


What you need to know about standard representation agreements (section 7)



A guide to legally appointing
someone to help you make
decisions in B.C.



**BC Centre for
Palliative Care**



About this guide

This guide explains standard representation agreements, sometimes called section 7 representation agreements. A standard representation agreement lets you choose a person to make or help you make health-care, personal-care, legal, or routine financial decisions. The person you choose is known as your representative.

This guide answers these important questions about standard representation agreements (section 7):

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Did you know?

In B.C., there are two types of representation agreements:

- **Enhanced (section 9) representation agreement.** This agreement can be made by an adult who can understand what the agreement is about, and what it allows their representative to do. The adult can use this agreement to name a representative to make health-care and personal-care decisions on their behalf.
To learn more about enhanced representation agreement (section 9), see: [What you need to know about enhanced representation agreements \(section 9\).](#)
- **Standard (section 7) representation agreement.** This agreement can be made by an adult even if they have some trouble understanding information. The adult can use this agreement to name a representative to make or help them make health-care, personal-care, legal, and routine financial decisions.



1 What is a standard representation agreement?

A standard representation agreement is a document in which you choose a person (called your **representative**) who can:

- **help you make decisions** when needed
 - for example, if you have trouble understanding information; and
- **make decisions for you** if you are unable to — for example, if you're too ill or injured to speak for yourself, or if you're a person living with dementia and your dementia has progressed to the point that you cannot make decisions for yourself.

You can use a standard representation agreement to name:

- one or more **representatives** to make or help you make decisions;
- an **alternate representative** who will step in if your representative(s) can no longer act on your behalf; and
- a **monitor** who will ensure your representative(s) are performing their role appropriately.

A representative is just one type of **substitute decision maker** in B.C. law. A substitute decision maker is someone your health-care provider would ask to make a decision for you if you cannot speak for yourself. To learn more about substitute decision makers, visit: bc-cpc.ca/sdm.



2 What decisions can representative(s) make in a standard representation agreement?

You can specify in the agreement the kinds of decisions your representative(s) **can** and **cannot** make. These can include:

- **health-care decisions** about tests, examinations, treatments, and procedures related to your health, such as surgery, medication, and vaccines. These also include participation in a medical research study that has been approved by an ethics committee;
- **personal-care decisions** about your daily life, such as where you live, who should have contact with you, and your diet, clothing, hygiene, and activities. These also include decisions about living in a group home, family care home, or mental health boarding home;
- **routine financial decisions** such as paying bills, depositing income, making investments, and purchasing food, accommodation, and other services necessary for personal care; and
- **legal decisions** such as obtaining legal services for you and instructing legal counsel to begin proceedings (except for divorce proceedings), or to continue, compromise, defend, or settle any legal proceedings on your behalf.



You **cannot** ask your representative to make decisions about:

- refusing consent to life-supporting care or treatment;
- making a decision about whether you can be forced to receive psychiatric care in a mental health facility;
- abortion or treatments that would sterilize you, unless needed for your health;
- removing an organ or tissue for transplant, education, or research;
- experimental health care that hasn't been approved by an ethics committee;
- physically restraining or moving you despite your objections;
- making decisions about temporary care and education of any of your children (under age 19 years old), or people you care for;
- interfering with any religious practices you have; or
- admitting you to a care facility such as a hospital, assisted living home, or long-term care home. They can only make decisions about living in a group home, family care home, or mental health boarding home.

(This list is not complete; consult a lawyer or notary public if you want more information. See bc-cpc.ca/acpresources for some legal options.)

If you name more than one representative, you can also say which decisions each person can make — for example, if you want one person to make health-care decisions and another person to make personal-care decisions. If your agreement does not say anything about this, your representatives must agree on all decisions.

If you name an alternate representative, you must say in the agreement when they can act in place of your representative(s) — for example, if the representative cannot be contacted for a certain amount of time.



3 Who can make a standard representation agreement?

The law about standard representation agreements was created to support people with disabilities to participate in decision-making.

The law says that **any adult who is 19 years of age or older can make this agreement**, unless they're incapable of doing this (see the next page for information in capability).

This includes people who have some trouble understanding information and cannot:

- make an enhanced representation agreement;
- make a contract; or
- manage their own health care, personal care, financial affairs, or legal affairs.

There's no test for who is capable of making a standard representation agreement. If you're uncertain, factors to consider are whether or not the person:

- communicates a desire for a representation agreement;
- shows choices and preferences;
- understands that a representation agreement allows the representative to make decisions for them; and
- has a trusting relationship with the person they want to name as their representative.



The term **“capable”** is a legal term that means being able to understand the information provided and make your own decision. A person is **“incapable”** of making a decision if they are unable to understand the information relevant to that decision. Incapability can be temporary or permanent. A person is assumed to be capable unless there is reason to think otherwise. It’s possible for a person to be capable of some decisions only, depending on what they are able to understand. If there are concerns that a person is incapable of making a decision, an incapability assessment might be completed by a health-care provider, social worker, or another professional with expertise in assessing capability.

Please note: a person’s capability is not determined by how he or she communicates. For example, a person who speaks a different language can communicate their own decisions with the help of an interpreter. As another example, a person who is non-verbal can communicate their decisions using head nodding and body language. Everyone has a right to receive assistance in understanding and communicating their decisions.

In addition to standard representation agreements, other planning documents adults can create if they understand the relevant information include:

- an [enhanced representation agreement](#) for health-care and personal-care decisions; and
- an [enduring power of attorney](#) for legal and financial decisions.



4 When is the right time to make a standard representation agreement?

Every adult should consider whether they want to make a representation agreement. **Standard representation agreements are often made by people who need some help with making decisions.**

No one can make you complete a representation agreement — it's completely voluntary. The best time to make one is before you become seriously ill or injured.



5 Why might I make a standard representation agreement?

Here are some reasons why you might make a standard representation agreement:

- You have some difficulty understanding information and making decisions due to illness or injury, and you want to choose someone **to help you make decisions** (health-care, personal-care, legal, or routine financial decisions).
- You want to choose someone **to make a decision for you if you cannot make it for yourself** (this includes health-care, personal-care, legal, or routine financial decisions).

If you're incapable of making a health-care decision and you don't have a representative, or if your representative isn't available, your health-care provider will choose a **temporary substitute decision maker** to make the decision for you from a list outlined by B.C. law. To learn more about substitute decision makers, visit: bc-cpc.ca/sdm.

- You cannot legally make an [enduring power of attorney](#) (you must be capable to make one), and you want to choose someone **to help you make legal or routine financial decisions**.
- You **want consistency** in who makes decisions for you.
- You want to ensure your family and friends know **who you have chosen** to make decisions for you. This may help avoid family conflict.
- You can make an enhanced representation agreement but **prefer the decisions that a standard representation agreement covers**. You can make a standard representation agreement instead of, or in addition to, an enhanced representation agreement.

Sally's Story

Last year, I had a minor stroke and since then, I've had trouble understanding the health-care treatments that my doctor discusses with me. I'd like my son, David, to help me with making health-care decisions.



We are now working on a standard representation agreement so that David can be legally named as my representative.

Jeff's Story

I was diagnosed with early-stage dementia 5 years ago and made an enhanced representation agreement right away. I named my wife as the person who could make personal-care decisions for me, and my friend, who's a nurse, as the person who could make health-care decisions for me.



Thankfully, my dementia symptoms have progressed slowly, so I've been able to make most of my own decisions.

Three months ago, I was in a car accident and since then, I've needed more and more help with things. I'd like my wife to help me with my finances and bills but learned from our lawyer that I can no longer make an enduring power of attorney. Instead, he suggested that I make a standard representation agreement and name my wife to manage my routine financial affairs.

I'm relieved that I still have this option available to me!

Mei's story

My mother had a heart attack and a stroke and was admitted to an intensive care unit. Her doctor told me and my two siblings that she was unlikely to recover. My sister, Ying, wanted our mother to die comfortably, so wanted to take her off life support. But our brother, Wei, wanted to keep her alive as long as possible, keeping her in the hospital with the support of machines.



As my mother didn't have a representation agreement, our mother's doctor had to choose who should be appointed as her temporary substitute decision maker. He chose Ying, and our mother was taken off life support. Wei is still angry about this.

If our mother had made a representation agreement, it would have been clear who she wanted to make decisions for her.



6 Who can I choose to be my representative(s) or an alternate representative?

Your representative(s) and any alternate representative **must be**:

- 19 years of age or older. If you appoint a person who is 18 years of age or younger, they must turn 19 before they can make decisions for you; and
- capable of making their own decisions.

Your representative and any alternate **cannot be**:

- someone who is paid to provide you health care or personal care; or
- an employee at a facility where you live if the facility provides health care or personal care.

(These restrictions don't apply if the person providing the care or working at the facility is your child, parent, or spouse.)

Your representative and any alternate **does not have to**:

- live locally. However, they may need to be contacted in an emergency, so consider how easy it would be to contact them; or
- speak English. However, they will need to communicate with health-care providers in B.C. Interpreters are available in the health-care system, but they may not be immediately available.

The person(s) you choose could be a member of your family, a close friend, a community leader, or an elder. A good choice for your representative or alternate is someone who:

- ☐ Knows you well and understands your values, beliefs and wishes for health care, personal care, legal affairs, and routine financial affairs.
- ☐ Will honour your wishes and instructions, even if your wishes are different from their own (to be clear, this is their role under the law).
- ☐ Is calm in a crisis.
- ☐ Can communicate with health-care providers, advocate for you, and not be pressured into accepting treatment that you wouldn't want.
- ☐ Can handle conflict or disagreement.
- ☐ Is willing and available to take on the role.

7 Do I need to name a monitor to make sure my representative is doing their job properly?

The role of a monitor is to make sure your representative is doing their job and doing it properly. Naming a monitor **is usually optional**, but there are some situations where the law says you have to name one.

You must name a monitor if:

- you have named only **one** representative to make **routine financial decisions**;
- you have named two or more representatives and they are **not** required to agree on all decisions; or
- the representative making financial decisions is not your spouse, the [*Public Guardian and Trustee*](#), a trust company, or a credit union.

Your monitor must be:

- 19 years of age or older. If you appoint a person who is 18 years of age or younger, they must turn 19 before they can make decisions for you; and
- capable of making their own decisions.

8 Where can I find a standard representation form?

There isn't a specific form you must use to make a representation agreement. A variety of templates are available and include ones from:

- [*Government of British Columbia*](#); and
- [*Nidus Personal Planning Resource Centre*](#).

Read each template carefully and choose one that works for you.

For example, consider the number of representatives or alternates you want to appoint, and the conditions under which an alternate should take over.

If your situation does not fit the template you have, you will need a different form. A lawyer or notary public could help with this.

See bc-cpc.ca/acpresources for some legal options.

9 What are the legal requirements for making a standard representation agreement?

To be legally accepted, the agreement must be:

- ☐ **Completed in English.**
- ☐ **Signed by you.**
- ☐ **Signed by two witnesses.** A witness is someone who watches you sign the document. If your witness is a lawyer or notary public, you only need one witness.

Who can be a witness?

The witnesses must be age 19 or older, and speak or understand the type of communication you use. For example, this could be a spoken language other than English, or sign language. Your witnesses **cannot** be:

- the representative or alternate named in the agreement; or
- the spouse (including common-law), child, parent, or employee of the representative or alternate named in the agreement.

The witnesses can be someone you pay to help you, such as staff in a hospital, medical clinic, or doctor's office.

- ☐ **Signed by your representative(s) (and your alternate and monitor if you name one). The signatures of the representatives, alternates, and monitors do not require a witness.** You may all sign the agreement at different times. There are certificates that your representative(s), witnesses, alternate representative (if you name one), and monitor (if you name one) must complete.



The law does not require that you involve a doctor, lawyer, or notary public to make a representation agreement. **However, you should talk to a lawyer or notary if:**

- you have trouble understanding some information and making some decisions;
- the standard templates don't work for you; or
- you anticipate conflict or disagreements among your family and close friends.

See bc-cpc.ca/acpresources for some legal options.



10 What should I do with the completed agreement?

You should keep the completed representation agreement in a safe and accessible place. It is helpful to keep it with any other documents about your health care. First responders know to look for these documents on your fridge.

Make sure your representative(s), any alternate, and any monitor have a copy and know where the original is stored.

You should also give a copy to your doctor, clinic, community living residence, or other family or friends. It's important that the people in your life know who you have chosen as your representative(s).

11 How do I change or cancel an agreement?

You can cancel your representation agreement at any time, as long as you are capable of making this decision for yourself.

To make major changes, you must cancel your old agreement and make a new one. Some representation agreement forms include a statement that the new agreement cancels any existing agreements.

Minor changes like a change of address, phone number, or even legal name might not require making a new agreement. You may be able to make the change on your existing representation agreement. You should sign next to the changes and have witnesses, like when you made the agreement. If you have given copies to other people, let those people know about any changes.

To cancel the representation agreement, you need to sign a legal document called a [notice of revocation](#) and give the notice to your representatives, your monitor, and any alternative representatives.

If you make any changes, make sure you give a copy of your new agreement to your representative(s), any alternate, any monitor, and anyone else who had a copy of your previous document. Ask people to return copies of the cancelled document.



12 How should my representative(s) prepare for their role?

To perform their role well, your representative(s) and any alternate representative need to know what their role, responsibilities, and rights are according to the law. For guides to help your substitute decision makers prepare for their role, visit: bc-cpc.ca/acpresources.



13 What happens if I have both a representation agreement and an advance directive?

An **advance directive** is a legal document that records your instructions for accepting or refusing specific health-care treatments. An advance directive gives instructions to your health-care provider at a time when you need health care but aren't capable of providing consent. To make an advance directive, you must be **capable**. If you have trouble understanding information and making some decisions, please speak with a lawyer or notary public to see if you can make an advance directive.

See the [BC Centre for Palliative Care's website](https://www.bccpc.ca/) for more information.

If you're incapable of making a health-care decision on your own, your representative will be asked about all decisions. This applies even if you have both a representation agreement and an advance directive.

When making the representation agreement, inform your representative that you have an advance directive because they will have to use it to guide them in making decisions on your behalf when needed.

If you'd prefer that your advance directive override your representative, you can say so in your representation agreement. You can do this by stating that your representative should not be asked about decisions covered by your advance directive.



14 What happens if my representative and alternate are not available?

If a health-care decision is needed and your representative and alternate aren't available or no longer qualify (for example, if they aren't capable), a person from the temporary substitute decision maker (TSDM) list will be chosen by a health-care provider (for example, a doctor or nurse providing you with care).

A **temporary substitute decision maker** is someone identified by your health-care provider to temporarily make a health-care decision for you if you are incapable, and if you don't have another relevant authority (such as a **representative** or **committee of person**). B.C. law provides a ranked list that says who your health-care provider must choose to make health-care decisions for you in these circumstances.

To learn more about substitute decision makers, visit: bc-cpc.ca/sdm.

15 Is making a representation agreement the only thing I should do to plan for my future care?

A representation agreement is just one part of planning for your future care, also known as “advance care planning.” Different personal circumstances may influence which legal documents you make, or whether you make any other documents at all. If you do just one thing, it should be to discuss your values, beliefs, and wishes with the people you trust (your close family and friends).

More information and resources about advance care planning is available at bc-cpc.ca/acpresources.



This document provides general information about the standard representation agreement (section 7 agreement), and is specific to adults living in British Columbia, Canada. The material presented here is not legal advice.

This document was developed by the BC Centre for Palliative Care, a non-profit organization in British Columbia. Contact us at office@bc-cpc.ca.

Reviewed for legal accuracy by Krista James, National Director, Canadian Centre for Elder Law and Staff Lawyer, BC Law Institute. September 2021.

Production of this initiative has been made possible thanks to funding from the Public Health Agency of Canada and Health Canada. The views expressed herein do not necessarily represent the views of the Public Health Agency of Canada and Health Canada.

La production de cette initiative a été rendue possible grâce au financement de l'Agence de la santé publique du Canada et de Santé Canada. Les opinions exprimées ici ne représentent pas nécessairement celles de l'Agence de la santé publique du Canada et de Santé Canada.



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