



# **‘Travelling Wills Clinic’ Feasibility Study**

**Making Free Personal Planning Documents (Last Will,  
Enduring Powers of Attorney & Representation Agreement)  
for Low Income Adults Outside the Lower Mainland**

**Review of documents and procedures, discussion of proposals**

*November 19, 2019*

# AGENDA

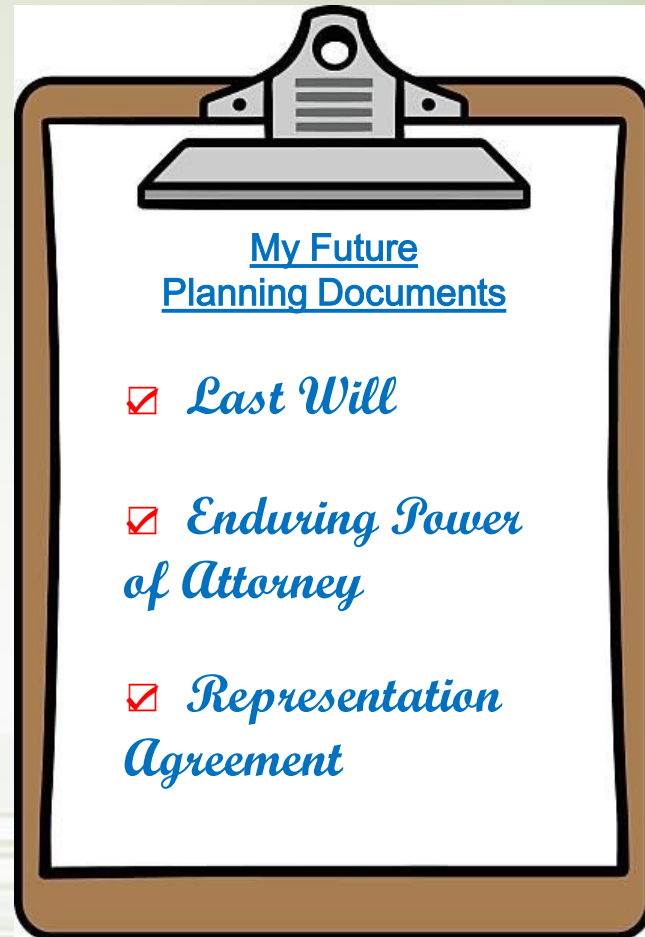


1. Introduction
2. Planning Documents:
  - Terminology
  - Common issues
3. Substitute Decision Making
4. MyLaw BC
5. Planning Document Nights
6. Proposals: travelling wills bus; navigators, tariff, combination of 3
7. Questions for Discussion

**NOT COVERED** - Alternatives to, and specifics of these planning documents.

# INTRODUCTION

Terminology, introduction to documents and structure



# Terminology

## Last Will

**Will-Maker** – person who sets out wishes and appoints someone to manage their estate (pre-WESA – “testator/rix”)

**Executor(rix)** – the person receiving authority to manage someone else’s finances & legal matters (their ‘estate’) affairs after they have died

**Last Will** – the instrument that creates the position of executor(s)/trix(es) and provides directions on administering the estate

## Power of Attorney

**Adult** – a person who appoints someone to stand in her shoes for financial and legal matters through a power of attorney (aka - “donor”)

**Attorney** – the person receiving authority to manage someone else’s finances & legal affairs

**Power of Attorney** – the instrument that creates the relationship of donor & attorney(s), and empowers the attorney(s) or alternates

## Representation Agreement

**Adult** – a person who makes an agreement with someone to speak and decide on their behalf regarding medical and personal care matters.

**Representative** – the person receiving authority re care.

**Representation Agreement** – creates relationship of adult & representative(s), and empowers the representative(s) or alternates

# Law of Agency

Each of these documents appoints an ‘agent’ to act on behalf of the adult:

1. **Executor** - deal with money, body & property (and dependants) after death
2. **Attorney** - deal with property & legal matters before death
3. **Representative** - deal with health & personal care before death



# EPOA & RA Stop At Death

**Attorney -  
Money\* &  
Property**

Death

**Executor -  
Money &  
Property**

**Representative -  
Health Care and  
Personal Care**

Death

**Executor - Body  
any memorial  
service, underage  
children\*\***

**NOTES:** \* - a s. 7 Representative can deal with routine financial matters

\*\* - a Will can set up trusts and guardianship for underage children

# Care in Choosing Agent

## Last Will

**Will-Maker** - should appoint someone:

- willing to act,
- familiar with the estate,
- young enough to outlive him or her, and,
- (preferably) living in B.C.

**NOTE** - the executor/rix can be a beneficiary under a will. They are 'supervised' by the court in the process.

## Power of Attorney

**Adult/Donor** - should appoint someone:

- willing to act,
- good at record keeping, financial acumen
- familiar with their property and legal matters, and,
- (preferably) living in B.C.

**NOTE** - they need to appoint someone they implicitly trust. They are giving this person a 'license to steal.'

## Representation Agreement

**Adult** - should appoint someone:

- willing to act,
- familiar with their wishes and values, and,
- (preferably) living in B.C.

**NOTE** - studies have shown parents often wrongly believe their child understands their wishes and values (wrong 50% of the time)

# Some Common Issues

- **Witnessing** - how many, and who is prohibited?
- **Multiple agents** - how they decide - majority rule?; consensus: independently?
- **Alternate agents** - provision if main agent unable/unwilling to act?
- **Revoking** - provision to revoke any previous conflicting documents?

# Other Issues That May Arise

## Capacity?

- Does the adult have the capacity to appreciate the nature and consequences of what they are doing?
- This is a legal question, not a medical one.

## 3<sup>rd</sup> Parties?

- Adult often accompanied by a family member or friend
- Who is the client?
- Is there a conflict of interest?

## Undue Influence

- Is the adult acting 'of their own free will, without any 'undue influence' (some 'influence' is okay) when deciding what to do and who to appoint?



Reasons for advance health care planning documents.

# **SUBSTITUTE DECISION MAKING**

# Substitute Decision Maker

- A person may become incapable at a point in his or her life due to illness, disability or accident (e.g. - brain injury) .
- If an adult is, or becomes incapable, another person (or persons) can become the substitute decision-maker(s), who acts on the known wishes and values (or best interests) of the incapable adult.

# Appointing Substitute Decision Maker

A substitute decision-maker can be appointed in either of the following ways:

- A **capable adult** can in advance name the substitute decision-maker(s) in an Advance Planning Document (e.g. in a Enduring Power of Attorney, a Representative Agreement); or
- An **incapable adult** may have a guardian (called a Committee (“kaw-mit-tay”) of Estate or Committee of Person, or both) appointed by the courts (or PGT appointed by statute) to make decisions.

# TSDM

- There might also be a “temporary substitute decision maker” (‘TSDM’) for health care decisions
- If a health care provider is unable to get consent of patient, no Rep. Agreement or Advance Directive exists, and no one appointed Committee of Person, then the health care provider will need to get consent from a TSDM
- Power of TSDM generally valid for 21 days - but for each new decision - provider finds TSDM

# Hierarchy of TSDMs

The health care consent law provides a hierarchical, default list of TSDMs, as follows:

1. spouse/partner
2. adult child (over 19 years old)
3. parent
4. brother or sister
5. grandparent
6. grandchild
7. other relatives by birth or adoption (not in-laws or step-children)
8. close friend
9. person immediately related by marriage (includes in-laws or step-children)

**NOTE** - if no one can be found, PGT can appoint someone to decide

# Hierarchy of Substitute Decision Makers

**‘Committee of the Person’**

- court appointed

**‘Representative’**

- under Representation Agreement

**Advance Directive**

- you yourself speaking through a document

**Temporary Substitute Decision Maker (“TSDM”) -  
family member or friend**



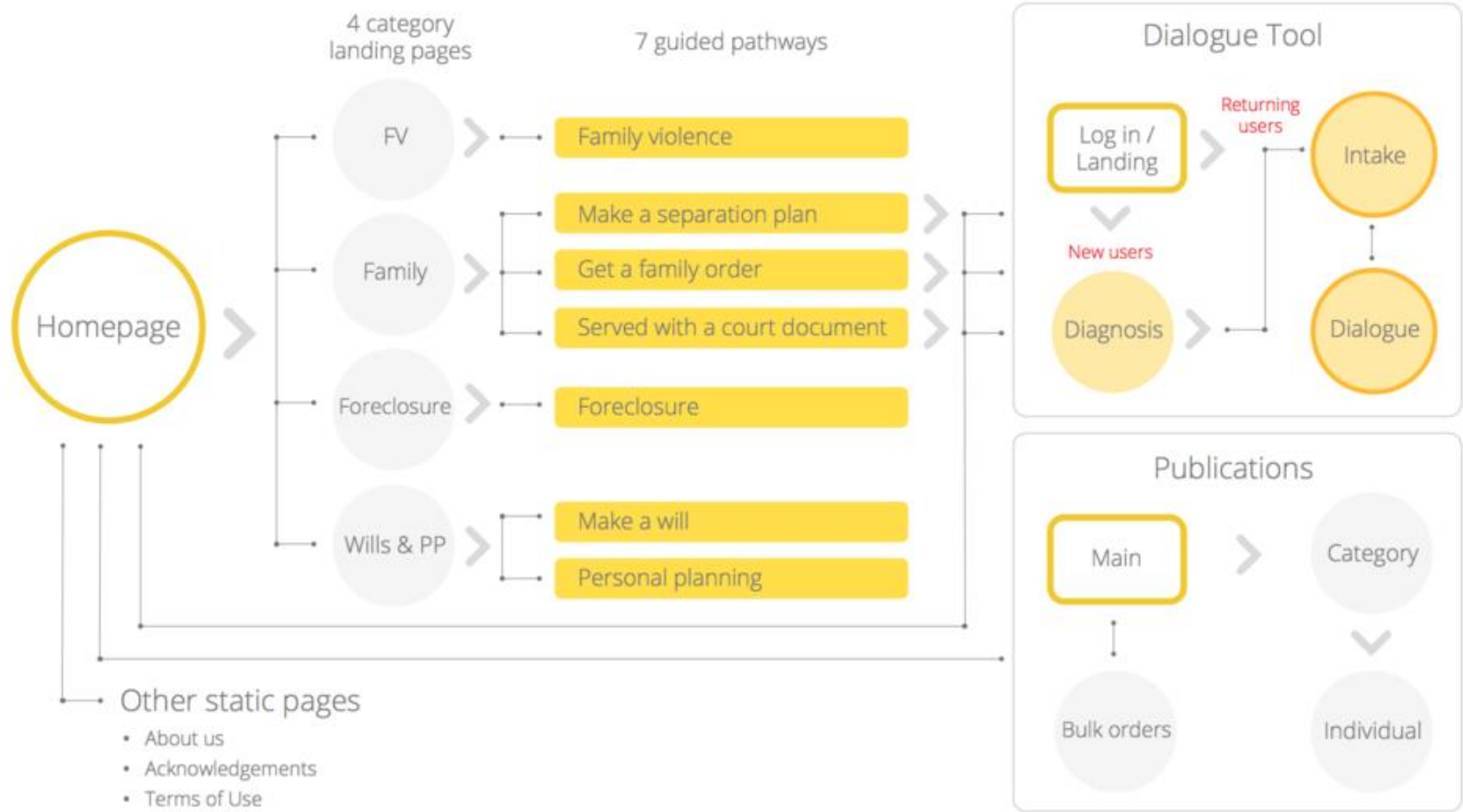
An online tool to assist in document production.

**MYLAW BC**

The screenshot shows the MyLawBC website interface. On the left, there is a profile of an elderly woman with the MyLawBC logo and the tagline "My problem. My solution." The main heading is "Wills & personal planning" with the subtext "Plan for the future". A purple banner contains the text "Click a pathway to get started. Get solutions for the future in 10 - 20 minutes." Below this, there is a section titled "Get help with making a will and planning for the future" with a subtext: "If you want legal documents to say what you want to happen after you die or for when you can't act independently, MyLawBC can help you." To the right of this text is a circular icon showing a person writing at a desk. Further right is a button labeled "Make a will" with the subtext "Create a simple will to fit your needs." A "Dialogue Tool" label is visible in the top right corner of the interface.

## MyLawBC

LSS's online tool for making a will (also possibly an enduring power of attorney and/or representation agreement). 'Guided pathways' ask relevant questions and work toward an 'endpoint.'



## MyLaw BC Site Structure how users navigate site

7 'guided pathways' include 2 planning pathways - one for making a will, and the other for "personal planning" - (EPOAs and RAs)


# Endpoints

- The various pathways include capacity questions, and each lead to a unique ‘endpoint’ (a customized Web page that you can download or print)
- For wills there are 21 simple will templates (fillable in **Microsoft Word**).
- For EPOAs and RAs, a pdf ‘plan for the future’ endpoint document is produced with: first practical steps; useful resources to get more information and legal help; advice on sharing the plan; and, other suggested documents.



# Wills Planning Worksheet

People could download and complete the worksheet ahead of time. This will ensure needed info is there.

**Worksheet** to help you prepare your will 

Print out this worksheet, and fill it out as you go through the MyLawBC wills pathway. This will help you decide what to put in your final will, or help the lawyer or notary completing your will. It's also a good opportunity to find out people's full legal names, if necessary.

**My executor:** \_\_\_\_\_  
 Relationship:  spouse  friend  daughter  son  other: \_\_\_\_\_  
 Phone/email: \_\_\_\_\_  
 Address: \_\_\_\_\_



**My backup (alternate) executor:** \_\_\_\_\_  
 Relationship:  spouse  friend  daughter  son  other: \_\_\_\_\_  
 Phone/email: \_\_\_\_\_  
 Address: \_\_\_\_\_

**My underage children (if applies)**

Name	Birthdate	(If the child is absent list with you full time) Name of the other parent or legal guardian and their phone/email and address

Guardian of my children (if die): \_\_\_\_\_  
 Phone/email: \_\_\_\_\_  
 Address: \_\_\_\_\_

An alternate (backup) guardian: \_\_\_\_\_  
 (Your choice isn't legally binding, but it's still a good idea to list this.)  
 Phone/email: \_\_\_\_\_  
 Address: \_\_\_\_\_

  Page 1 of 3

**My beneficiary(ies)**

Beneficiary(ies)	Relationship	Phone/email and address

Alternate (backup) beneficiary(ies)	Relationship	Phone/email and address

**My assets**  
 Assets dealt with outside the will  
 Examples: life insurance, RRSPs, RRIFs, TFSA's, a joint bank account, property (house, condo, apartment) you own in joint tenancy. (If you're unsure whether you own property as a **joint tenant** or **tenant-in-common**, check with the **land title office**.)



Asset	Details, including name of company or bank (if applies) and approx. value	Beneficiary	Alternate beneficiary

**Other assets**  
 Examples: bank accounts, property (house, condo, apartment), vehicle

Asset	Details, including approximate value

My name on the title of property I own (house, condo, apartment) if it's different from or a variation of my legal name: \_\_\_\_\_

Specific gifts (such as jewelry) I'd like people to inherit:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

  Page 2 of 3

**My debts**

Debt	Details, including approximate value



**Burial instructions**

- I don't mind my family and executor deciding this for me.
- I haven't decided yet...I'll give instructions to my executor as soon as I decide.
- I'd like to donate my organs. I've filled out an organ donation form on the BC Transplant website.
- I'd like to donate my body to the Faculty of Medicine at the University of British Columbia (UBC). I've filled out the consent forms and registered.
- I'd like to put these decisions in the will:  
 I'd like my remains to be:  buried  cremated  
 I prefer to have:  
 a wake  a funeral  a memorial  a celebration of life  other: \_\_\_\_\_  
 prefer not to have any event or service.
- Extra details: \_\_\_\_\_

**Computer passwords**

- I've written down my usernames and passwords for my computer (and other devices) and online accounts on a sheet of paper. Or I've written instructions on how to access my password manager. I've left this information in a specific location and told my executor where to find it when I die.
- I've set up a trusted contact or legacy contact for online accounts that have this feature available (e.g., Gmail, Facebook).

**Witnesses**  
 Witness 1: \_\_\_\_\_ Phone/email: \_\_\_\_\_  
 Witness 2: \_\_\_\_\_ Phone/email: \_\_\_\_\_

  Page 3 of 3

# MyLaw BC Only Covers Simple Wills

While MyLaw BC has templates for 21 types of wills, there are many situations not covered, e.g. -

- Your want to 'disinherit' your spouse +/- or children
- You have step-children or disabled child needing ongoing support
- You are a status Indian living on reserve

## What MyLawBC doesn't cover

Your situation may require you to find more information than this guided pathway can provide. For all of these situations, it's wise to talk to a lawyer or a notary to complete your will.

Both lawyers and notaries are trained to do wills. Their fees for simple wills are generally pretty similar. Lawyers are better for more complicated situations, especially if family law is involved. Notaries aren't trained in the area of family law.



MyLawBC is not for you if you're in any of these situations:

- You don't want your spouse or child(ren) to receive any of your property or only a very small portion of it. Cutting out family members entirely is complicated because the law expects you to include them in your will. MyLawBC doesn't have the capacity to assist you in such situations. This type of will could be challenged in court, and you need advice from a lawyer.
- You want to include stepchildren in your will who you haven't adopted. Stepchildren who you haven't adopted are regarded differently under the law than biological or adopted children.
- Your spouse doesn't want to make a will, or you want to make different wills.
- You want to name as your beneficiaries special-needs children or adults who require your ongoing financial support. To do this, you need to set up a special type of trust in your will. Please contact a lawyer or a notary to help you do this properly.
- You want to name minors (under 19) who aren't your children as your main beneficiaries. Arranging trusts for them can get complicated. However, you can name minors to be your backup beneficiaries. For example, you can set up your will so your grandchildren get your child's share if your child dies.
- You want an underage beneficiary to receive the rest of the trust fund when they're older than 19. (In a MyLawBC will, the funds are released once they turn 19.) Also, please get help from a lawyer if you want someone other than the executor to take care of this trust fund, or if you want to specify how the funds should be used to benefit the person before the funds are released.
- Your underage child has a child (or children), and you want these grandchildren to be the backup beneficiary if your child dies. In a MyLawBC will, if your underage child dies before you or at the same time, your child's share would go to your other children, or to someone else you choose.
- You want to donate to charity. Donations to charity can be complicated for a couple of reasons. One reason is that you have to identify the organization properly. You need to talk to somebody at the organization about it or check their website. As well, you may want to ensure that your estate gets a charitable tax receipt to reduce the taxes your estate must pay. Not all organizations can give tax receipts. Talk to a lawyer, notary, or accountant for more information.
- All that you own consists of the contents of your home and less than \$25,000 in the bank, and you have nobody to be the executor. You may want to get advice from a free legal clinic to see what's best for you.
- You're in the middle of a divorce or a legal dispute about the custody of the children after separating from your spouse. If the divorce or legal dispute will affect your assets or your children, you need to settle that legal action first. You can do a will in anticipation of divorce but it's better to get family law advice first.
- You're a status Indian living on reserve or Crown lands, or you live on band land and don't have status. If so, special laws apply. See the website [Aboriginal Legal Aid in BC](#).
- You own property (a house, condo, apartment, etc.) with others as a tenant-in-common (which is different from owning a house as a joint tenant). There may be complications with handing down your share of the property, or when your executor tries to sell it.
- You own recreational property, such as a cottage. Because this property isn't where you usually live ("principal residence"), there will likely be a capital gains tax that your estate will owe when you die. You may want to get legal or tax advice before writing your will.
- You have real estate outside of BC. If so, you need to consult with a lawyer or notary. A will made in BC doesn't cover real estate outside BC, unless it has been approved by a court where the real estate is located. It's simpler to make a will just for that real estate according to the laws of the area in which it is located. Note that MyLawBC wills would cancel wills you've made outside of BC.
- You'll owe income tax in another country when you die. A lawyer can explain the consequences for your estate.
- You're unable to sign the will yourself because of illness or disability. If so, you need a will in a special format that allows someone other than the will maker to sign. You'd ask someone to sign it for you, in front of you and your witnesses. You can get it from a lawyer or notary.
- You want to name an organization such as your bank as your executor, or more than one executor (co-executors).
- You own a business or you own shares of a business. Your wishes for the business must be properly expressed in your will. Get help from an accountant or lawyer.
- You've set up an RESP (Registered Education Savings Plan) for someone, and you'd like them to still benefit from these funds. You'll need a lawyer or notary to add specific paragraphs to your will. Otherwise, the RESP will just form part of your general estate, and your estate will have to pay back the Canada Education Savings Grants as well as pay taxes and penalties.
- Before you die, you loan money to someone receiving a gift in the will, and you want the executor to deduct the loan from their share of the inheritance. If you don't say anything about this, your executor has to figure out whether to collect or forgive the debt based on the type of loan, whether there was anything about it in writing, the length of time since it was made, the amount already collected, and so on.
- You have specific wishes for who should take care of your pets when you die, and/or you want to set up a pet fund in your will. A lawyer or notary can help you with this.
- Your executor isn't one of your main beneficiaries but you're giving them a gift of cash or something valuable in your will, and you want them to receive extra compensation in the form of the executor's fee. This fee is a percentage of the estate (2% to 5%) that's set out in the legislation. If you want them to receive this, maybe because you think your estate is going to be a lot of work, please get help from a lawyer or notary.


# EPOA Endpoint/ Action Plan

The four-page endpoint or action plan for an EPOA sets out:

- **Your Situation** - based on what your answers say you want and need (and you're capable)
- **What Your Need to Know** - some basic info about an EPOA
- **Your First Steps** - how to get legal information and legal help
- **Your Next Steps** - what to do about sharing your plans, making other planning docs (e.g. - RA)
- **Where to Get Help** - links to where to get legal info and legal help

November 19, 2019

BC CRNs Provincial Learning Event

**MYLAWBC.com**  800-510-0494 (toll-free) • 604-683-7887 (Vancouver) • 604-683-7887 (elsewhere in BC) • email: info@mylawbc.com

**Your situation**  
Based on your answers  
Click [download your plan](#) to save or print a PDF of this information. This will let you keep a copy of the important information you need to take your next steps. MyLawBC doesn't keep your confidential information. Your downloaded PDF is your only record.

Your plan is based on the following information:

- You want to plan for your future care.
- You want to plan for your financial and legal affairs to be looked after when you can't do it yourself.
- You know you need to name a person that you could trust to help you make decisions or act on your behalf if necessary.
- You could list all the property you own at the moment and the approximate value.
- You want to name someone who would help you manage all aspects of your financial and legal affairs and your property even if you become mentally incapable of making decisions by yourself.
- You understand the powers being given and want to name someone in the role of attorney.

**What you need to know**  
Information to get started  
You want a legal document called Enduring Power of Attorney. The word "enduring" is used because the document continues to be effective even when you're no longer mentally capable. The document can take effect from the time you and your attorney sign it (although you don't have to give your attorney the original document until it's needed). You can continue to manage your affairs as long as you're capable, but your attorney can help you with complicated matters.


**Your first steps**  
What to do now  
Get legal information  
For detailed information about an Enduring Power of Attorney, see the [Nidus Personal Planning Resource Centre website](#).

There's an Enduring Power of Attorney form available on the Ministry of Justice website. If it doesn't fit your needs, it can still give you an idea of what the document is like before you meet with a lawyer or notary. Start with the fact sheet [Power of Attorney or Enduring Power of Attorney: What one do I make?](#)

**Get legal help**  
It's best to get legal help from a lawyer or notary before signing an Enduring Power of Attorney. A lawyer or notary can help you prepare the document to meet your specific needs. You must go to a lawyer or notary if you want your attorney to be able to sell real estate or deal with mortgages or leases. Note that your document must be properly signed and witnessed.

Both lawyers and notaries are qualified to do these documents. Their fees for simple documents are generally pretty similar.

**Your next steps**  
What to do later

**MYLAWBC.com**  800-510-0494 (toll-free) • 604-683-7887 (Vancouver) • 604-683-7887 (elsewhere in BC) • email: info@mylawbc.com

**804-688-4444** (Greater Vancouver)  
**1-800-683-7887** (elsewhere in BC)

**Incapacity Planning: A Guide for First Nations People Living on Reserve**  
A booklet about personal planning documents from the Aboriginal Financial Officers Association of BC.

**Dial-A-Law**  
The Canadian Bar Association (CBCA) provides basic information in audio format (Script 1802) about Powers of Attorney and Representation Agreements.

**ClickUp**  
Frequently asked questions and information on personal planning

**CreatiHouse, Lawyers BC**  
(click Training and Tutorials > Guides > Wills and Personal Planning Resources)  
For information about presentations, webinars, and more.

**Get legal help**  
**Lawyer Referral Service**  
The Canadian Bar Association (CBCA) operates this service, where members of the public can consult with a lawyer for up to 30 minutes for \$25, plus taxes. The lawyer won't be able to prepare a document for you in this time, but can answer questions you may have.

**804-887-3221** (Greater Vancouver)  
**1-800-683-7887** (elsewhere in BC)

**Notary**  
You can go to a notary for help with personal planning documents. To get the name and telephone number of a notary near you, phone the Society of Notaries Public or BC. Ask the notary how much it will cost for a first meeting.


**804-681-4516** (Greater Vancouver)  
**1-800-653-0343** (elsewhere in BC)

**Access Pro Bono Society of BC** (Vancouver, Nanaimo, and Victoria)  
Free legal advice clinics for people with low incomes throughout the province. Free weekly clinics in Vancouver (providing Representation Agreements for seniors 55 or over with low incomes and adults with terminal illnesses. Contact them for an appointment).

**804-424-8600** (Greater Vancouver)  
**1-877-762-6664** (elsewhere in BC)

[www.incapacityprobono.ca](http://www.incapacityprobono.ca)

**BC Centre for Elder Advocacy and Support**  
General information and services for seniors with low incomes, including free workshops about personal planning documents.

**MYLAWBC.com**  800-510-0494 (toll-free) • 604-683-7887 (Vancouver) • 604-683-7887 (elsewhere in BC) • email: info@mylawbc.com

**Show your plans**  
You'll want to make sure your family knows your wishes. Give your family a copy of any document you prepare. Another option is to register your information and documents online with the [Nidus Registry](#) for a small fee. Although you keep your original document(s), you can register so that people can find out quickly what your wishes are. For example, a hospital can check with the Nidus Registry and contact your chosen representative.

**Make other documents**  
Many people make two separate documents: an Enduring Power of Attorney for legal and financial matters, and a Representation Agreement (Section 9) to plan for future help with personal and health care decisions. You can be the same person as both your attorney and your representative.

To learn about a Representation Agreement (Section 9), return to the beginning of this pathway and select I want to make plans for my personal and health care.

Personal planning documents are only for while you're alive. Consider making a will to say what you want done with everything you own and your debts when you die (and, if necessary, who should take care of your underage children). You may be able to use the MyLawBC pathway [Make a Will](#).

**Where to get help**  
People, services, and information  
Get legal information  
[Nidus Personal Planning Resource Centre website](#)

Provides information, education, and support for people wanting to make personal planning documents. Information and forms are free. You can fill them out online, or print the forms to fill them out by hand. You can also make an appointment with them to get personal help, but there's a small fee. Book one online by clicking "Appointments - Book now" in the right sidebar on their website.

[info@nidus.ca](mailto:info@nidus.ca)

For information about cancelling a Representation Agreement or an Enduring Power of Attorney, see the following fact sheets on the Nidus website:

- [Procedures to Revoke a Representation Agreement](#)
- [Procedures to Revoke an Enduring Power of Attorney](#)


**Nidus's Law School**  
Easy-to-read legal information on a variety of topics including:

- [When I'm 84: Controlling Your Affairs](#)
- [Power of Attorney](#)

[info@niduslegal.bc.ca](mailto:info@niduslegal.bc.ca)

**Public Guardians and Trustees of BC**  
Easy-to-read information about powers of attorney, co-coordination agreements, and other documents, including the booklet:

- [It's Your Choice: Personal Planning Tools](#)

**MYLAWBC.com**  800-510-0494 (toll-free) • 604-683-7887 (Vancouver) • 604-683-7887 (elsewhere in BC) • email: info@mylawbc.com

**804-688-1927** (Greater Vancouver)  
[info@access.ca](mailto:info@access.ca)

They also operate the **Seniors Abuse and Information Line (SAIL)**, for older adults and those who care about them and have concerns about abuse and neglect of seniors. 8:00 am to 8:00 pm daily (except holidays).

**804-437-1840** (Greater Vancouver)  
**1-888-437-7940** (elsewhere in BC)

**Law Students' Legal Advice Program (LISLAP)**  
Free legal advice clinics offered in Vancouver by law students at the University of British Columbia.

**604-822-5761** (Greater Vancouver)

22

# CoBrowse

A program like CoBrowse allows adult and a reviewer to both view and work on the same webpages (MyLaw BC?). The adult receives personal attention as they work through the pathway and forms. No plugins or installations required.



Feature	Description
Co-Scrolling	The adult and reviewer see the same parts of the web page
Co-Highlighting on page	The adult and reviewer see each other's virtual mouse pointer and can highlight elements of a web page
Co-Highlighting on Text Elements	The adult and reviewer can highlight text elements
Co-Navigation	The adult and reviewer can browse the same webpages together
Co-Form Filling	The adult and reviewer fill out the same forms together

Group approach to document production.

# PLANNING DOCUMENT NIGHTS

# Scenario - 'Planning Doc Clinics'

- A local legal service provider could hold 'planning doc clinics'- interviewing 3-4 appointments per clinic (attendees might complete a questionnaire beforehand)
- Service provider then produces documents at their office
- Mailed out with signing instructions, or signed in office with witnesses (or at next clinic)
- Clinics could be held on a regular basis at their law office, in a local community centre or seniors centre



# Scenario - Planning Docs Night

- Could be held at a local library, computer lab in school, even a legion hall.
- Starts with a presentation on planning documents and MyLaw BC [similar to this presentation]
- Could be done live, show MyLawBC videos, or remote webinar presentation



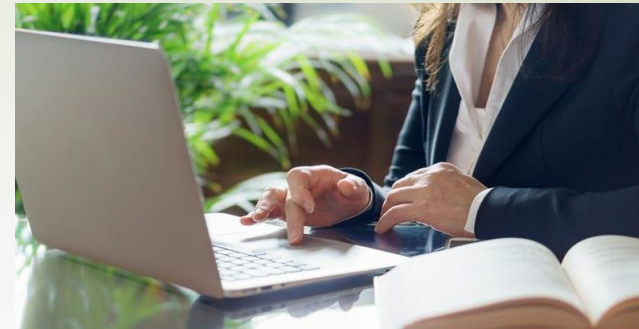
# Scenario - Planning Docs Night

- Audience then logs onto MyLaw BC to work on their planning documents
- Navigators can help with any issues
- Legal service provider could be present, or available remotely for questions [with **CoBrowse** users could share screen and help would appear in pop-up (**Skype**)window]



# Scenario - Planning Docs Night

- Finally, finished documents can be printed out for signing and witnessing
- If there are any issues ID'd (capacity, undue influence, conflict of interest) legal service provider could go through 'tests' with adult
- Adult may be referred to legal service provider if not present





Some of the ‘pluses and minuses’ of the various approaches

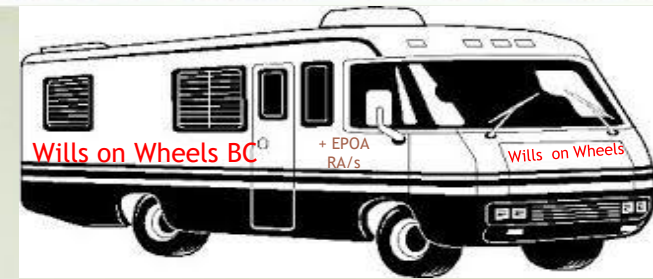
# **SPECIFIC PROPOSALS AND HURDLES**



Coming to your town...

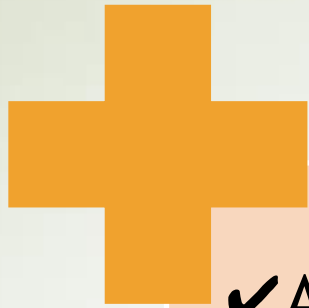
# TRAVELLING WILLS CLINIC

# Travelling Wills Bus



- One or two legal service providers would travel to various communities to assist with document production
- This could be on the ‘bus’ itself or in local schools, community centres or libraries
- At ‘document nights,’ wills clinics with appointments, or one-on-one, there could be a short presentation (like this one) on advance planning & MyLaw BC, then people would work on their documents with assistance.

# Travelling Wills Bus



## PROs

- ✓ Able to reach remote areas of the province
- ✓ Ensures knowledgeable service providers
- ✓ Ensures consistent approach

## CONs

- ✗ Local service providers (and community) may feel disrespected
- ✗ No real ongoing follow-up
- ✗ Considerable logistics arranging in different communities



Providing help with MyLawBC, legal forms, and PLE materials.

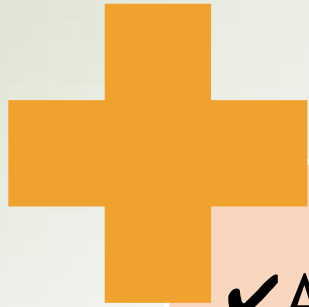
# NAVIGATOR NETWORK

# Network of Navigators

A network of trained and experienced (pro bono) legal service providers across the province:

- able to aid adults in navigating the system
- to efficiently utilize a curated set of Public Legal Education (PLE) materials and,
- efficiently prepare personal planning documents for low income adults in their areas using materials prepared through an online tool (MyLaw BC)
- In office or at library, community centre or school room.

# Network of Navigators



## PROs

- ✓ Able to cover most areas of the province
- ✓ Ensures local service providers & consistent approach & knowledge
- ✓ Much less expense
- ✓ for those who don't qualify, paying client?

## CONs

- ✗ Still considerable logistics involved in:
  - ✗ arranging remotely in different communities
  - ✗ ensuring training and vetting of navigators



Places to go for forms, reference and PLE materials.

# FIRST NATIONS NAVIGATORS

# First Nations Navigators

There are many complexities with regard to wills drafted for a first nations person living on a reserve:

- Self-governing first nation?
- If land owned without a Certificate of Possession or Certificate of Occupation
- wanting to leave reserve land to a non-band member
- Gifts of personal property which include cultural artifacts (such as art, carvings, or masks)
- Having said that, the will itself can be very simple.
- EPOAs and Ras also similar to others, difference is if EPOA fails then INAC/AANDC takes over (rather than PGT)

# First Nations Navigators



## PROs

- ✓ Able to cover more areas of the province
- ✓ Ensures knowledgeable local service providers & consistent approach
- ✓ Much less expense



## CONs

- ✗ Considerable logistics involved in:
  - ✗ arranging remotely in different communities (band office?)
  - ✗ ensuring training and vetting of navigators



Law Foundation could fund a tariff of set fees for local lawyers or notaries to prepare planning documents for low income adults.

# TARIFF FOR PLANNING DOCUMENTS

# Tariff for Planning Documents

The Law Foundation would develop a list of set fees (a legal aid tariff) for:

- A simple will
- EPOA
- RA 9 or RA7
- Mutual Wills (for a couple)
- Planning document package (will + EPOA + RA9)



Local lawyers or notaries would agree to provide this service for qualifying low-income adults - in office or at ‘planning clinics’ or ‘planning nights?’

# Tariff for Planning Documents

- Tariff may also fund traveling to:
  - Older adult's home if shut-in or remote
  - Hospital
  - care facility &/or assisted living
- Also possibly funding for:
  - Capacity assessments
  - Undue influence assessments
  - Conflict of interest assessments



[this would include people referred from planning nights for assessments]

# Tariff for Planning Documents



## PROs

- ✓ Able to cover most areas of the province
- ✓ Ensures knowledgeable local service providers & consistent approach
- ✓ Less expensive than travelling lawyer



## CONs

- ✗ local lawyers would have to exist, and agree to take part
- ✗ need to ensure training and quality of service
- ✗ in some smaller locales may be conflict of interest, or no time

# Combination of Above?

To adequately serve a region of the province, we may need:

- A legal service provider:
  - travelling around holding ‘wills clinics’ and/or ‘planning nights’; and/or,
  - doing one-to-one sessions
- Other navigators holding planning nights or assisting with **MyLaw BC** [at office or using **CoBrowse**]; and,
- A tariff for those who can’t attend, or require further services



Travelling Wills



Navigator



Tariff



Seeking your input into these proposals

# QUESTIONS FOR DISCUSSION

## Preferred solution?

Travelling Wills Bus?

OR

Network of Navigators?

OR

Planning Document  
Tariff?

OR

Combination of above

OR

Status quo?

- Is there a need for a solution in your area?
- What would work best in your location?

- Would you be involved in helping to organize, staff planning nights?
- Will there be local lawyers/ notaries/ legal advocates willing to work on this?
- Will intended clientele in your area make use of this service?
- Use MyLaw BC? Is computer literacy an issue?
- Anything we may have overlooked or not thought about?

# The End

Other Questions?

