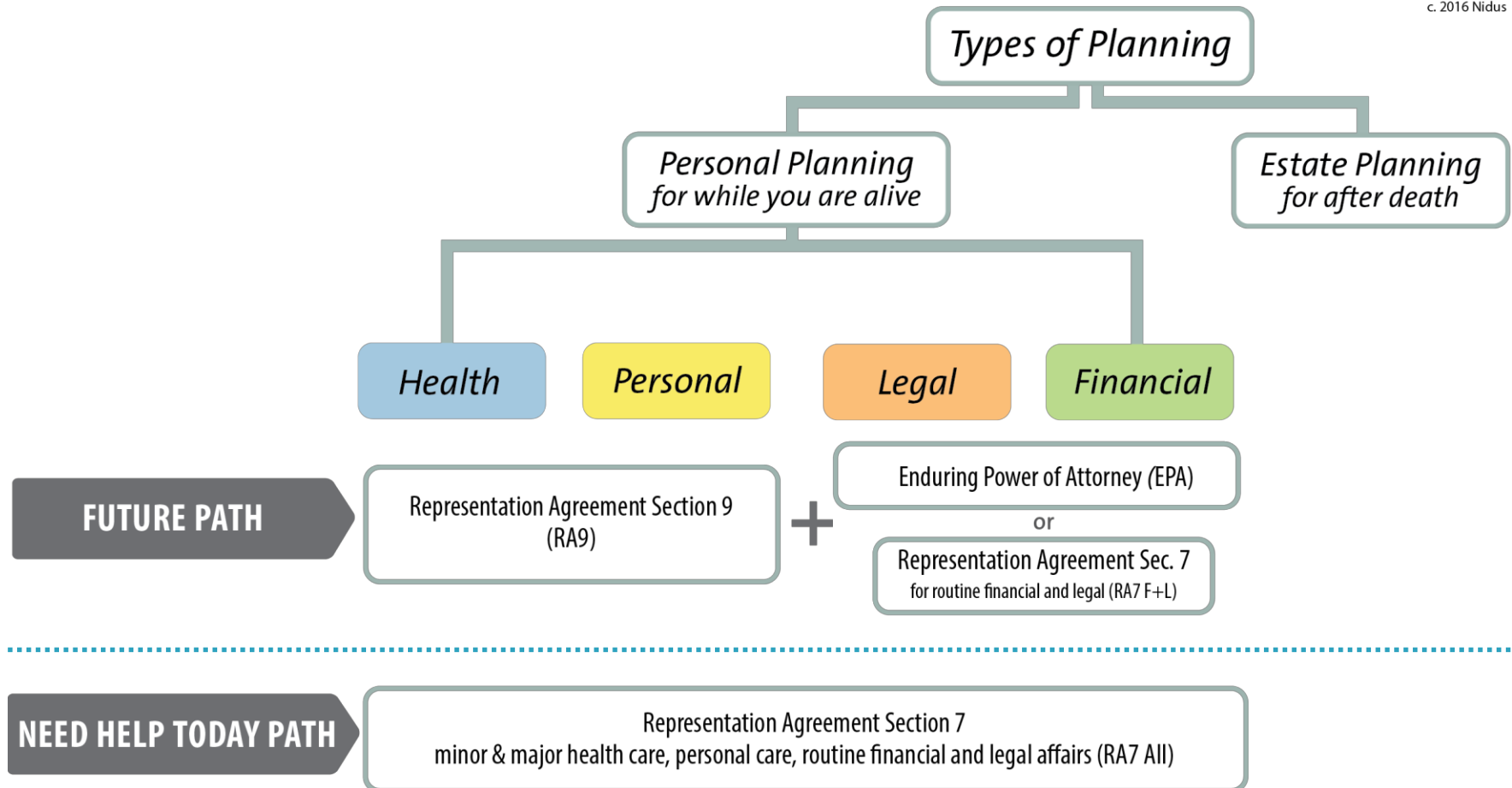
Understand the nature and effect.

NEED HELP TODAY PATH

Capability to ***understand*** the nature and effect ***is in question.***

Legal documents for each path

c. 2016 Nidus

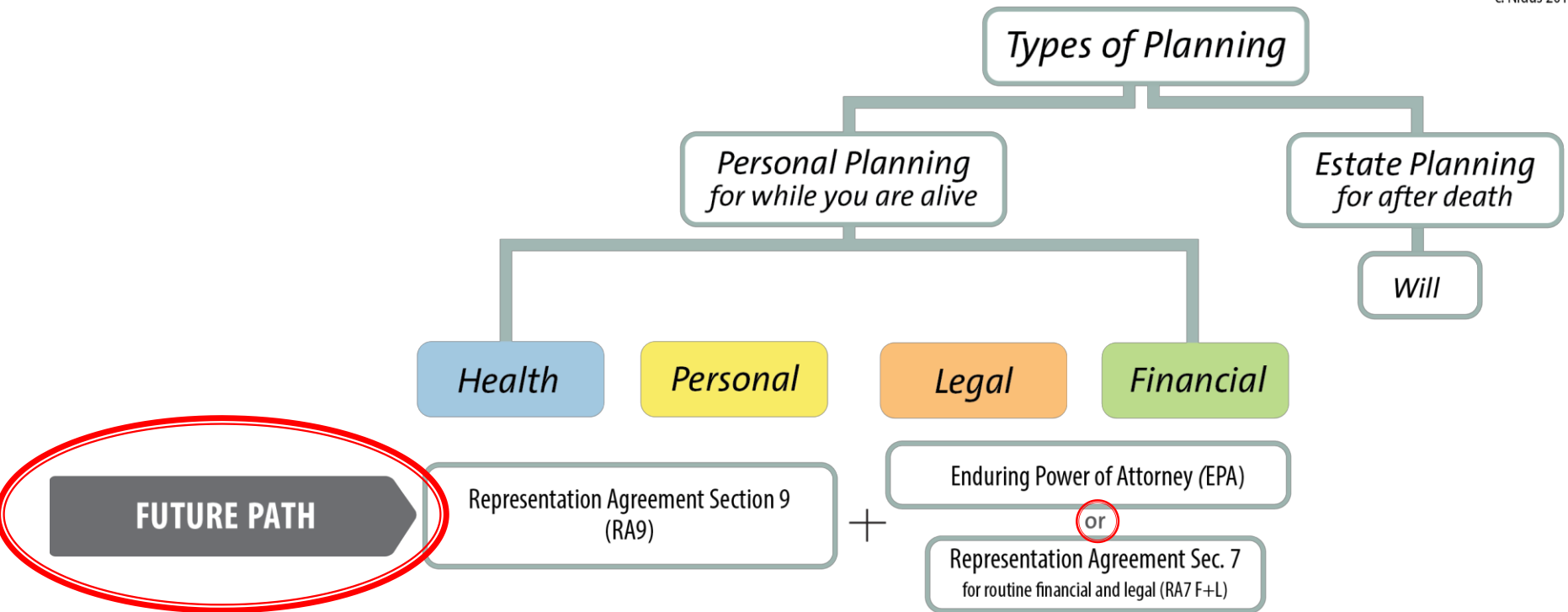


Law reform fills gaps for planning

	Planning for Financial & Legal Affairs	Planning for Health Care & Personal Care	Legal alternative to adult guardianship (all life areas)
As of Feb. 28, 2000 Law Reform	EPA <i>(amended Sept. 1, 2011)</i> or RA7 F+L (routine)	Representation Agreement Section 9	Representation Agreement Section 7

Future Path – Legal Tools

c. Nidus 2016



NEED HELP TODAY PATH

Future Path – John & Mary

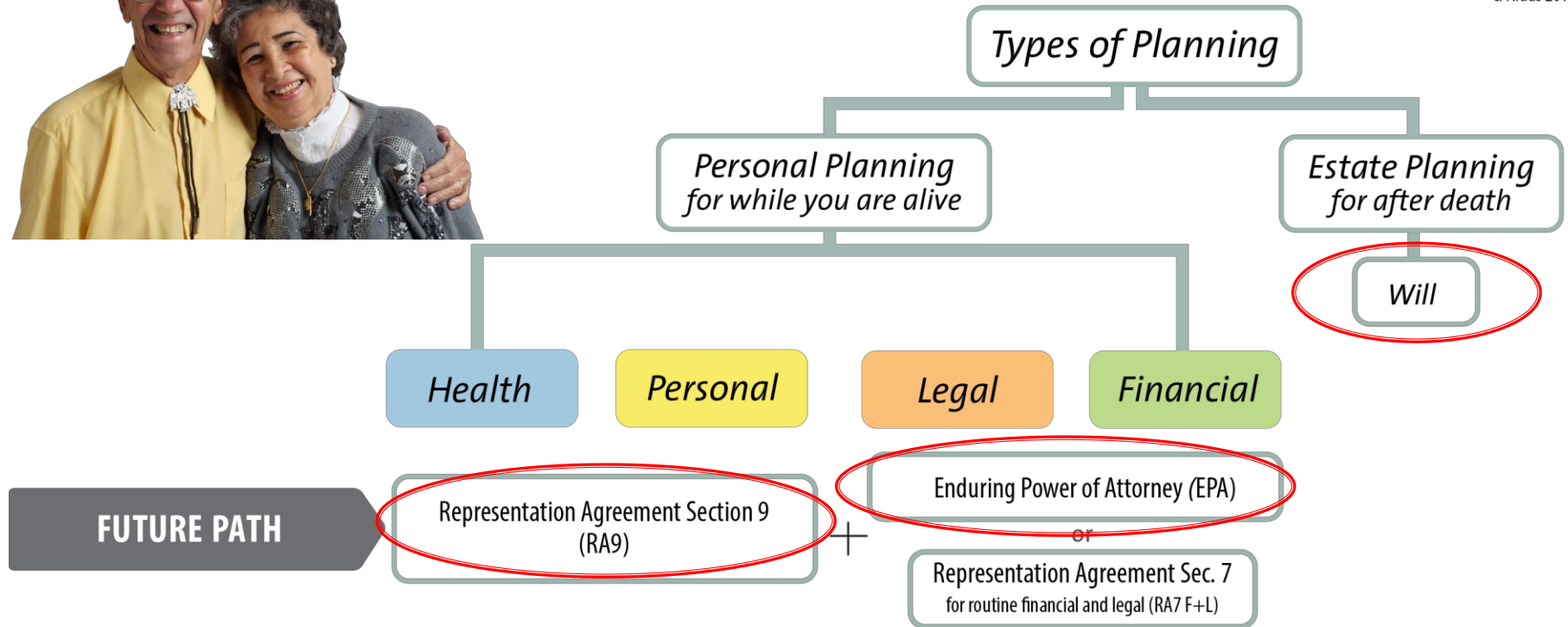


- John is relatively healthy. He identifies as a caregiver so he has some stress worrying about Mary.
- Mary was recently diagnosed with dementia – she took herself to the doctor as she felt something wasn't right. She has been John's 'caregiver' for many years!

Future Path – 3 essential legal documents



c. Nidus 2016



NEED HELP TODAY PATH

Future Path - Cynthia

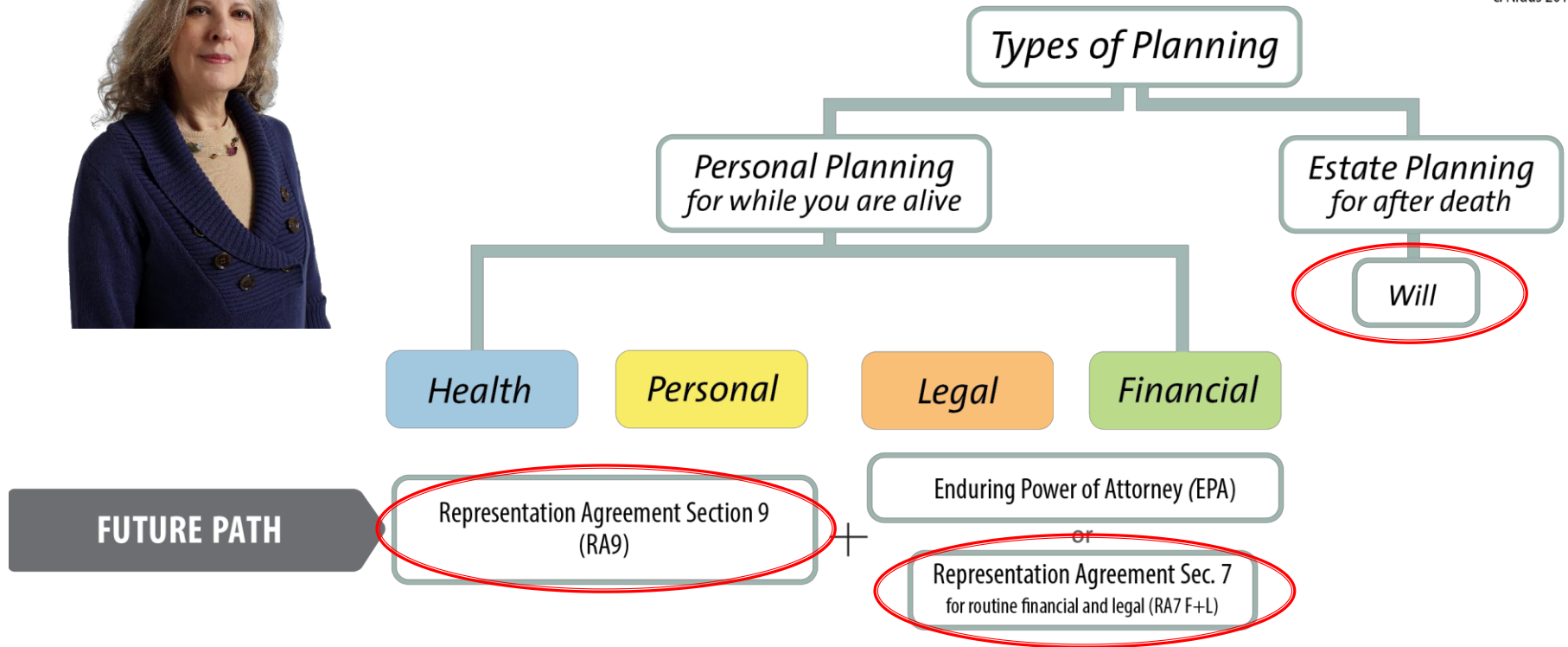


- Cynthia is scheduled for major surgery.
 - > There are risks as well as benefits; how does she prepare?

Future Path – 3 essential legal documents



c. Nidus 2016

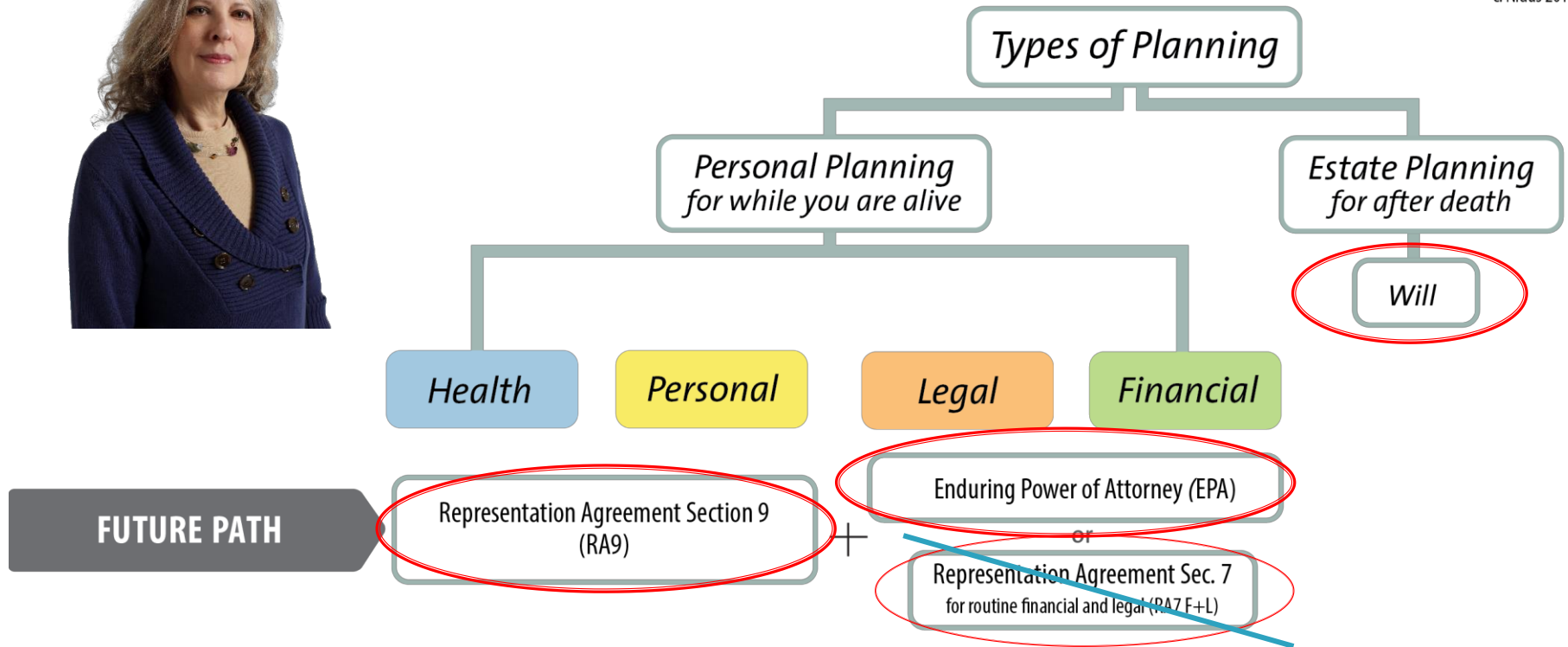


NEED HELP TODAY PATH

Revised plan



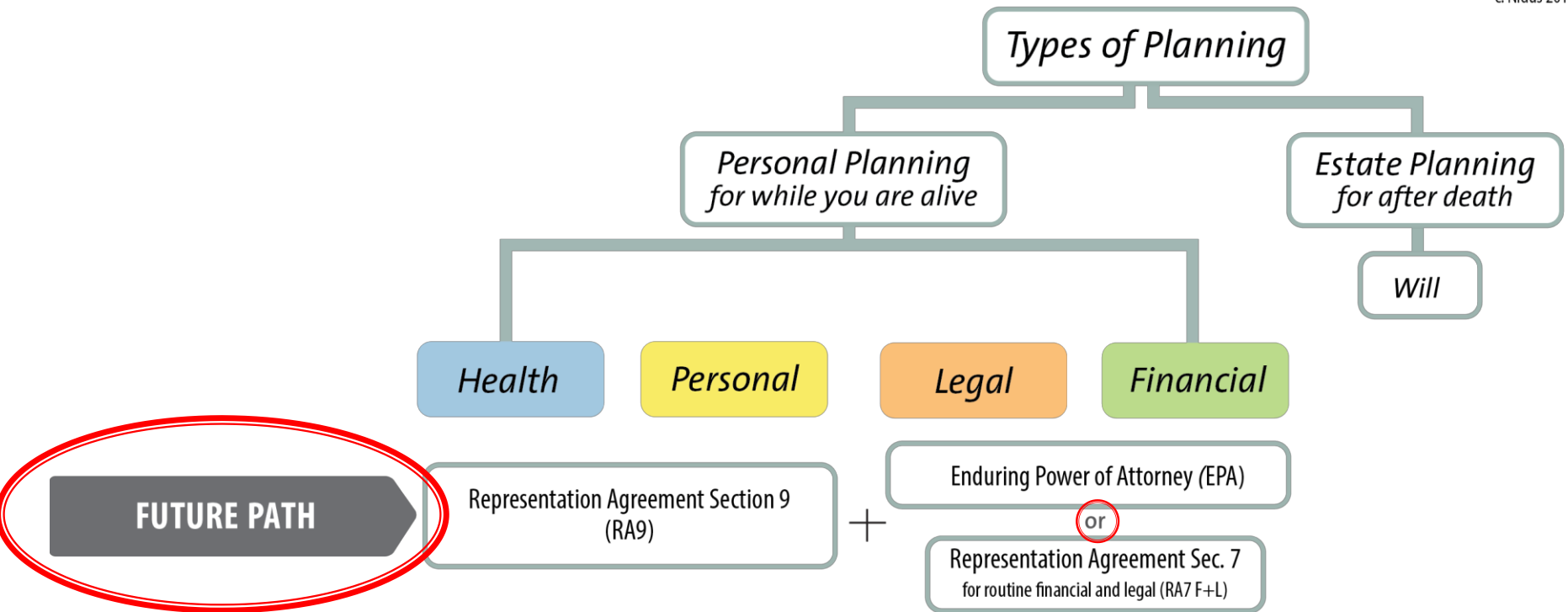
c. Nidus 2016



NEED HELP TODAY PATH

Future Path – Legal Tools

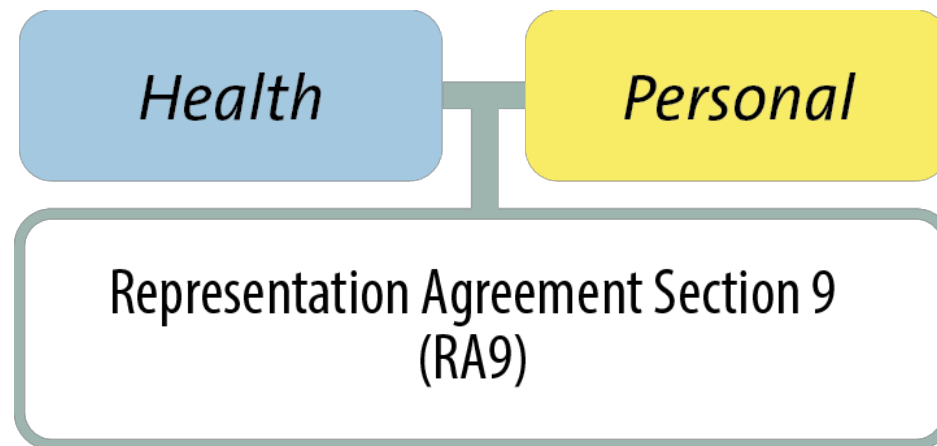
c. Nidus 2016



NEED HELP TODAY PATH

FUTURE PATH – RA9

- An RA9 is BC's most comprehensive and strongest legal document for health & personal care planning.
- You must understand the nature and effect of an RA9 – at the time of making it.
- You must be 19 years or older.

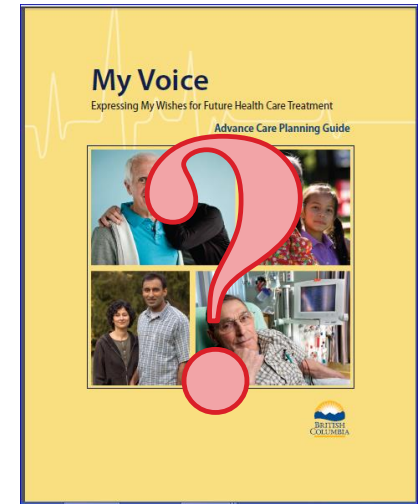


ALERT – Consumer beware

- ‘Physician’s Orders’ are an old practice and are NOT a legal advance consent, for example:
 - > Medical Scope of Treatment (MOST) form.
 - > DNR/No-CPR form.
- Wishes **belong to the person/patient**. If anything written, give a copy for medical chart but patient retains ownership so it can be updated or changed.
 - > Nidus will be doing an upcoming webinar on “Expressing Wishes – That Don’t Backfire!”

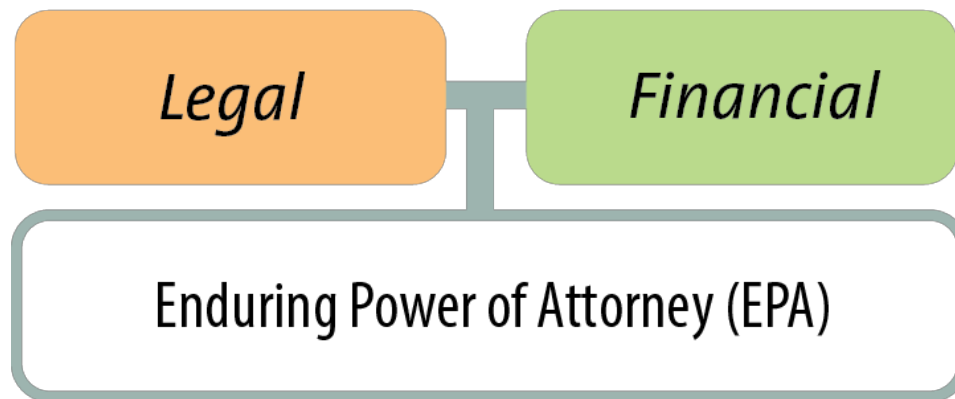
ALERT

- In 2012, the Ministry of Health published a guide to advance care planning called *My Voice*.
 - > It is confusing.
 - > Information on Representation Agreements is not accurate.
 - > The Representation Agreement forms in it (by Min. of Attorney General) are not accessible.
 - > The Ministry of Health knows the problems since 2013. We understand it is being revised.



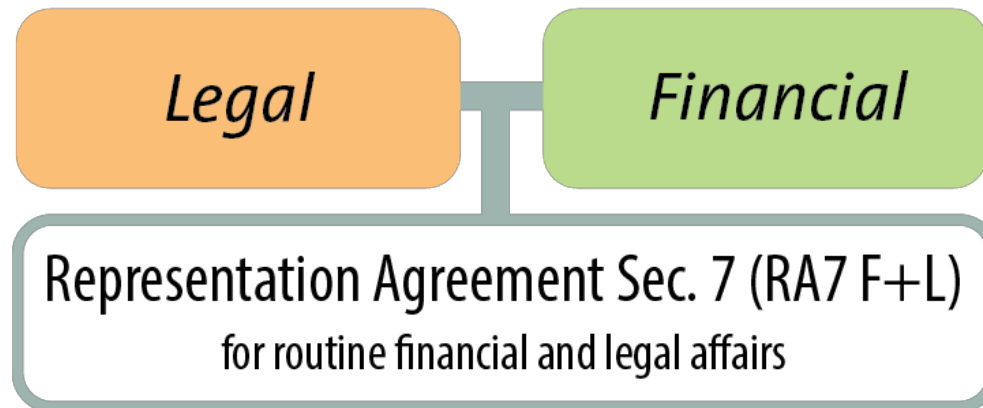
FUTURE PATH – EPA

- An Enduring Power of Attorney is the most comprehensive legal planning document for financial and legal affairs.
- You must be capable of understanding – 6 items outlined in the legislation.
- You must be 19 years or older.



FUTURE PATH – RA7 F+L

- A Representation Agreement with authority for **routine** finances is another option on future path.
- It does not cover as much as an EPA.
- You must be 19 years or older.



ALERT – Joint Ownership

- BE VERY CAUTIOUS about joint ownership with anyone other than your spouse.
 - > Bank account.
 - > Vehicle.
 - > Real estate.
- Issues:
 - > Creditors
 - > Court cases
 - > Pay capital gains – and report on income tax.

ALERT – Bank Power of Attorney

- A 'Bank Power of Attorney' is not sufficient for personal planning.
 - > Is old practice.
 - > A Bank Power of Attorney could interfere with another EPA or an RA7 F+L.

FUTURE PATH – www.nidus.ca

Click **middle photo/heading** if you fit the future path.

- Find details on and link to **RA9**
- Info & links to **EPA Guide**.
- Info & link to **RA7 F+L form**.

The screenshot shows the Nidus website with the following content:

Nidus Personal Planning Resource Centre and Registry

Home | Information | Get Help | My Documents | News | Registry

Nidus and Personal Planning

The Nidus Personal Planning Resource Centre is a non-profit, charitable organization. Nidus provides information to British Columbians about personal planning, specializing in Representation Agreements. We also operate a centralized Registry for personal planning documents.

Helping a Relative with a DISABILITY

I'm Planning for the FUTURE

Caring for an Older Adult Who NEEDS HELP NOW

My mom is my legal representative

I'm not waiting for a crisis

It's about dignity and respect

What if mental capability is in question?

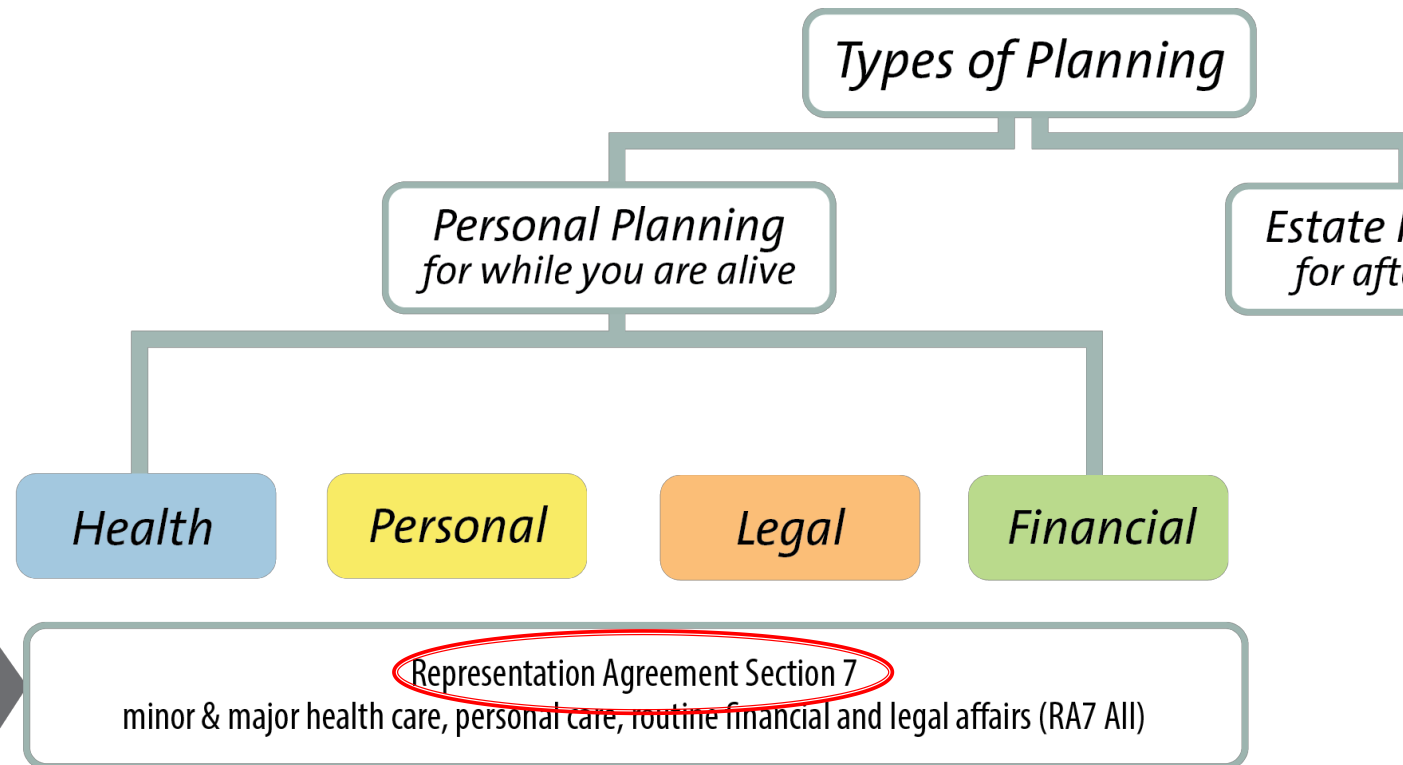
HELP FOR TODAY PATH

What if Mary did not plan?



- Mary's dementia has progressed...
 - > Mary did not make plans when she was considered capable and on the future path.....
 - > Mary no longer meets the capability requirements for making an RA9 or EPA.
 - > How can she get help from those who know and care about her?

Legal tools on NEED HELP TODAY PATH



RA7 Capability Requirements

- The RA7 has a different view of capability than other laws/documents.
 - > There is no specific criteria that everyone has to meet.
- Even if a doctor says an adult is mentally incompetent, this does not prevent them from making an RA7.

NEED HELP TODAY PATH – www.nidus.ca

- Click **first heading** - adults with disability from birth or childhood that affects their mental capability.
- Click **third heading** - adults who did not plan when on future path (Mary Scenario 2)

Nidus Personal Planning Resource Centre and Registry

Home | Information | Get Help | My Documents | News | Registry

Nidus and Personal Planning

The Nidus Personal Planning Resource Centre is a non-profit, charitable organization. Nidus provides information to British Columbians about personal planning, specializing in Representation Agreements. We also operate a centralized Registry for personal planning documents.

*Helping a Relative with a **DISABILITY***



My mom is my legal representative

*I'm Planning for the **FUTURE***



I'm not waiting for a crisis

*Caring for an Older Adult Who **NEEDS HELP NOW***



It's about dignity and respect

You know what you want.

How do you let others know?

Personal Planning Registry

- Go to nidus.ca > click Registry tab at the top.

Nidus Personal Planning Resource Centre and Registry

Your choice. Your plan. Your future.

Search

Home | Information | Self-Help | News | **Registry** AAA

Personal Planning Registry

ONLINE Registry

Search Registry

FAQ

WHAT TO REGISTER

- Personal Info Record
- Personal Planning Docs
- Other Documents

New to the Registry? CLICK HERE TO GET STARTED

Need help making a Representation Agreement or other personal planning document? VISIT OUR [HOMEPAGE](#) AND CLICK ON THE PHOTO/HEADING THAT BEST SUITS YOUR SITUATION.

WHAT IS THE PERSONAL PLANNING REGISTRY?

The Personal Planning Registry is a secure online service for storing your important information and

Access Your Account

Nidus ID:

Password:

[Do I have an Account?](#)

[Forgot Password?](#)

[Sign In](#)

Create Your Account

Register information about your wishes and legal plans in case you need help due to illness, injury or disability.

[Start Now](#)

Search for Account

To find out if a friend, family member or client has registered their personal planning information, perform a basic search here.

Shared Sign In

Sign in to access documents or an account shared with you by an Account Holder or Registrant.

Registration Agent

Authorized lawyers and notaries may register their clients' documents here.

Access User

Authorized institutions may access registered planning documents here.

Welcome!

Nidus operates a centralized Registry for your existing personal planning documents, such as a Representation Agreement, Enduring Power of Attorney, Advance Directive and much more. You can also list key contacts in the Registry in case of emergency.

The Personal Planning Registry is an efficient tool for organizing your information and for communicating your wishes if you are incapable of doing so yourself. This Registry is based on the laws and practice in British Columbia, Canada.

Start now to **Create Your Account**.

To learn more about personal planning, visit www.nidus.ca

[Contact Us](#) | [Privacy Policy](#) | [Terms and Conditions](#) | [FAQ](#) | [Registration Fees](#)

Personal Planning Registry - voluntary

- The Personal Planning Registry helps with communication:
 - > Store important information AND documents in **one central location**.
 - Keep information up-to-date.
 - > Make registrations available to others.
 - Grant viewing access to authorized third parties.
 - Share viewing access with individuals you trust – representative, alternate, a physician.

Download and print wallet cards



Nidus Personal Planning Registry

NIDUS ID

2942048

FIRST NAME

Sylvia

LAST NAME

Star

I am registered with www.nidus.ca/registry

www.nidus.ca/registry

Why register?



Family and friends don't have to rummage through drawers and bookcases hoping to find the legal documents and other information they need!

Thank you for joining us!

info@nidus.ca | www.nidus.ca