

Representation Agreements as a Tool for Personal Planning for Adults with FASD
A project of the Nidus Personal Planning Resource Centre and Registry
Funded by the Victoria Foundation

BACKGROUND

Nidus

- Nidus is a non-profit, charitable organization (formerly known as the Representation Agreement Resource Centre and Nidus Registry).
- Nidus provides education and assistance to British Columbians with Representation Agreements.
- Nidus provides information on Enduring Powers of Attorney, Living Wills/Advance Directives, Health Care Consent, Care Facility Admission and Guardianship.
- Nidus operates a centralized Registry for Representation Agreements and Enduring Powers of Attorney and Revocations of such.

Representation Agreements

- The *Representation Agreement Act* was enacted in February 2000 as a tool for supported decision-making and personal planning.
- One of the purposes of the legislation is to provide an alternative to guardianship. This is to ensure that guardianship is the last resort, one of the key principles underlying BC's adult guardianship system.
- Representation Agreements are designed to avoid the loss of rights that result from adult guardianship when an adult is declared 'incapable' to make decisions.
- Representation Agreements provide a way to give legal status to support people of adults who continue to need help with decision-making after turning 19.
- A representative is a person chosen by an adult to help or support the adult's decision-making in relation to health, financial, personal and/or legal matters. A Representation Agreement can be all-encompassing or limited.
- A Representation Agreement is a voluntary legal document. It must be signed by the adult in the presence of two independent witnesses who also sign the Agreement. Typically, a lawyer is not required.
- The legislation allows that any person over age 19 may make a Representation Agreement, even if the adult cannot manage their own financial or personal affairs.

Education and Research Project

- In 2007, Nidus submitted an application to the Victoria Foundation, FASD Action Fund, for a project to explore the use of Representation Agreements as a tool for adults with FASD.
- The overall aim of the project is to identify best practices in providing education about and support with Representation Agreements for individuals and families/caregivers in the FASD community.

- The methods used are: 1) conduct free educational workshops in specific communities in three regions of British Columbia; 2) assist adults with FASD to make Representation Agreements; and 3) document all aspects of the process.
- Nidus contracted with Deborah Rutman PhD., of the University of Victoria School of Social Work, to undertake the research component.

FINDINGS AND EMERGING LESSONS

There is a lack of existing knowledge

Based on our community-based workshops, it is evident that individuals and families/caregivers connected to the FASD community had little previous knowledge of Representation Agreements. This holds true also for professionals, community organizations, and families.

Interest in potential to prevent secondary effects of FASD

Despite lack of existing knowledge, there is growing interest in learning more, particularly as applied to youth who are approaching the age of majority. There are few supports available to adults with FASD, yet the potential for difficulties is high due to the nature of the disability. Can Representation Agreements help prevent some of the life difficulties and secondary disabilities associated with FASD that may arise?

Focus education efforts on 'Transition to Adulthood'

Feedback has been unequivocal that, for the FASD community, the place to focus community education efforts is on the period of transition to adulthood.

FOR MORE INFORMATION

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