

**AFOA SK**

Aboriginal Financial Officers Association of Saskatchewan

AFOA Saskatchewan

# PLANNING FOR INCAPACITY

*A guide for First Nation People  
Living On-Reserve in Saskatchewan*

Presented by: Aboriginal Financial Officers Association of Saskatchewan

Copyright © 2018 Aboriginal Financial Officers Association of Saskatchewan

Writer: Leah M. Bitternose J.D., LL.M.

Editor: Madisun Browne M.A., LL.B.

Layout & Illustrations: Colin Maskell

Special Acknowledgement to: AFOA British Columbia, Indigenous Services Canada (ISC), Public Legal Education of Saskatchewan, Regina Qu'Appelle Health Region, and The Law Society of Saskatchewan.

This publication is for personal use of First Nation people living on reserve in Saskatchewan. No part of the publication may be used for commercial purposes without the prior written permission of the publisher. This guide can be downloaded from AFOA Saskatchewan as a PDF and printed at home.

Permission can also be obtained from:

**Aboriginal Financial Officers Association of Saskatchewan**

Asimakaniseekan Askiy Reserve

#117 - 335 Packham Ave

Saskatoon SK, S7N 4S1

**Tel:** 306 477 1066

**Fax:** 306 665 7577

**Website:** <http://www.foask.ca>

**Email:** [foa.sask@sasktel.net](mailto:foa.sask@sasktel.net)

**BEFORE YOU READ THIS GUIDE**

- » Please note that this e-booklet is not intended as legal advice. It explains the law in general terms. Each person's situation is unique and legal advice may be required in certain situations.
- » **This guide is for:** Saskatchewan First Nation people who are registered under the *Indian Act* and are permanent residents ("ordinarily resident") on a reserve or Crown land (see page 22 for definition of "ordinarily resident"). This guide is not for people who are not registered under the *Indian Act* but are living on a reserve.
- » This guide is also not for First Nation people who permanently reside off reserve.

## » Table of Contents

INTRODUCTION .....	3
<b>1.0 PLANNING FOR FUTURE ILLNESS, INJURY AND AGING .....</b>	<b>4</b>
1.2 What could happen if there is no planning? .....	4
1.3 Documents needed for Incapacity Planning .....	5
<b>2.0 POWER OF ATTORNEY .....</b>	<b>6</b>
2.1 What is a Power of Attorney? .....	6
2.2 Who can make a Power of Attorney? .....	7
2.3 Who can I choose to be my Attorney (Agent) .....	8
2.4 People who I cannot choose to be my Attorney (Agent) .....	8
2.5 Types of Powers of Attorney .....	9
2.6 Enduring Power of Attorney .....	9
2.7 Personal Power of Attorney .....	11
2.8 Choosing General or Specific Powers of Attorney .....	11
2.9 Duties of an Attorney .....	12
2.10 Accounting .....	13
2.11 Ending a Power of Attorney .....	13
2.12 Enduring Power of Attorney and Indigenous Services Canada (ISC) .....	14
<b>3.0 HEALTH CARE DIRECTIVES .....</b>	<b>15</b>
3.1 Why should you have a Health Care Directive? .....	15
3.2 Who can Make a Health Care Directive .....	16
3.3 When to Make a Health Care Directive .....	16
3.4 What makes a Health Care Directive Valid? .....	17
3.5 What to include in a Health Care Directive .....	17
3.6 Who can I choose as my Proxy? .....	17
3.7 Where to keep your Health Care Directive .....	18
3.8 Reviewing your Health Care Directive .....	18
3.9 Ending or Cancelling a Health Care Directive .....	19
3.10 Personal Guardians .....	19
3.11 Disputes about your Health Care Directive .....	19
3.12 What happens if you do not have a Health Care Directive .....	20
3.13 Other Jurisdictions .....	20
3.14 Getting Legal Help in preparing a Health Care Directive .....	20
<b>4.0 DEPENDENT ADULTS &amp; THE ROLE OF INDIGENOUS SERVICES CANADA .....</b>	<b>21</b>
4.1 What is a Dependent Adult? .....	21
4.2 What activates the Minister of Indian Affairs Jurisdiction? .....	22
4.3 Registered Status Indians who are 'Ordinarily Residents' of a Reserve .....	22
4.4 Powers of the Minister for Property .....	23
4.5 Minister must Approve and Appoint a Property Administrator .....	23

4.6	Indigenous Affairs and a Power of Attorney .....	24
4.7	What is a Property Administrator?.....	24
4.8	Approving and Appointing a Property Administrator .....	25
4.9	Making an Application to be a Property Administrator .....	25
4.10	Administrator’s Duties .....	26
4.11	Administrator’s Responsibilities .....	26
4.12	Co-Administrators can be Appointed .....	26
4.13	Ending the Administration.....	27
4.14	Administration after the Death of a Dependent Adult.....	27
<b>5.0</b>	<b>PERSONAL GUARDIANSHIP AND CO-DECISION MAKERS .....</b>	<b>28</b>
5.1	What is a Personal Guardian? .....	28
5.2	What is a Personal Decision Maker? .....	29
5.3	Types of Decisions.....	29
5.3	How is a Personal Guardian Appointed? .....	30
5.4	Duties of a Guardian.....	31
5.5	Decisions a Personal Guardian Cannot Make .....	31
5.6	Forms that Need to Filed and Served .....	31
<b>6.0</b>	<b>ABUSE AND NEGLECT .....</b>	<b>32</b>
6.1	Planning Ahead can Prevent Abuse and Neglect if you lose Capacity .....	33
6.2	Where to report Abuse and Neglect.....	33
	<b>SAMPLE BLANK FORMS</b>	
	Enduring Power of Attorney Appointing a Personal Attorney.....	34
	Enduring Power of Attorney Non-Lawyer Witness Certificate .....	39
	Health Care Directive .....	40
	Wallet Card .....	45
	<b>WHERE TO FIND MORE INFORMATION.....</b>	<b>46</b>

## » INTRODUCTION

*Tanisi, Anin, Edlánat'e, Hau Koda*, as a part of our life cycle, planning is a very important responsibility for everyone. As we get older, it can get harder to look after our money and other responsibilities. Some people cannot make their own decisions about their health due to an unexpected accident. Some of us wonder who will look after us if we get sick? Maybe you wonder how your bills will get paid when you get older? Maybe there are traditional medicines, elders, or healers that you want if you get very sick? Maybe you want a particular end-of-life ceremony? This guide will help you talk to your family and friends about your wishes.

### This Guide is important to read if:

- » You want to choose who will make **health choices** for you in case you are sick or elderly.
- » You want to choose who will look after your **money** and your **home** when you are sick or elderly.
- » You want to say what **spiritual ceremonies** including the use of traditional medicines, elders and healers for end of life ceremonies you want in the future.
- » You are **helping** a family member or friend to make financial or health decisions.

#### The Eagle-Fan Sisters – A Story about Planning

This guide tells the stories of two elderly sisters named Marie and Helen Eagle-Fan, from the Windy River reserve.

*Marie* always had a big garden. Last winter she fell and broke her hip and now she has trouble doing errands.

*Helen*, on the other hand, notices she is forgetting things and is going to see her doctor to talk about her memory.

Each chapter tells you a bit more about the Eagle-Fan Sisters and their journey through planning for incapacity.

*\*Note that the names and characters in this guide are made up (fictitious) for illustration purposes.*

Planning ahead is about ‘who will make decisions when I no longer can’ and will give you peace of mind knowing there are legal documents in place that will ensure your rights and wishes about your care are respected. Your loved ones will also know what you want and are more likely to respect and follow your wishes.

**The purpose of this guide** is to provide you with the information you need to make informed choices about who will speak for you and your future health care ahead of time. It is a good idea to think about your plans, talk to others about what you want, and write down your future health care wishes and instructions. By doing it now, you ease the future burden of difficult decisions that might have to be made by those who love and care for you.

## » 1.0 PLANNING FOR FUTURE ILLNESS, INJURY AND AGING

This guide will help you plan and prepare documents for the future to ensure that your wishes about your life and medical care are respected in the event that you cannot speak for yourself (incapacity). These legal documents go hand in hand with your 'Last Will and Testament' (See Sask AFOA Publication, *Writing a Will- A Guide for First Nation People Living On-Reserve in Saskatchewan*) but unlike your Will, that only comes into effect when you pass away, Incapacity Planning documents are your voice while you are still alive. For example, people who are in a serious car accident and are unconscious, or elderly people who cannot go to a bank, these documents will give the person you choose the legal authority to act on your instructions.

### The Story of the Eagle-Fan Sisters – Chapter 1

Ever since she broke her hip, **Marie** stopped driving. Marie's granddaughter Josie moved in to help her with cooking, cleaning, and doing errands in town. Marie asked Josie if she would be willing to handle Marie's finances until Marie is better. Josie agreed.

Marie needs to sign a **Power of Attorney** that gives Josie the power to do this.

Marie has also told her granddaughter Josie that she never wants to be put on machines that make her breathe artificially if she was in the hospital. Marie says this a lot. There is a paper she can sign so Josie can follow her wishes. It's called a **Health Care Directive**.

How is Helen doing?

Helen told the doctor she is forgetting things and the doctor was kind. He asked her some questions about her life and children. Helen could tell there were gaps in her memory because she could not recall her kids' birthdays. The doctor said he wanted her to see a specialist. And he gave Helen a pamphlet about Alzheimer's. Helen says she'll wait until she sees the specialist before she decides what planning to do. She will be making decisions in the next chapters of this Guide.

Preparing these documents in advance is very important even if you have a spouse or responsible adult children. You will still need to have legal documents for your partner or children to withdraw money from your bank account, sell your car, or make decisions about your health treatment. Some people prefer to have a friend make decisions for them instead of family. You can choose whomever you want. Preparing these legal documents in advance will give the person you want the power to carry out your wishes.

### 1.2 What could happen if there is no planning?

There is a risk that people who do not know you will make financial, legal and medical decisions for you if planning and legal documents are not in place. For example, an Indigenous Services Officer may have to become your property Administrator if there are no family or friends able to take on this role. A doctor will make medical decisions on your care or medication without knowing your wishes in advance.

Making these legal documents does not mean that you lose the right to make decisions for yourself.

These documents can be used when they are needed, either for a short time if you are sick, then put away again when you get well.

*or*

You may be capable of making some decisions for yourself, but need assistance with other decisions and are able to still participate in decision-making.

### 1.3 Documents needed for Incapacity Planning

Different types of legal documents cover different types of decisions. In all cases, you must be able to understand what property you own, obligations you owe to any dependants and the risk involved in granting another person power to make decisions for you. This guide covers the follow incapacity planning documents:

Legal Document	Legal & Financial Decisions	Personal & Medical Decisions	What is Required?
Enduring Power of Attorney	✓	✓	A document written by you and witnessed.
Health Care Directive		✓	A document written by you.
Personal Guardian and Co-Decision Maker	✓	✓	A "Certificate of Incapacity" is required from a doctor. Application must be made to a court, there are forms available to help you.
Property Administrator	✓		A "Certificate of Incapacity" is required from a doctor. Application then must be made to Indigenous Affairs to appoint an Administrator

You will hear more about what a 'Certificate of Incapacity' is in the upcoming chapters. For now, it is a certificate issued by a doctor or other professional stating that a person is not mentally capable of understanding or taking care of their personal, legal or financial affairs. This can happen, for example, if a person suffers a brain injury after a car accident.

Note that Indigenous Services Canada has authority over a dependant adult's *property* on reserve.

## » 2.0 POWER OF ATTORNEY

There are times when you may need someone else to handle some or all of your financial, legal or personal affairs. You can sign a document that lets another person deal with your money, bills or make decisions about your daily living. It is called a Power of Attorney. The word “attorney” here does not mean lawyer instead, it is your agent.

This document is useful for an elder who is unable to leave the house easily or a person who is in the hospital for months. It can be useful for young people and healthy people too. With a Power of Attorney, you can choose *who* you want to handle your affairs, *what* they can do for you and *when*.

### The Story of the Eagle-Fan Sisters – Chapter 2

Our friend, **Marie**, has decided to give her granddaughter Josie power to make some decisions while Marie is recovering from her broken hip. Marie still uses a walker to get around the house. Her hip feels better every day and she is planning her garden. She has two choices to think about for the Power of Attorney.

*Marie can choose what Josie will be able to do:*

- ✓ She can give Josie the power for certain jobs, like withdrawing money to bills and buy groceries.
- ✓ She can give Josie the power to do everything with Marie’s finances. Then Josie can sell Marie’s car, use Marie’s credit cards or cash in her savings. This takes a lot of trust.

*Next, Marie has to choose how long Josie will have this power. There are 3 choices:*

- ✓ Marie can give Josie this power for a certain time, like 3 months or 6 months.
- ✓ Marie can give Josie the power *until* Marie gets so sick or forgetful that Marie cannot manage her own finances. Notice that if Marie chooses this, as soon as she really needs Josie to look after money, Josie cannot. This is a regular *Power of Attorney*.
- ✓ Marie can give Josie the power and it *continues* even if Marie gets so sick or forgetful that Marie cannot manage her own finances. This is an *Enduring Power of Attorney*.

### 2.1 What is a Power of Attorney?

A Power of Attorney is a legal document that allows you to give someone else the authority to act on your behalf. You name another person in the document to manage your affairs as your legal representative. In legal terms you are called a ‘grantor’ and the person you name to act for you is called an ‘attorney’. In this case, an attorney does not mean a lawyer, rather it is the person you choose as your agent.



A Power of Attorney document can be simple. You can make it at home without a lawyer. It can be a very valuable tool in helping you meet your daily needs if you become incapacitated.

## 2.2 Who can make a Power of Attorney?

A Power of Attorney can only be made by an adult who can understand what it means to let someone else handle their legal, financial and personal affairs. In order to allow someone else to make financial decisions for you, you must understand:

- » What property you own and its approximate value;
- » The obligations you owe to your dependants;
- » That your attorney will be able to do anything financially and legally that you could do for yourself (except to write a Will);
- » That there is a risk the attorney might make foolish decisions or lose money;
- » That there is a risk the attorney might misuse their authority;
- » That you may cancel the Power of Attorney at any time, as long as you still have the ability to make decisions.

### **A word about “Capacity”:**

There are circumstances, for example, where people who have had a stroke or have a mental illness may still be mentally capable of making a Power of Attorney. Even if a person cannot communicate very well, they may still be able to understand what the documents are to be used for and the effect of signing them. Or the adult may have mental delusions, but not about their financial and personal affairs. As well, people who are in the early stages of Alzheimer’s Disease often have “good days” when they think and remember quite well. If they can discuss their affairs and make these documents on a good day, the document is legally binding. In any of these examples it may be necessary to have a lawyer or a doctor decide whether the adult is “capable” of making a Power of Attorney, as required by law.

### 2.3 Who can I choose to be my Attorney (Agent)?

You can appoint someone as your attorney if they are:

- » At least 18 years of age;
- » Willing to act;
- » Able to understand information relevant to making decisions they are authorized to make under the Power of Attorney;
- » Able to appreciate the consequences of making or not making decisions they are authorized to make under the Power of Attorney;
- » Trustworthy; and
- » Know you.

It is helpful if they live close to you. But it is not necessary.

When you ask someone to be your “attorney” they might say “I can’t because I am not a lawyer.” You can explain to them that it means they are your agent with the power to act on your wishes and instructions in a Power of Attorney document.

### 2.4 People who I cannot choose to be my Attorney (Agent)

There are certain people who cannot be appointed to act under a Power of Attorney:

- » A person who has an undischarged bankrupt cannot be appointed under a Power of Attorney to deal with your financial affairs.
- » People who have been convicted, within the last ten years, of a criminal offence relating to acts of violence (assault, sexual assault or other violent offence), intimidation, criminal harassment, uttering threats, theft, fraud or breach of trust cannot be appointed to act under a Power of Attorney unless they have been pardoned or the grantor consents in writing. The consent must acknowledge the conviction and be made while the grantor is still mentally competent.
- » A person whose occupation or business involves providing personal care or health care services to you cannot be appointed as your attorney.

Other than these rules, you can name anyone you choose as your attorney.

When deciding who to appoint it is important to consider what kind of decisions you are giving them the authority to make and in what circumstances. Remember that the person you choose can refuse to take on the responsibility, so it is important to talk to them first to get their agreement and to be sure they understand what is being asked of them.

## 2.5 Types of Powers of Attorney

You can prepare a Power of Attorney document yourself. Or you may want to consult a lawyer. A lawyer can help ensure that you understand the effect of the Power of Attorney and help you consider what powers to include.

It's important to note that there are different requirements for creating a Power of Attorney depending on the type of 'appointment' (attorney) being made and your needs.

Sometimes financial institutions (banks) may provide a Power of Attorney Form that gives someone a specific Power of Attorney over funds held by that institution only. Unless this is the only Power of Attorney you need, you may want to prepare a single comprehensive Power of Attorney to avoid confusion and disputes.

Indigenous Services Canada (ISC) does not provide guidance on Power of Attorney documents.

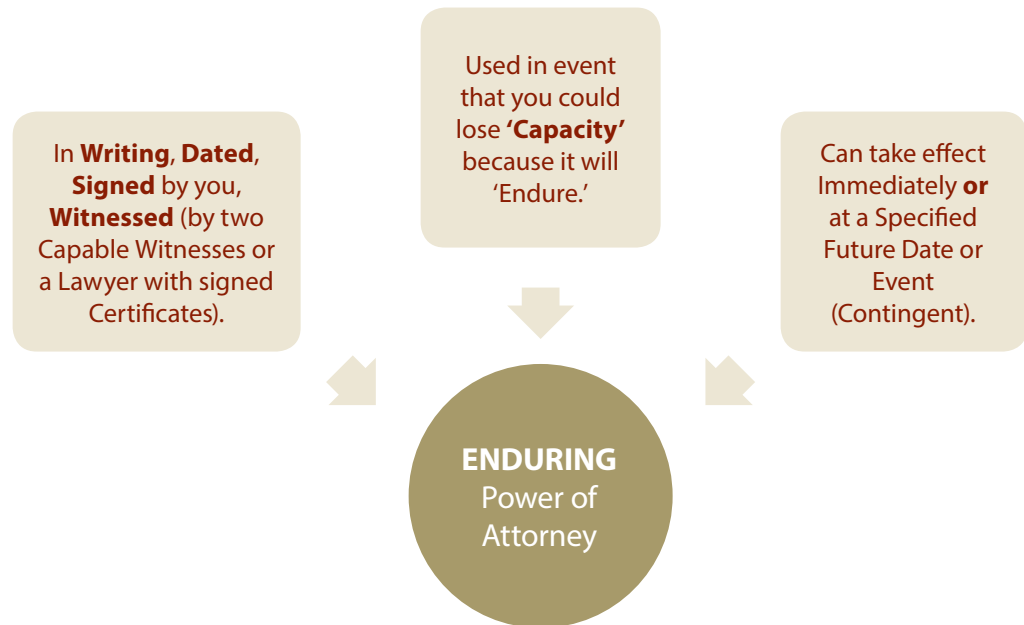
You can use the forms in this guide or the forms provided by the Province of Saskatchewan so long as you meet the requirements in the type of Power of Attorney document you need. Note that some Power of Attorney documents require Witness certificates that must be completed using the form authorized by the law.

## 2.6 Enduring Power of Attorney

An Enduring Power of Attorney is a special kind of 'Attorney' that continues to act for you if you lose your capacity because it 'endures'. It is important to know that other kinds of Power of Attorney's end if you should lose your capacity but not if you sign an Enduring Power of Attorney. If you want the Power of Attorney to be enduring (continue even if you later lack capacity) it:

- » Must be in writing;
- » Must clearly state that you want the person to be able to continue to act for you in the event that you lack capacity to decide for yourself;
- » Must be dated and signed by the you (the grantor); and
- » Must be either witnessed in one of these two ways:
  - a) Witnessed by a *lawyer* who gave you advice on the document, and accompanied by a legal advice and witness certificate, or
  - b) Witnessed by *two competent adults*, other than the Attorney being appointed or a family member of the Attorney or you. The witnesses must each sign a witness certificate.
- » The person who gets the power to handle another person's money (your 'Attorney') does not need to sign the document.

You can make your 'Enduring Powers of Attorney' to take effect immediately. You can also specify it to come into effect on a specified future date or on the occurrence of a specified event. This is called a Contingent Enduring Power of Attorney. It only comes into effect if you lose capacity or another specified event occurs, it is 'contingent' on these events. Examples of a contingent Power of Attorney are when the grantor becomes mentally incapable, or when the grantor leaves the country for an extended period.



### The Story of the Eagle-Fan Sisters

**Helen** decided to make an Enduring Power of Attorney. She wants to be sure someone she trusts will look after her savings. Even if Helen doesn't have Alzheimer's, she thinks some day she will need help with finances. She decided it is better to look after this now before she has a problem.

Helen thought about asking her older brother to look after her money and property, but he is 79 years old. Helen worked at the Band Office on the Reserve for thirty five years and she has a good amount of money saved. She is careful with her money. Since she retired she noticed that her granddaughter Josie is careful with money too. Helen has asked Josie to manage her money and Josie agreed. Helen decided to hire a lawyer to make the Enduring Power of Attorney.

## 2.7 Personal Power of Attorney

Another type of Power of Attorney that you can give is a 'Personal' attorney. They can make decisions about your personal affairs including deciding where you should live and what kind of help you need around the home. A personal attorney cannot be given the power to make health care decisions for you. This must be done by making a health care directive. (See page 15 for Health Care Directives)

You can have flexibility in these decisions and appoint a personal attorney, a property attorney or both. You can choose to appoint the same person as both or appoint two different people.

Note that you can only appoint a personal attorney if you choose to make an Enduring Power of Attorney.

## 2.8 Choosing General or Specific Powers of Attorney

In addition to deciding whether to appoint a personal attorney, you can choose to give an attorney general authority or specific authority. If you give your attorney general authority, they can make all general decisions regarding your personal affairs. If you only want your attorney to make specific decisions you can say this in the Power of Attorney document.

## 2.9 Duties of an Attorney

Anyone who is given authority to act for someone else by Power of Attorney has certain obligations concerning how that authority can be used.

### DUTIES OF AN ATTORNEY

A person who is making decisions about another person's money and property must:

- » Act honestly, in good faith;
- » Act in the best interests of the grantor;
- » Make careful and cautious decisions;
- » Take into consideration the wishes of the grantor, whenever possible;
- » Consider the grantor's personal care and health care needs first, before other financial concerns;
- » Do only what they are authorized to do;
- » Make only the investments permitted by law;
- » Keep the grantor's money or other assets separate from their own assets (except for jointly owned assets, such as a house);
- » Make sure the grantor has the use of their personal possessions;
- » Not sell or give away property that is listed as a gift in the grantor's Will;
- » Keep records and have them available for inspection.

### POWERS

- » An attorney may hire an expert (such as a lawyer) to assist them;
- » The attorney may be reimbursed for any reasonable expenses for performing their duties (example: hiring an income tax preparer);
- » Unless specifically permitted by the Power of Attorney, the Attorney may not make loans, gifts or charitable donations.

### RECORD KEEPING

It is very important for your Attorney to keep proper records. If there are concerns that an attorney may be acting improperly an accounting can be requested or required or the Power of Attorney may be revoked. When the Attorney first begins acting for the grantor, they must make an effort to add up all the donor's assets and liabilities (everything the grantor's owns and everything they owe). The attorney must keep the following records:

- » A current list of the adult's assets and liabilities;
- » Records of all of the attorney's actions;
- » Invoices, bank statements and other records.

## 2.10 Accounting

As long as you are able to do so, it is important to continue to regularly monitor your financial accounts. You can ask your attorney to give you an accounting at any time. An accounting is a listing of money and debts from the beginning of the appointment period and all transactions made by the Attorney. If you have concerns about a particular matter, ask questions or discuss the matter with someone you trust or a lawyer.

If you lack capacity, an accounting can be requested by a person you have named for that purpose in the Power of Attorney document. If no person is named, an adult member of your family can request an accounting.

When an Enduring Power of Attorney comes to an end every attorney must provide a final accounting within six months of the appointment coming to an end. If no final accounting is provided, another person can apply to a court for a court order directing the Attorney to provide it can be made.

The person you appoint as your Power of Attorney **must** give you an accounting anytime you request one. An accounting is an explanation of what the attorney has done to manage your affairs. It would include things like showing you how much money came in and how much money was spent.

## 2.11 Ending a Power of Attorney

You can cancel a Power of Attorney at any time as long as you continue to have capacity. A Power of Attorney can end if any one of the following happens:

- » You providing written notice to the attorney. You do not have to give any reasons. All organizations and companies dealing with the attorney should be notified in writing that the Power of Attorney has been cancelled;
- » If the Attorney loses his or her own capacity;
- » If either the grantor or attorney passes away. Note that the responsibility cannot be passed on in a Will or other document;
- » A Power of Attorney may also come to an end on a date specified in the document. A Specific Power of Attorney ends when the task is completed or a specified time or event occurs;
- » If you appoint your spouse as an Attorney the Enduring Power of Attorney will end if you stop living together as spouses because you have decided to end your relationship;

- » An Enduring Power of Attorney will also end if the court appoints someone else to make decisions for you, or the Public Guardian and Trustee is given the authority to make decisions for you;
- » Any interested party can also apply to a court to have a Power of Attorney ended if they think that an attorney has abused their authority. The court must be satisfied that the complaint is confirmed;
- » An Enduring Power of Attorney will also end if the attorney no longer meets the conditions for being appointed as an attorney. For example, an Enduring Power of Attorney will end if the Attorney starts providing personal or health care services to you or is convicted of certain criminal offences;
- » An Attorney can also end their duties by giving written notice to you.

### **The Story of the Eagle-Fan Sisters**

**Helen** Eagle-Fan appointed her nephew Randy as her 'Enduring Power of Attorney'. Helen is not well and does not understand what Randy is doing because her bills are not always paid or not paid on time and there are certain personal items that are not purchased for her. Her nephew is also living rent free in her house and using her car. Helen applied to the court with her bank statement that proved that Randy abused his authority and the court issued a order ending the Power of Attorney.

## **2.12 Power of Attorney Documents and Indigenous Services Canada (ISC)**

Any person who is an 'ordinarily resident on reserve' can make Power of Attorney documents for their financial, legal and personal affairs. However, if there is a 'Certificate of Finding of Incompetency' (see below), issued pursuant to *The Public Guardian and Trustee Act* of Saskatchewan, Indigenous Services Canada has exclusive authority over your property.

### **What is a Certificate of Incapacity?**

If an adult lacks capacity, their physician can examine them and, if appropriate, issue a Certificate of Finding of Incapacity. This is then sent to the Chief Psychiatrist of the Province who will sign a Certificate of Incapacity where appropriate. Indigenous Services Canada and the Public Guardian and Trustee Office is notified of all Certificates of Incapacity.

Indigenous Affairs will then attempt to contact family members to determine if they wish to apply to act as an Administrator. If no person applies or there is no appropriate person available to act and the adult's financial affairs require administering, then Indigenous Affairs will administer all financial affairs of the adult.

It is important to plan for a trusted person to apply to Indigenous Affairs to be your Property Administer and Personal Guardian.

## » 3.0 HEALTH CARE DIRECTIVES

A Health Care Directive is a document, written while you are healthy and able to make decisions, in which you state your wishes for medical or non-medical care, just in case you become unable to speak for yourself at some time in the future. Sometimes people refer to a Health Care Directive as a 'Living Will' but in Saskatchewan and on reserve, the legal term is Health Care Directive.

A Health Care Directive takes effect when you are no longer capable of consenting to or refusing treatment yourself. A person with a terminal illness might use a Health Care Directive to advise everyone of what kind of treatments they want and what kinds of treatment they do not want. A health care directive can be made in any circumstances, not just terminal illness. Anyone could have a medical emergency, where they need treatment right away but are unconscious or so confused they cannot make health decisions.

In a Health Care Directive, you can give another person the right to make health care decisions for you. That person is called your proxy.

### 3.1 Why should you have a Health Care Directive?

In a medical emergency or in any other situation that leaves you unable to communicate, for example if you have a stroke or if you are in a coma, your Health Care Directive will assert your right to choose what you want or do not want in the way of medical treatment and care.

Having a Health care Directive will help those who are responsible for your care to decide on your treatment. It will help your family to understand and support the decisions that you would have made yourself.

Having a Health Care Directive is optional and only you can create it, no one else can do it for you. It informs others, who may not know your wishes and who may subject you to aggressive or life-prolonging medical interventions that you would not want. Or it could set out your wish to have all available treatment.

A Health Care Directive can also help your family in knowing your wishes of Traditional ceremonies when you are in grave conditions. You can indicate your wishes for spiritual ceremonies and helpers.

### 3.2 Who can Make a Health Care Directive

In Saskatchewan and on reserve, you can make a Health Care Directive if you are:

- » At least 16 years of age;
- » Capable of making health care decisions;
- » Able to Communicate the decision.

A person is capable of making health care decisions when they are able to understand information about possible medical treatments and the consequences of making or not making a decision, and are able to communicate the decision.

### 3.3 When to Make a Health Care Directive

Ideally you should make your Health Care Directive when you are healthy and have time to think and consider your options for treatment and who you would like to be your proxy (person who will speak for you). However, you may decide to make a directive in a situation where you know you are ill. For example, if you are diagnosed with a terminal illness, or if you have an illness where, at times, has left you incapable of making or communicating health care choices.

#### The Story of The Eagle-Fan Sisters

Marie is doing better. She likes having Josie around the house and Josie is enjoying it too.

**Helen**, however, has been thinking about making a Health Care Directive so her family and doctors will know what she wants. Maybe she has Alzheimer's and will need it soon. Helen is careful and takes her time to make important decisions.

Helen is thinking about what treatments she would not want – what if her heart stops, would she want them to try to start it? Would she want to be kept alive if she could not breathe on her own?

Helen's friend lives at a nice nursing home and Helen thinks she could be very happy there if she needs it in the future. Helen wants to be somewhere she can keep playing cards and where the food is good. Helen doesn't like processed food.

Helen's son, Paul, knows what is important to her. Helen is thinking she might choose him to be her proxy and make health care decisions. He also lives close, so that is good. Helen told Paul about the nursing home she likes.

Helen has a daughter in Prince Albert who has a busy career and hardly ever comes home. The daughter might not be too happy if Helen says Paul can make the health decisions. But Helen thinks Paul would be best.

*When Helen found out she has to wait to eight months to see the specialist, she decided to make a **Health Care Directive** right away, just in case. She used the form in this booklet and said Paul can make decisions as her proxy. After she signed it, she was relieved.*

As she thought about the Alzheimer's, it scared her a bit. So she also made an **Enduring Power of Attorney** and gave Paul power to withdraw money, sell things and pay bills. He's a book-keeper and is good at that sort of thing. Together they made up the documents but they decided to get a lawyer to look at it.

In all situations, a Health Care Directive must be made when you are capable of making a health care decision because it is too late once you become incapable.

Before making a directive, you may want to discuss treatment options and other issues with your doctor or other health care provider, family members, and anyone you wish to name as proxy.

Note that a Power of Attorney dealing with your personal affairs will not cover health care decisions. To deal with these decisions a Health Care Directive is needed.

### 3.4 What makes a Health Care Directive Valid?

For a Health Care Directive to be valid, the law requires it to be:

- » In writing, it can be either handwritten or typed;
- » Signed by you. If you sign the directive yourself, it does not need to be witnessed;
- » If you are unable to sign yourself, you can direct someone else to sign on your behalf in your presence and another person must witness their signature. The witness cannot be your proxy or your proxy's spouse.

Once these formalities are met, your Health Care Directive will take effect once you become incapable of communicating or incapable of making your health care decisions.

### 3.5 What to include in a Health Care Directive

Your directive can give specific directions regarding certain treatments and situations. You should be as clear and specific as possible. Health care providers do not have to follow directions that are not clear.

You may also choose to leave specific instructions for some situations and name a proxy for other situations. Or you can just name a proxy to make all decisions.

You can also include your instructions to your proxy for Traditional ceremonies and spiritual helpers you would like present.

### 3.6 Who can I choose as my Proxy?

Choosing someone as your proxy for health care decisions transfers to this person the authority to make decisions on your behalf about your personal care and your medical treatment in the event you are not able to make your wishes known. Your proxy can be appointed to make all or some health care decisions for you.

In choosing a proxy, you can choose anyone you like, but they must be:

- » At least 18 years old;
- » Have the capacity to make health care decisions;
- » Someone you Trust;
- » Someone who knows you well,
- » Someone who will respect your religious beliefs or spiritual values;
- » Someone who will respect and carry out your wishes;
- » They do not need to be family members.

It's also important to name an **alternate proxy** in case your proxy is not available. You can name two or more proxies if you wish as alternate or joint proxies. If you name your spouse as proxy and later divorce, the appointment will be cancelled unless you specifically say in your directive that the appointment will continue should you divorce.

It is also important to talk about your treatment wishes with your proxy. If your proxy knows your wishes, they must act according to your wishes. If your proxy does not know your wishes, your proxy must act according to what they believe is in your best interests.

A proxy is responsible for making health care decisions for you and cannot pass this responsibility on to another person.

Your health care proxy also has the authority to make arrangements for your personal care, such as where you will live, special dietary or clothing needs, and additional help to assist you in daily living should the need arise. Your proxy is concerned with all aspects of your future personal care as well as your medical care.

### 3.7 Where to keep your Health Care Directive

It is important to keep your directive in a place where it can easily be found. You may want to have a copy in your wallet and give copies to your proxy, your doctor and family members.

### 3.8 Reviewing your Health Care Directive

It is important and good practice to review your Health Care Directive whenever your situation changes, for example if you move, if your spouse dies, if you get separated, divorced, remarried, or any other major life event. As well, if your medical condition has changed or if you have changed your mind on some of your earlier decisions, it is best to start over with a completely new Health Care Directive. However, if upon your review,

you decide not to make any changes, sign the Directive again with the new date. Be sure to tell everyone involved in your care if you change your Directive and provide new copies to them.

### 3.9 Ending or Cancelling a Health Care Directive

At any time, you can cancel your Health Care Directive either orally or in writing. You can destroy it, revoke it, or make a new directive, which will cancel your old directive. In an emergency situation, you can tell another person that you want to cancel your Health Care Directive however the best practice is to cancel it in writing beforehand.

Remember, a Health Care directive will not be in effect while you are capable of making and communicating health care decisions.

### 3.10 Personal Guardians

If you have made a directive and the court later appoints a personal guardian, your directive will be followed to determine health care issues. If your directive does not give instructions for a particular situation, and a proxy was named in your directive, your proxy's decision will be preferred. If there is a disagreement, either the proxy or the personal guardian may apply to the Court of Queen's Bench for direction.

### 3.11 Disputes about your Health Care Directive

Your directive gives instructions to your doctor and other health care providers. If your medical condition involves a situation you have foreseen and dealt with in your directive, your doctor or other health care provider must follow your directions. If your medical condition involves a situation you have not planned for, and no proxy was named, your directive will be used as a guide.

Before making a directive, you may want to discuss treatment options and other issues with your doctor or other health care providers. You will also want to have discussions with family members other than your proxy, to tell them what you have told your proxy that you want. Sometimes at the hospital, family members disagree about what treatment should be given. If you have made a clear directive and you have talked to your loved ones about what treatment you want, some of these disagreements can be avoided.

If a dispute arises, an interested person may apply to the Court of Queen's Bench to challenge the appointment of a proxy or a decision made by a proxy or nearest relative.

### 3.12 What happens if you do not have a Health Care Directive

In the event that you did not make a Health Care Directive and become ill and incapable of communicating your wishes, another person may still make decisions for you. That person will be your nearest family member. Your nearest relative is determined in the following order:

1. Your spouse or person you live with as a spouse;
2. Your adult son or daughter;
3. Your parent or legal custodian;
4. Your adult brother or sister;
5. Your grandparent;
6. Your adult grandchild;
7. Your adult uncle or aunt, then
8. Your adult nephew or niece.

These include relatives by adoption. If there are no family members, or the family members cannot be found, then your doctor or other health care provider will make decisions for you by consulting another doctor or health care provider. The second doctor must agree in writing that the proposed treatment is needed.

A health care directive cannot permit active euthanasia, assisted suicide, or anything else illegal.

### 3.13 Other Jurisdictions

Our laws regarding health care directives apply only in Saskatchewan. If you live in another province, check the laws in that province.

A directive made in another place will be effective in Saskatchewan if it is made in a form and meets all the requirements set out in Saskatchewan law.

### 3.14 Getting Legal Help in preparing a Health Care Directive

A lawyer can prepare a health care directive for you for a fee. You may want to call their office to see how much they will charge. If you want to hire a lawyer see “Where to find More Information” at the back of this guide for help in finding a lawyer.

## » 4.0 DEPENDENT ADULTS & THE ROLE OF INDIGENOUS SERVICES CANADA

Indigenous Services Canada (ISC) (Formerly Indigenous and Northern Affairs Canada) has the authority and jurisdiction over the property of First Nation people who are 'ordinarily resident' on reserve and who are deemed a 'Dependent Adult'. This chapter explains how you can identify a person that could apply to be appointed as your Property Administrator under the Indian Act.

### 4.1 What is a Dependent Adult?

A Dependent Adult is a person registered as an Indian and is an ordinarily resident (permanently lives) on reserve and is certified by a doctor to be unable to manage their money. Their money will either be handled in one of three ways:

1. By a family member or close friend approved by Indigenous Affairs or approved the courts;
2. By an administrator who works for Indigenous Affairs;
3. In rare instances, by the Public Guardian for Saskatchewan.

If someone who is registered as an Indian lives off the reserve loses mental capacity, Indian Affairs is not involved.

**Not everybody who has lost mental capacity is Dependent Adult. A person is only a Dependent Adult under the Indian Act if a medical doctor assessed the person and signed a 'Certificate of Incapacity.'**

After a 'Certificate of Incapacity' is issued by a doctor, the Department of Indigenous Services has responsibility to approve a *Property Administrator* or if there is no one able or identified, will become the Property Administrator of last resort. This is why it is important to identify someone to apply to be appointed as your Property Administrator.

## 4.2 What activates the Minister of Indian Affairs' Jurisdiction?

The Minister has exclusive jurisdiction over a Dependent adult's property if three conditions are met. The person must be:

- » Registered as an Indian, or entitled to be registered as an Indian within the meaning of the *Indian Act*, including whose name is on the Band list;
- » An "Ordinarily Resident" on reserve; and
- » Found to be a Dependent adult (mentally incompetent) pursuant to the laws of the province/territory in which he/she resides.

In extraordinary circumstances, Indigenous Affairs may issue an order (under subsection 4(3) of the *Indian Act*) whereby he agrees to assume jurisdiction to administer the property of the Dependent adult who do not ordinarily reside on reserve. This is rare.

## 4.3 Registered Status Indians who are 'Ordinarily Residents' of a Reserve

To fall under Indigenous Affairs jurisdiction, you must be a permanent resident of the reserve. The *Indian Act* only applies to registered Indians (not Métis or Inuit) who are 'ordinarily resident' on a reserve or Crown Land (National Defence Land, Provincial Park Land, National Parks and lands bought by the Federal Government for First Nations that do not have reserve status). Note that band membership and status Indians sometimes do not correspond as some bands maintain their own band lists. This guide is for status Indians who are registered. Ordinarily resident means a person who is:

- » A permanent resident or normally resides on reserve;
- » If a person needs to leave the reserve temporarily, for educational purposes, hunting, or are in a care home or hospital, they would be still considered an ordinarily resident of the reserve;

Other circumstances may be taken in account such as:

- » Your customary way of life, and;
- » The intention of the Dependent adult to remain living as a permanent resident on the reserve.

If a person lives permanently off reserve, the Provincial or Territorial laws will apply to Dependent Adults.

#### 4.4 Powers of the Minister for Property

The Minister of Indigenous Affairs has the authority to manage all of a Dependent adult's property (with a Certificate of Incapacity), including property both on and off reserve. This authority includes the option to:

- » Appoint persons to Administer the property of mentally Dependent (with a Certificate of Incapacity) adults;
- » Order that any property of a Dependent adult's shall be sold, leased, alienated, mortgaged, disposed of or otherwise dealt with for the purpose of:
  - Paying his/her debts or engagements,
  - Discharging encumbrances on his/her property,
  - Paying debts or expenses incurred for his/her maintenance or otherwise for his/her benefit, or
  - Paying or providing for the expenses of future maintenance; and
- » Make such orders and give such directions as he/she considers necessary to secure the satisfactory management of the property of Dependent Adults.
- » Order that any of the Dependent adult's property situated off reserve shall be dealt with according to the laws of the province/territory in which it is situated.

#### 4.5 Minister must Approve and Appoint a Property Administrator

The Minister of Indigenous Affairs Canada has the exclusive responsibility and authority to appoint an administrator of a Dependent Indian who is an ordinarily resident on reserve. No matter what arrangements have been made, anyone wanting to manage the property of a Dependent Adult must get approval of the Minister of Indigenous Affairs.

No person can be appointed by the court or through a Power of Attorney to manage a Dependent adult's (where a Certificate of Incapacity was issued) property unless they have made application and been approved to act by Indigenous Affairs.

## 4.6 Indigenous Affairs and a Power of Attorney

As seen in this guide, a Power of Attorney legally provides one person with all powers to act on behalf of someone else. This may include powers over finances, medical decisions and activities of daily living.

In the situation of a Dependent adult who is an ordinarily resident on reserve (where a Certificate of Incapacity was issued), the Minister has exclusive jurisdiction over the Dependent adult's property, a Power of Attorney cannot include administration of a Dependent adult's property. It is important that you also identify who could be appointed as your "Property Administrator."

A Power of Attorney can, however, be used as evidence to support the application for appointment as administrator, but does not in itself determine who the administrator is. The person acting as an 'Attorney' for the Dependent Adult can apply to Indigenous Affairs if they wish to act as administrator of the Dependent adult's property. The Minister will consider appointing him/her upon receipt of a completed application and supporting documents.

You might be thinking, if we have to apply to Indigenous Affairs for approvals, why make an Enduring Power of Attorney at all? Good question. Remember, Indigenous Affairs only has jurisdiction when a "Certificate of Incapacity" is issued by a doctor.

## 4.7 What is a Property Administrator?

A property administrator is someone who is appointed by Indigenous Affairs to administer a Dependent adult (who a 'Certificate of Incapacity' was issued) property, but has no authority over decisions relating to their personal care. If the Dependent adult cannot make decisions relating to activities of daily living, then a Personal Guardian or a person named in an Enduring Power of Attorney for Personal Care will have to be appointed. If there is no guardian of the person, one must be appointed by the Provincial Courts or the Public Guardian. This situation will leave a gap in your care if you become incapacitated and a 'Certificate of Incapacity' is issued by a doctor.

The Dependent adult property may be administered by:

- » Family members.
- » Provincial public trustee.
- » Departmental Administrator.

#### 4.8 Approving and Appointing a Property Administrator

As Indigenous Affairs has jurisdiction and authority for the Dependent Adult's *property*, when a 'Certificate of Incapacity' has been issued by a doctor, they must appoint an administrator. Preferred administrators are:

- » A Family member;
- » A Trusted & Responsible Individual close to the Dependent person;
- » A Person who cares about the Dependent Adult's welfare;

An officer at Indigenous Affairs will become the administrator 'of last resort' if there is no one willing or able to administer.

#### 4.9 Making an Application to be a Property Administrator

Applications by family or friends of a Dependent Adult must be made to Indigenous Affairs in writing and contain:

- » The Dependent Adult's name and personal information;
- » The applicant's name and affidavit;
- » The relationship of the applicant to the Dependent Adult;
- » An explanation of why the appointment is necessary and why the applicant is best suited to administer;
- » Plans for management of the property including monthly and ongoing disbursements; and
- » A statement confirming that the Dependent Adult's guardian of the person and/or family members are aware of and support the application.
- » A plan demonstrating prudent property management

Indigenous Affairs will assess each application and will consider, among other things, the opinion of the family members, the proposed administrator's experience; the plans for management, a genuine and demonstrated interest in the Dependent Adult's financial well-being and care.

Once an Administrator is appointed, the Dependent adult's family has an opportunity to object to the appointment, in writing, within 15 days.

#### 4.10 Administrator's Duties

An administrator has a legal duty to:

- » Act in the Dependent Adult's best interests;
- » If appropriate, consult with the Dependent adult's family before making decisions;
- » Accurately and completely recording all financial transactions;
- » Addressing legal issues;
- » Keep the Dependent adult's money separate from those of the administrator.

Administrators may be required to take an oath or post a bond to protect the Dependent adult's property against theft or fraud.

#### 4.11 Administrator's Responsibilities

An administrator, acting in the Dependent adult best interests, is responsible for:

- » Collecting and depositing all income and benefits to which the Dependent adult is entitled;
- » Handling investments;
- » Managing real property and maintaining and selling assets as needed; and
- » Making purchases and paying bills and debts.

An administrator cannot make or change the Dependent adult's Will or Power of Attorney on the Dependent adult's behalf.

#### 4.12 Co-Administrators can be Appointed

A administrator may be selected to administer all or part of the Dependent adult's property or may be restricted to specific responsibilities. For example, one administrator could be appointed to manage the Dependent adult's cattle and another to administer their finances. Co-administrators are required to act jointly and it's important that they are able to work together.

### 4.13 Ending the Administration

The administration of the Dependent Adult property ends if/when:

- » The administrator resigns, dies or becomes incapable;
- » The Dependent Adult has been found to have regained capacity, pursuant to the laws of the applicable province/territory; or
- » The Dependent adult passes away.

### 4.14 Administration after the Death of a Dependent Adult

The “executor” named in the Dependent Adult’s Will is responsible for administering the Dependent Adult property upon their death. If there is no will, or an executor has not been named, the Dependent Adult’s next of kin may apply to administer the property. (See: AFOA publication, *“Writing a Will, A Guide for First Nation People Living on Reserve”*)

#### Points to Remember:

- » An Administrator is someone who is appointed to administer the Dependent Adult’s *property*, but has no authority over decisions relating to his/her personal care.
- » A Dependent Adult is someone whom a ‘Certificate of Incapacity’ has been issued by a doctor.
- » To ensure there is not a gap in your personal care, consider asking your attorney that you appointed in your ‘Enduring Power of Attorney’ to also apply to be appointed as your Property Administrator with Indigenous Affairs when the time comes.
- » The Department of Indigenous Affairs can help you in answering questions and providing more information on Property Administration.

## » 5.0 PERSONAL GUARDIANSHIP AND CO-DECISION MAKERS

Another legal document that you can consider in planning for incapacity, where a 'Certificate of Incapacity' may be issued by a doctor, is the appointment (by the court) of a Personal Guardian.

The inability to make decisions for ourselves may be temporary or it may be permanent. Only certain types of decision-making may be affected, such as decisions about property, health care or living arrangements. In some cases, an adult may be able to participate in decision-making, but cannot manage on his or her own.

Whatever the cause or situation may be, in Saskatchewan, and on reserve, the *Adult Guardianship and Co-decision-making Act* allows the **court** to give some decision making powers to concerned people by appointing them as a guardian or co decision maker. Only a judge can appoint a personal guardian or co-decision maker.

This chapter covers Personal Guardians. Indigenous Affairs is not involved with Personal Guardian issues.

The court will consider what is needed and whether other documents are already in place, such as an Enduring Power of Attorney or a Health Care Directive.

### **Note about Property Where a 'Certificate of Incapacity' has been Issued:**

Off reserve, an application can be made to the Court of Queen's Bench to appoint a Guardian or Co-Decision-maker for 'Property and finances'. On reserve, the Minister of Indigenous Affairs has exclusive jurisdiction over the property of a dependant adult, where a Certificate of Incapacity has been issued by a doctor, and must be appointed as an "Administrator".

### 5.1 What is a Personal Guardian?

A personal guardian is someone who has the authority to make decisions for an adult. A 'personal guardian' makes decisions about an adult's personal welfare.

A personal guardian could be appointed temporarily where they have the authority to make decisions for an adult in emergency situations for a limited time, to a maximum of six months. The authority of a temporary guardian is limited to doing only what is necessary to protect the adult.

## 5.2 What is a Personal Decision Maker?

A personal decision-maker is someone who can make or assist in making decisions for a dependent adult. The term is used to describe a personal guardian, a personal co-decision maker, a temporary personal guardian.

You can also appoint more than one person as your decision-makers. A co-decision-maker is someone who has the authority to assist a dependent adult in making decisions and to make joint decisions with the adult. A personal co-decision-maker makes decisions with the adult about personal matters and must ensure that the adult understands all the information needed to make a decision, knows the alternatives and possible results of any choice.

## 5.3 Types of Decisions

A personal guardian or co decision maker makes decisions related to the day to day life of the adult including:

- » Personal Care;
- » Medical Care or Treatment where no Health Care Directive;
- » Living arrangements;
- » Food, Shelter, Clothing;
- » Daily Activities;
- » Personal Safety;
- » Who can see the adult;
- » Training or Education.

**Remember:** Indigenous Affairs does not have the authority over a dependant or incapacitated person's personal care as their jurisdiction only relates to property. If advanced planning is not done, your personal, medical and daily needs will be decided by someone you have not chosen or someone who does not know you. It is very important to ask your attorney in your Enduring Power of Attorney to also apply to be your Personal Guardian when planning ahead.

### 5.3 How is a Personal Guardian Appointed?

To be considered as a 'Personal Guardian', a person must be at least 18 years or older who has a interest in the personal wellbeing of the dependent adult. Not just anyone can be appointed. For example, a paid care provider or others who may have a conflict of interest cannot be appointed unless the court considers them to still be the best choice.

Someone who wants to be appointed a personal guardian or co-decision-maker must complete certain application forms, which are then filed with the court. Applicants can fill these forms out on their own by downloading them from a computer or can obtain copies from the Public Guardian and Trustee's Office (See "Where to Find More Information" at the back of this guide).

An application for Guardianship or Co-Decision Maker must be accompanied by at least two written opinions that the adult is incapable to some degree of making decisions for their personal affairs. This is called a 'Certificate of Incapacity.' Assessments can be made by a qualified professional such as a doctor, nurse, psychologist, occupational therapist, social worker or speech-language pathologist.

Notice of the application is then served on the dependant adult, their nearest relative or their Power of Attorney or Proxy. These people have an opportunity to object to the appointment.

In deciding whether to make an order approving the personal guardian, the court will consider the best interests of the adult. The court considers the physical, psychological, emotional, social, health, residential, vocational and economic needs of the adult. The court will also consider what other documents are already in place, such as an Enduring Power of Attorney or a Health Care Directive.

## 5.4 Duties of a Guardian

A Personal Guardian has very important duties. They must:

- » Act in the Best Interests of the Dependent Adult;
- » Act Diligently and in Good Faith;
- » Protect the Adult's Civil & Human Rights;
- » Act in ways that limit interference in the Adult life where possible;
- » Encourage the adult to be as involved as possible in making decisions.

If the dependent adult or some other interested person, such as a close relative, is not satisfied with the way the guardian is handling matters, they can ask the court to review the guardianship. The court can appoint a new guardian if necessary.

A personal or property guardian may nominate in their Will any person to act in their place. If the guardian dies, the nomination takes effect immediately but must be confirmed by a court within six months of the death.

## 5.5 Decisions a Personal Guardian Cannot Make

A personal guardian or personal co decision maker does not have authority to make certain decisions such as:

- » Withdrawal of life support systems;
- » Organ or tissue donations;
- » Sterilization procedures;
- » Divorce proceedings;
- » Consent to terminate Parental Rights;
- » Choices based on religious freedoms.

## 5.6 For More Information on Personal Guardianship

Application to become a Personal Guardian or Co-Decision-maker must be made to the Saskatchewan Court of Queen's Bench. To find more information, including forms for application, please see the Public Guardian and Trustee Website and phone number at the back of this guide.

## » 6.0 ABUSE AND NEGLECT

Abuse of older adults or dependant adults is an act or behaviour by anyone, including a caregiver, which results in harm to an older person's well-being or safety. Caregivers of dependant people are often family members, but include anyone who provides care to the dependant person in their own home or a care facility.

Abuse includes a number of behaviours that cause harm to a person's well being or safety. The abuse can take on many forms, including:

- » **Emotional abuse** involves humiliating, insulting, threatening or controlling behaviour. Abusers may socially isolate a elder or Dependant adult or threaten to have them placed in a facility. Abusers may also unnecessarily restrict or remove the person's decision-making powers.
- » **Physical abuse** includes things like slapping, pushing, kicking, shaking, misuse of medication and forced confinement. Forced confinement may include things like not allowing a person out of a room, bed or chair for extended periods of time. It also includes sexual abuse such as inappropriate touching during personal care routines, sexual comments or sexual activity without the adult's consent.
- » **Financial abuse** may involve forcing a person to sell their personal belongings or property. It may also involve pressuring them to pay for products and services that are not needed. Stealing a person's money, pension cheques or possessions, or withholding money that is required for daily expenses are other examples. Theft, fraud, forgery, extortion and the wrongful use of a Power of Attorney are also forms of financial abuse.
- » **Neglect** may involve abandonment or withholding things such as food, personal care or medical attention.

Older adults, elders, dependant adults and those that can't speak for themselves are the most vulnerable victims of abuse and neglect and many are dependent on others to meet their everyday needs. Many victims must depend on their abusers for food, shelter, transportation, personal care or companionship. Many victims live in their own homes or with relatives. Others live in assisted-living complexes, private care homes and long-term care facilities or nursing homes.

Victims need the abuse and neglect to **STOP** and to be guaranteed their safety. Intervention is needed so they do not need to be dependent on an abuser.

In the community, family members are responsible for the vast majority of elder and Dependant adult abuse and neglect. The abuser may rely on the older adult for money or a place to live. The abuser may be a caregiver who can no longer handle the stress of looking after the Dependant person. Stress can become unmanageable when the caregiver is not equipped to provide care or has limited resources and little or no personal support. The caregiver may not understand the effects of illness or medication on the older person. The abuser may have psychological difficulties or alcohol or drug abuse issues. Personal problems in their own life can also contribute to the stress and lead to abuse of a vulnerable victim. Abusers also may have a family history of violence or hold onto negative stereotypes of older or disabled adults.

In institutional settings such as assisted-living complexes, private care homes or long-term care facilities, abusers are likely to be frustrated staff members who are not able to do their job properly. Staff may become frustrated because they have poor training or are overworked. Abuse such as theft and assault can occur, but in these settings abuse tends to take the form of neglect, poor personal care and abrupt or disrespectful treatment.

## 6.1 Planning Ahead can Prevent Abuse and Neglect if you lose Capacity

By planning ahead and creating the Incapacity Planning Documents in this guide, you can protect yourself from the risk of abuse or neglect. By creating these documents:

- » **Enduring Power of Attorney:** You choose an Attorney (agent) is authorized to make personal and financial decisions for you and ‘endures’ when you become incapacitated.
- » **Personal Guardian:** Appointed by you to make an application to be filed with the court. Your Personal Guardian can make decisions alone or with you regarding your personal care, living arrangements etc. A ‘Certificate of Incapacity’ must have been issued by a Doctor.
- » **Health Care Directive:** A ‘Proxy’ is appointed by you to make and communicate your wishes for medical treatment and care.
- » **Property Administrator:** Application must be made by the person you choose ahead of time. Indigenous Affairs approves and appoints an Administrator of your property on reserve. Remember that a ‘Certificate of Incapacity’ must have been issued by a Doctor.

## 6.2 Where to report Abuse and Neglect

Reporting Abuse and Neglect is very important. See page 47 of this guide for a list of places to report abuse and neglect.

## » ENDURING POWER OF ATTORNEY APPOINTING A PERSONAL ATTORNEY

*This form is to be used as a guide to the appointment of a personal attorney. A personal attorney has authority with respect to your personal affairs. He or she does not have authority with respect to your property and financial affairs or health care decisions, which are governed by The Health Care Directives and Substitute Health Care Decision Makers Act.*

*Include in your Enduring Power of Attorney only those parts of the form that are applicable to your situation.*

This Enduring Power of Attorney is made on \_\_\_\_\_  
(DATE)

by me, \_\_\_\_\_  
(NAME OF GRANTOR)

of \_\_\_\_\_  
(STREET ADDRESS) (CITY) (PROVINCE) (POSTAL CODE)

*(check as appropriate)*

### 1. Attorney

*(choose one)*

- I name the following person to act as my personal attorney in accordance with *The Powers of Attorney Act, 2002*:

(a) I appoint \_\_\_\_\_  
(NAME OF PERSONAL ATTORNEY)

of \_\_\_\_\_  
(STREET ADDRESS) (CITY) (PROVINCE) (POSTAL CODE)

**or**

- I name the following persons to act as my personal attorney's in accordance with *The Powers of Attorney Act, 2002*. (you may appoint two or more persons)

(b) I appoint \_\_\_\_\_  
(NAME OF PERSONAL ATTORNEY)

of \_\_\_\_\_  
(STREET ADDRESS) (CITY) (PROVINCE) (POSTAL CODE)

and \_\_\_\_\_  
(NAME OF PERSONAL ATTORNEY)

of \_\_\_\_\_  
(STREET ADDRESS) (CITY) (PROVINCE) (POSTAL CODE)

- jointly (*your personal attorneys will act together*)
- severally (*your personal attorneys will act separately and independently, in accordance with the authority given to them*)
- successively (*your personal attorneys will act in order of appointment*)

## 2. Alternate Attorney

I name the following person to act as my personal attorney in accordance with *The Powers of Attorney Act, 2002*, and authorize that person to act in place of my Attorney as my Alternate Attorney if my Attorney resigns, or the authority of my Attorney ends due to their mental or physical incapability:

I appoint \_\_\_\_\_  
(NAME OF ALTERNATE PERSONAL ATTORNEY)

of \_\_\_\_\_  
(STREET ADDRESS) (CITY) (PROVINCE) (POSTAL CODE)

## 3. Authority

(choose one)

- (a) I give my personal attorney(s) general authority respecting all of my personal affairs.  
(The authority with regard to personal affairs includes matters such as where you will live, any training or education you will receive and any social activities in which you will take part. Note that health care decisions are not within the authority of a personal attorney.)

**or**

- (b) I give my personal attorney(s) specific authority as follows:  
(You may limit the authority of your personal attorney(s) or you may divide authority among personal attorneys.)

## 4. Decisions Requiring the Expenditure of Money

(Optional - may be used if different people are appointed to act as your personal and property attorneys.)

If decisions requiring the expenditure of money arise with respect to:

- housing  
 education and training  
 social activities  
 other, as follows:

I give decision making authority to my:

(choose one)

- personal attorney  
 property attorney

## 5. Decision-making

If personal attorneys are appointed to act jointly (together):

*(choose one)*

- The decision of my joint personal attorneys must be unanimous. or
- Decisions by my joint personal attorneys must be made as follows:

---



---

If personal attorneys are appointed to act jointly (together) or successively (one after the other):

*(choose one)*

- If one or more of my personal attorneys dies, is unwilling or unavailable to act or is found by a court to lack capacity, the other(s) may act solely, jointly or successively, as the case may be.

**or**

- (b) \_\_\_\_\_

---

## 6. Enduring Power of Attorney

My personal attorney's (or attorneys') authority under this Enduring Power of Attorney shall not be terminated by my lack of capacity that occurs after my Enduring Power of Attorney has been executed.

## 7. Contingent Enduring Power of Attorney (optional)

- My Enduring Power of Attorney shall come into effect on the following date or on the occurrence of the following contingency:

---



---

*Optional:*

- The following adult(s) may declare in writing that the contingency that I have specified has occurred:

---

(NAME OF ADULT)

---

(STREET ADDRESS)

(CITY)

(PROVINCE)

(POSTAL CODE)

*(You may name one or more adults to make this declaration. If the contingency you have specified is your lack of capacity and you do not name anyone to make this declaration, two health care professionals may be asked to make the declaration.)*

## 8. Accounting (optional)

- If I lack capacity, an accounting of my personal attorney's (attorneys') management of my personal affairs may be requested by

\_\_\_\_\_ (NAME OF PERSON)  
 of \_\_\_\_\_ (STREET ADDRESS) \_\_\_\_\_ (CITY) \_\_\_\_\_ (PROVINCE) \_\_\_\_\_ (POSTAL CODE)

*(If this option is not checked, an accounting may be requested by one of your adult family members.)*

- If a fee is charged for services rendered by my personal attorney(s), my personal attorney(s) must provide an annual accounting of my personal attorney's (attorneys') management of my personal affairs to

\_\_\_\_\_ (NAME OF PERSON)  
 of \_\_\_\_\_ (STREET ADDRESS) \_\_\_\_\_ (CITY) \_\_\_\_\_ (PROVINCE) \_\_\_\_\_ (POSTAL CODE)

*(If this option is not checked, the accounting will be provided to your most immediate and available family member and to the Public Guardian and Trustee of Saskatchewan.)*

## 9. Revocation (optional)

I revoke the Enduring Power of Attorney previously given by me on \_\_\_\_\_ (DATE),  
 appointing \_\_\_\_\_ (NAME) as my personal attorney.

## 10. Signatures of grantor and witnesses

_____ (SIGNATURE OF GRANTOR)	_____ (DATE)
_____ (SIGNATURE OF WITNESS)	_____ (DATE)
_____ (SIGNATURE OF SECOND WITNESS)	_____ (DATE)

*(If witnessed by a lawyer, attach a form called Legal Advice and Witness Certificate. If witnessed by two adults, attach the form Non-lawyer Witness Certificate.)*

**or**

## Signatures of alternate signer and witnesses

*(To be used only when the grantor is unable to sign the Enduring Power of Attorney and there is an alternate signer of the document.)*

\_\_\_\_\_ (SIGNATURE OF ALTERNATE SIGNER) \_\_\_\_\_ (DATE)

**Statement of Witness:**

I, \_\_\_\_\_  
 \_\_\_\_\_ (NAME)  
 of \_\_\_\_\_  
 \_\_\_\_\_ (STREET ADDRESS) \_\_\_\_\_ (CITY) \_\_\_\_\_ (PROVINCE) \_\_\_\_\_ (POSTAL CODE)

certify:

(a) that \_\_\_\_\_  
 \_\_\_\_\_ (NAME OF ALTERNATE SIGNER)

signed this Enduring Power of Attorney in my presence;

(b) that \_\_\_\_\_  
 \_\_\_\_\_ (NAME OF GRANTOR)

acknowledged the signature of the alternate signer in my presence;

(c) that I am an adult with capacity and I am not the personal attorney or a member of the personal attorney's family or a member of the grantor's family;

(d) that I am signing this Enduring Power of Attorney as a witness in the presence of the grantor.

\_\_\_\_\_  
 (SIGNATURE OF WITNESS) \_\_\_\_\_ (DATE)

**Other witness signatures**

*(note that one of the witnesses may be the same person that witnessed the alternate signing)*

\_\_\_\_\_  
 (SIGNATURE OF WITNESS) \_\_\_\_\_ (DATE)

\_\_\_\_\_  
 (SIGNATURE OF SECOND WITNESS IF FIRST WITNESS IS NOT A LAWYER) \_\_\_\_\_ (DATE)

*(If witnessed by a lawyer, attach form that is Legal Advice and Witness Certificate. If witnessed by two adults, attach form for Non-lawyer Witness Certificate.)*

**11. Acceptance of Appointment** *(optional)*

I accept the appointment as personal attorney and I will exercise my authority honestly, in good faith and in the best interests of the grantor.

\_\_\_\_\_  
 (SIGNATURE OF PERSONAL ATTORNEY) \_\_\_\_\_ (DATE)

## » ENDURING POWER OF ATTORNEY NON-LAWYER WITNESS CERTIFICATE

This form is to be completed by two witnesses who are not lawyers.

I, \_\_\_\_\_  
(NAME)

of \_\_\_\_\_  
(STREET ADDRESS) (CITY) (PROVINCE) (POSTAL CODE)

and

I, \_\_\_\_\_  
(NAME)

of \_\_\_\_\_  
(STREET ADDRESS) (CITY) (PROVINCE) (POSTAL CODE)

certify:

(a) that I witnessed the signing of the Enduring Power of Attorney of:

\_\_\_\_\_  
(NAME OF GRANTOR) (DATE)

(b) that I am an adult with capacity and that I am not the attorney named in the above-mentioned Enduring Power of Attorney and that I am not a family member of either the grantor or the attorney;

(c) that in my opinion the grantor was an adult who could understand the nature and effect of an Enduring Power of Attorney at the time that he or she signed the above-mentioned Enduring Power of Attorney.

\_\_\_\_\_  
(SIGNATURE OF WITNESS) (DATE)

\_\_\_\_\_  
(SIGNATURE OF WITNESS) (DATE)

## » HEALTH CARE DIRECTIVE

_____			
(NAME)			
_____	_____	_____	_____
(STREET ADDRESS)	(CITY)	(PROVINCE)	(POSTAL CODE)
_____	_____	_____	_____
(HOME PHONE)	(WORK PHONE)	(ALTERNATE PHONE)	

To my family, my friends, my physicians, and all others to whom it may concern:

It is my intention that this directive be respected by my physician, my family, and my friends, if I am no longer capable of consenting to health care on my own behalf.

I am aware that this directive shall apply when I am no longer able to speak for myself. I would like to use the following information to help direct my care. Please read carefully, as these are three separate situations.

I understand that the health care team will meet with my appointed proxy/ies or substitute decision maker to discuss my prognosis, available interventions, and its benefit in my circumstances.

Please place a copy of this Advance Care Directive on my Health Record.

### Proxies

A proxy must be 18 years of age or older and have capacity to make decisions. The proxy has an obligation to act according to my known wishes. The proxy/ies listed below are authorized to consent to my health care when I am no longer able to understand health care information and communicate my own decisions.

Please appoint your proxy/ies below. You may appoint proxy/ies to act successively or jointly. Please circle successive proxies or joint proxies when appointing multiple proxies. Unless stated otherwise multiple proxies will be considered successive proxies.

1. \_\_\_\_\_

(NAME)		(PHONE)	
_____	_____	_____	_____
(STREET ADDRESS)	(CITY)	(PROVINCE)	(POSTAL CODE)

## Successive Proxies or Joint Proxies

2. \_\_\_\_\_ (NAME) \_\_\_\_\_ (PHONE)  
 \_\_\_\_\_ (STREET ADDRESS) \_\_\_\_\_ (CITY) \_\_\_\_\_ (PROVINCE) \_\_\_\_\_ (POSTAL CODE)

3. \_\_\_\_\_ (NAME) \_\_\_\_\_ (PHONE)  
 \_\_\_\_\_ (STREET ADDRESS) \_\_\_\_\_ (CITY) \_\_\_\_\_ (PROVINCE) \_\_\_\_\_ (POSTAL CODE)

I understand that if I do not appoint a proxy, a substitute decision maker will be appointed to make health care decisions on my behalf when I lack capacity to make health care decisions. I have spoken to the following people about my wishes:

\_\_\_\_\_ (NAME) \_\_\_\_\_ (HOME PHONE) \_\_\_\_\_ (WORK PHONE)

\_\_\_\_\_ (NAME) \_\_\_\_\_ (HOME PHONE) \_\_\_\_\_ (WORK PHONE)

\_\_\_\_\_ (NAME) \_\_\_\_\_ (HOME PHONE) \_\_\_\_\_ (WORK PHONE)

**Example 1**

I have been diagnosed with an illness from which I am likely to recover. The following are my wishes...

**Instructions:**

The box below lists some interventions upon which you may wish to comment. Please indicate your wishes by placing your initials in the box for the interventions you would accept or not accept under Example 1.

<b>Intervention</b>	<b>YES, I would accept</b>	<b>NO, I would not accept</b>
I would be willing to accept all life supporting machines and treatments as needed while there is a chance of recovering.		
<i>If your answer to the above question is "No, I would not accept", please initial below which interventions you would or would not accept.</i>		
Cardiopulmonary Resuscitation (CPR) – this might include chest compressions, electric shocks and artificial breathing in an attempt to restart the heart.		
A machine to help me breathe (mechanical ventilation).		
A feeding tube inserted from the nose into the stomach.		
A feeding tube surgically inserted directly into the stomach.		
Other:		
Other:		

**Example 2:**

I suffer from an illness that may require many months or even years to recover. During that time, life support may be required to ensure the continuation of my life. The following are my wishes...

**Instructions:**

The box below lists some interventions upon which you may wish to comment. Please indicate your wishes by placing your initials in the box for the interventions you would accept or not accept under Example 2.

<b>Intervention</b>	<b>YES, I would accept</b>	<b>NO, I would not accept</b>
I would be willing to accept all life supporting machines and treatments as needed while there is a chance of recovering.		
<i>If your answer to the above question is "No, I would not accept", please initial below which interventions you would or would not accept.</i>		
Cardiopulmonary Resuscitation (CPR) – this might include chest compressions, electric shocks and artificial breathing in an attempt to restart the heart.		
A machine to help me breathe (mechanical ventilation).		
A feeding tube inserted from the nose into the stomach.		
A feeding tube surgically inserted directly into the stomach.		
Other:		
Other:		

**Example 3**

If there is no expectation of my recovery, or death is inevitable and I would only be alive on life support. The following are my wishes...

**Instructions:**

The box below lists some interventions upon which you may wish to comment. Please indicate your wishes by placing your initials in the box for the interventions you would accept or not accept under Example 3.

<b>Intervention</b>	<b>YES, I would accept</b>	<b>NO, I would not accept</b>
Cardiopulmonary Resuscitation (CPR) – this might include chest compressions, electric shocks and artificial breathing in an attempt to restart the heart.		
A machine to help me breathe (mechanical ventilation).		
A feeding tube inserted from the nose into the stomach.		
A feeding tube surgically inserted directly into the stomach.		
Other:		
Other:		
Other:		
Other:		

**Further wishes Including Traditional Ceremonies:**

---



---



---



---



---



---

**Signed and declared:**

If you are physically able to, sign your name and date below.

_____	_____	_____
(NAME)	(SIGNATURE)	(DATE)

If you are physically unable to sign, a person of your choice may complete this directive and sign on your behalf at your instruction. The signature of this person must be witnessed and the witness must sign below. A person appointed as a proxy or a proxy’s spouse cannot sign as a witness or as the person signing on your behalf.

_____	_____	_____
(NAME)	(SIGNATURE OF THE PERSON WHO IS SIGNING ON MY BEHALF)	(DATE)

_____	_____	_____
(NAME)	(SIGNATURE OF WITNESS)	(DATE)

**Make & Give Copies of your Health Directive to your:**

- ✓ Proxy/ies or Substitute decision maker;
- ✓ Family Members;
- ✓ Your doctor,
- ✓ Your Care Home Providers or Health Care Facility to which you are admitted.
- ✓ You may also place a copy on or in your refrigerator for easy access in case of emergency.

**WALLET CARD:** Complete the card and keep it in your wallet with your Health Card

***In Case of Medical Emergency***

I, \_\_\_\_\_  
 have written a Health Care Directive and spoken with my proxy about my wishes. A copy of this plan is located at \_\_\_\_\_  
 My proxy is \_\_\_\_\_  
 Please refer to this document by contacting my proxy:  
 Home: \_\_\_\_\_ Cell: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## » WHERE TO FIND MORE INFORMATION

### Public Guardian and Trustee of Saskatchewan

Has the responsibility to protect the property of people who do not have the capacity to manage their own financial affairs.

100 – 1871 Smith Street, Regina, SK., S4P 4W4

**Toll Free:** 1-877-787-5424 **Tel:** 306-787-5424

**Fax:** 306-787-5065 **Email:** pgt@gov.sk.ca

**Website:** <https://www.saskatchewan.ca/residents/justice-crime-and-the-law/power-of-attorney-guardianship-and-trusts/the-public-guardian-and-trustee-as-guardian-for-a-dependent-adult>

### Indigenous Services Canada (Formerly INAC)

Headquarters Main Contact information:

**Phone:** 1-800-567-9604

**General Enquiries and Publications e-mail:**

[InfoPubs@aadnc-aandc.gc.ca](mailto:InfoPubs@aadnc-aandc.gc.ca)

**TTY:** (toll-free) 1-866-553-0554 **Fax:** 1-866-817-3977

**Regina Regional Office:**

1827 Albert Street, Regina, SK., S4P 2S9

**Tel:** 306-780-5392 **Fax:** 306-780-7305

### Department of Justice - Laws

For links to the Indian Act R.S.C., 1985, c.1-5

<http://laws-lois.justice.gc.ca/eng/acts/i-5/>

Indian Estates Regulations C.R.C., c.954

<http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C%5Fc.%5F954/>

### Queen's Printer

Anyone can search, view and print copies of Provincial Laws, Regulations and forms. You can also order copies to be sent in the mail for a fee.

Walter Scott Building,

B19-3085 Albert St., Regina, SK., S4S 0B1

**Toll Free:** 1-800-226-7302 **Tel:** 306-787-6894

**Website:** <http://www.publications.gov.sk.ca/freelaw/>

### Human Resources and Skills Development (Service Canada)

For information about the Old Age Security, Canada Pension Plan and Registered Disability Savings Plan. There are several Locations in Saskatchewan.

**Website:**

<http://www.servicecanada.gc.ca/eng/home.shtml>

**Death Benefits:** <https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-death-benefit.html>

### Help Finding a Lawyer:

Law Society of Saskatchewan

Provides a lawyer referral program.

1100-2002 Victoria Ave., Regina, SK S4P 0R7

**Tel:** 306-569-8242 **Fax:** 306-352-2989

**Website:** <https://www.lawsociety.sk.ca>

### Pro Bono Law Saskatchewan

Provides Free Legal Services to Persons with limited means. Please see their website or call for more information on who they can represent. Pro Bono Law Saskatchewan also offers a Seniors Legal Assistance Panel Program for person's over 65 who are receiving the Federal Guaranteed Income Supplement, however not every senior is guaranteed service and you will have to call to enquire.

1650 – 2002 Victoria Ave., Regina, SK., S4P 0R7

**Toll Free:** 1-855-833-7257 **Tel:** 306-569-3098

**Website:** <http://pblsask.ca>

### Other Information

Public Legal Education Association of Saskatchewan (PLEA)

500-333 25th St E., Saskatoon SK S7K 0L4

**Tel:** 306-653-1868 **Fax:** 306-653-1869

**Website:** <http://www.plea.org>

## Saskatchewan Health Regions

Regina Qu'Appelle Health Region

Native Health Services

306-766-4155 - Regina General Hospital

306-766-2232 - Pasqua Hospital

Aboriginal Health Advance Care Planning

**Website:** [http://www.rqhealth.ca/rqhr-central/files/ceac\\_1207.pdf](http://www.rqhealth.ca/rqhr-central/files/ceac_1207.pdf)

## 211 Saskatchewan Call or Online Database

### Dial 2-1-1

A helpline that is free where you can call by phone without giving your name or phone number and ask advice.

### Online Website Search: <http://sk.211.ca>

An online database of Saskatchewan Government and community programs and services including emergency and crisis hotlines across the Province. Note that you will be required to enter your postal code in any search functions.

## Saskatchewan Hospice Palliative Care Association

P.O. Box 37053 Regina, SK., S4S 7K3

**Tel:** 306-584-2526

**Website:** <http://saskpalliativecare.org>

## IN CASE OF ABUSE OR NEGLECT: WHO TO CONTACT

If you suspect abuse or neglect by someone in the community - family member, neighbour or friend - contact the police, a social service agency or community crisis centre. Local listings are often included on or near the inside cover of telephone books.

**Dial 9-1-1** for all Emergencies including on reserve

Royal Canadian Mounted Police  
Saskatchewan F Division Headquarters  
6101 Dewdney Ave., Regina, SK., S4P 3K7

**General Enquiries:** 306-780-5461

Various Detachments in Saskatchewan, to find a Detachment online: <http://www.rcmp-grc.gc.ca/detach/en/find/SK>

**RCMP Website:** <http://www.rcmp-grc.gc.ca/en/sk/contact-us>

*\*Note that the RCMP does not accept the report of crime online or by email, you must call.*

## COMMUNITY RESOURCES

### Canadian Network for the Prevention of Elder Abuse

Works to raise awareness of key issues around abuse and neglect in later life and to ensure older adults are treated as full citizens of Canadian society.

**Website:** [www.cnpea.ca/en/](http://www.cnpea.ca/en/)

### The Crisis Intervention Services in Saskatoon, Regina and Prince Albert

Experienced in assisting victims of all forms of abuse including older adults. For a complete listing of 24/7 hotlines visit the Saskatchewan 211 website.

**Website:** [sk.211.ca](http://sk.211.ca)

### Saskatoon Council on Aging

Operates a resource walk in center and caregiver information and support and works with local agencies to enhance community services for older adults.

**Website:** [www.scoa.ca](http://www.scoa.ca)

### Seniors Canada

Provides information and services on a number of topics such as health and wellness, finances and legal matters.

**Website:** [www.seniors.gc.ca/eng/index.shtml](http://www.seniors.gc.ca/eng/index.shtml)

### Public Health Providers

Public health providers are familiar with the health and social services available in your community. They can arrange for support for caregivers, victims and abusers.

### Regional Health Authorities

Offer health education and resources in the areas of nutrition, medication, accident prevention and overall wellness, including educational, cultural, spiritual and recreational aspects.

**Website:** <https://www.saskatchewan.ca/residents/health/understanding-the-health-care-system/saskatchewan-health-regions/health-region-contact-information-and-websites>

### Province of Saskatchewan Ministry of Health

Can provide information about off reserve matters such as housing options, seniors' drug prescription plan, community care and services for seniors.

**Website:** [www.saskatchewan.ca/residents/health](http://www.saskatchewan.ca/residents/health)

### The Health-Line

Just dial 811 from anywhere including on reserve.

Provides confidential 24-hour non emergency health information designed to increase understanding and improve management of health related issues.

**Website:** <https://www.saskatchewan.ca/residents/health/accessing-health-care-services/healthline>

### The Public Health Agency of Canada

Provides online information and material on family violence including abuse and neglect of older adults and a directory of services.

**Website:** [www.phac-aspc.gc.ca/ncfv-cnivf](http://www.phac-aspc.gc.ca/ncfv-cnivf)

### Medical and Home Support Services

Family doctors and hospital geriatric teams treat the medical needs of abuse victims. Talk to your doctor or contact your local public health office.

Many First Nations offer Home Care services that help older adults to maintain independence in the home and are intended to supplement care provided by family, friends and community members.

Some Hospitals offer Adult day care and day hospital programs help to reduce pressure and offer support by providing daytime programs for older people who have physical or mental disabilities.

Many urban communities and some First Nations have respite care services. These services are designed to relieve caregivers of the responsibilities of caring for an older adult for a certain amount of time each week or a few weeks each year.

### First Nations and Inuit Health Branch - Health Canada

2045 Broad Street, 5th Floor  
Regina, Saskatchewan, S4P 3T7

**Tel:** 306-780-5414

**Website:** <https://www.canada.ca/en/health-canada/corporate/contact-us/first-nations-inuit-health.html>

*\*Your Health Clinic on reserve can provide more information.*

### Victim and Legal Services

**Legal Aid Tel:** (1-800-667-3764)

Provides a range of legal services to low income individuals in the areas of family and criminal law.

**Website:** [www.legalaid.sk.ca](http://www.legalaid.sk.ca)

## Victims Services

**Tel:** (1-888-286-6664)

Receives applications from and may award compensation to victims of crime. Also provides victims with information about the justice system, counselling services and support groups. Victims Services Offices are in most RCMP and city police stations.

**Website:** [www.saskatchewan.ca/residents/justice-crime-and-the-law/victims-of-crime-and-abuse](http://www.saskatchewan.ca/residents/justice-crime-and-the-law/victims-of-crime-and-abuse)

*Mandatory Reporting may be required in some Hospitals and places such as Government-funded Facilities.*

Off Reserve: If you suspect abuse in a **personal care home** it can be reported to:

### Personal Care Homes Program

**Tel:** 306-787-1715

**Website:** <https://www.saskatchewan.ca/residents/health/accessing-health-care-services/care-at-home-and-outside-the-hospital/personal-care-homes>

Off Reserve: If you suspect abuse in a **special care home** talk to management as soon as possible. If the matter is not resolved it should be reported to:

### Community Care Branch

**Tel:** 306-787-7239

**Website:** [health.gov.sk.ca/community-care](http://health.gov.sk.ca/community-care)

On or Off Reserve: If you suspect abuse by **a doctor** it can be reported to:

### College of Physicians and Surgeons of Saskatchewan

**Tel:** 306-244-7355 (Saskatoon)

**Toll free:** 1-800-667-1668

**Website:** [www.cps.sk.ca](http://www.cps.sk.ca)

On Reserve for all: First Nations and Inuit Health Branch - Health Canada

2045 Broad Street, 5th Floor  
Regina, Saskatchewan, S4P 3T7

**Tel:** 306-780-5414

**Website:** <https://www.canada.ca/en/health-canada/corporate/contact-us/first-nations-inuit-health.html>

If you suspect abuse of a **Power of Attorney** or financial abuse it can be reported to:

### Department of Indigenous Services Canada (Formerly INAC)

Headquarters Main Contact information: **Phone:** 1-800-567-9604

**General Enquiries and Publications e-mail:** [InfoPubs@aadnc-aandc.gc.ca](mailto:InfoPubs@aadnc-aandc.gc.ca)

**TTY:** (toll-free) 1-866-553-0554

**Fax:** 1-866-817-3977

Regina Regional Office:  
1827 Albert Street, Regina, SK., S4P 2S9

**Tel:** (306) 780-5392 **Fax:** (306) 780-7305



## **AFOA SK**

Aboriginal Financial Officers Association of Saskatchewan

#117-335 Packham Ave

Saskatoon, SK S7N 4S1

Ph: 306 477 1066

Fax: 306 665 7577

Email: [afoa.sask@sasktel.net](mailto:afoa.sask@sasktel.net)

Website: [www.afoask.ca](http://www.afoask.ca)

