

To decide where, with whom and under what conditions the is to live
Where the individual will live

- To give, refuse or withdraw consent to health care on the behalf
Health care or medical decisions (but excludes consent for the use of physical/chemical restraints- if restraints are needed, the applicant must make a specific request for the authority to consent and attach a current behaviour management plan, and/or other related information that instructs the use of restraints)
- c) To decide whether the adult living with an intellectual disability should work, and if so, the nature or type of work, for whom the adult living with an intellectual disability is to work and other related matters
Where the individual will work (paid competitive employment)
- d) To decide whether the adult living with an intellectual disability should participate in any educational, vocational, training or life skills programs, and if so, the nature and extent of the participation and other related matters
Participation in educational, training, lifeskills or vocational programs including those where one receives incentive pay
- To decide whether the should participate in any social or recreational activities, and if so, the nature and extent of the participation and other related matters
Participation in social or recreational activities including those needing a signed consent to participate
- To commence, continue, settle or defend a claim or proceeding that relates to the
other than a claim or proceeding that relates to property
Initiating or defending any non-property claim or proceeding (ex: initiating a personal injury claim)
- To make decisions about daily living on behalf of the including decisions regarding support services under Part 2 of the Act
Activities of daily living (ex: self-care, safety in the community, domestic tasks, and transportation arrangements)
- Any other power specified by the commissioner that is reasonably necessary for the vulnerable person's personal care
Any other power necessary for personal care as specified by the commissioner to address a specific situation (ex: restricting access of certain individuals to the a plan that allows for the use of physical/chemical restraints)
Note: If there is consent to a plan that allows for the use of restraints, the behaviour management plan and/or related information that instructs the use of a restraint (s) is to be provided.
- Any other power that may be specified in the regulation.

Property: This includes decisions about the management of money, investments, debts, loans, gifts, land or personal property, legal proceedings for property, etc.

The specific powers as stated in the Act are listed below. Following each power is a simple explanation or illustration of how the power is more commonly used. It is important to note that these explanations and/or the illustrations do not necessarily reflect the full extent of the power.

- To purchase, sell, dispose of, encumber or transfer personal property
Buying or selling personal property (ex: buying clothes, selling personal belongings)
- To purchase, sell, dispose of, mortgage, encumber or transfer real property")
Buying or selling real property (ex: a house, a farm)
- To transfer property held in trust by the either solely or jointly with another, to the person

Transferring money held in trust by the adult living with an intellectual disability to
the person entitled to it

- d) *To exchange or partition property or give or receive money for equality of exchange or partition*
Property situations where ownership is shared with another person (ex. selling a house he/she co-owns with a relative)
- e) *To grant or accept leases of real or personal property, or give a consent to a transfer or assignment of a lease, to surrender a lease, with or without accepting a new lease, or accept a surrender of a lease*
Signing or granting a lease on property (ex: renting an apartment, leasing land/home/vehicle)
- f) *To receive, deposit and invest money*
Receiving, depositing and investing money (ex: setting up a bank account, depositing cheques, buying a RRSP)
- g) *To draw, accept or endorse bills of exchange and promissory notes, endorse bonds, debentures, coupons and other negotiable instruments and securities, and assign choses in action*
To issue cheques in order to meet the individual's expenses (ex: for rent, utility bills, individual spending money)
- h) *To give or receive a notice on behalf of an adult living with an intellectual disability that relates to his or her property*
Receiving a notice about property (ex: a notice of property assessment, tax arrears, a lien)
- i) *To carry on the adult living with an intellectual disability's trade or business*
Managing the adult living with an intellectual disability's trade or business
- j) *To exercise a power or give a consent required for the exercise of a power vested in the adult living with an intellectual disability*
To exercise a power or give consent on behalf of the individual, where, for example, s/he is a trustee with certain powers
- k) *To exercise a right or obligation to elect, belonging to or imposed on the adult living with an intellectual disability*
Exercising a right or obligation to choose (ex: choices under the *Income Tax Act* such as taking a capital gains deduction on eligible property)
- l) *To execute any documents on behalf of the adult living with an intellectual disability that are necessary to comply with The Homesteads Act*
Documentation related to the interests in a marital home or homestead
- m) *To commence, continue, settle or defend any claim or proceeding respecting the property of the adult living with an intellectual disability* Initiating or defending any claim or proceeding about property (ex: an entitlement in a will/estate, property insurance claim)
- n) *To compromise or settle a debt owing by or to the vulnerable person*
To arrange to clear off a debt (ex: reaching an agreement with a phone company to settle a debt owed by the vulnerable person by paying only a percentage)
- o) *Making expenditures from the vulnerable persons' property for gifts, donations or loans*
Spending the individual's money for gifts, donations or loans
- p) *Any other power specified by the commissioner that is reasonable or necessary to manage the property*
(Ex: completion of income tax forms, applying for GST rebates or Old Age Security, making an enquiry into the vulnerable person's interest in his/her mother's estate, or an enquiry

concerning a discretionary trust administered by a third party, or any other related benefits or interests that the vulnerable person may be entitled to)

q) *Any other power that may be specified in the regulations*

PART 7 OTHER INFORMATION REQUIRED

7.1 Considering the decision(s) to be made (outlined in Part 6) what should be the length of time of the substitute decision maker appointment?

The Act states that a substitute decision maker shall be appointed for as long as appropriate given the decision(s) required to be made. No appointment shall be for longer than five years. Where necessary, an appointment may be renewed more than once if, at expiry, a review confirms that the need for the appointment continues.

7-2 Is there currently a substitute decision maker appointed for the Individual?

There may be situations where a substitute decision maker is currently appointed for the individual on an emergency basis, or for managing property but not for personal care or vice versa. Or, a substitute decision maker may have been appointed in the past but the appointment has since expired or been terminated. If any of these situations apply, please indicate this.

7.3 Does the individual have a committee appointed by the Court of King's Bench or an Order of Committeeship under *The Mental Health Act*?

There may be situations where a committee has been appointed for the individual under *The Mental Health Ad* to manage his/her affairs. Indicate if this is so.

7.4 Describe any physical or communication arrangements needed for the individual, the proposed substitute decision maker(s) or other parties, should they need to participate at a hearing panel.

If there are any special arrangements needed for any party to participate at the hearing, specify what and for whom the accommodation is required. Examples could be:

- The individual communicates with gestures- Jane Doe, the ABC Care Provider, will need to attend to interpret.
- The individual needs an American Sign Language {ASL} interpreter.
- The individual's family is Portuguese and speaks very little English. Arrangements will be made by the family to bring an independent interpreter to the hearing.
- A wheelchair accessible location is necessary.

7.5 Do you have further information or comments that would be helpful to the commissioner in this application for appointment of a substitute decision maker?

This section is to allow the applicant an opportunity to give any additional information or comments that could not be included in other areas of the application.

SIGNATURE OF APPLICANT

The applicant identified in Part 2 of this application must sign and date the application,

It is also important that all supporting documents, Schedule A if a substitute decision maker is being requested for property, Schedule Band Criminal Record and Child Abuse Registry Checks are submitted with the application. Incomplete application packages will take longer to process.

Office of the Vulnerable Persons' Commissioner

Please submit application packages to:

Office of the Vulnerable Persons'
Commissioner 315-258 Portage Avenue
Winnipeg, MB R3C 0B6
Fax: 204-948-3713
Phone: 204-945-5039
Toll free: 1-800-757-9857
Email: vpco@gov.mb.ca
Website: <http://www.gov.mb.ca/fs/vpco>