



# Making Decisions

Family and Caregiver Guide



InclusionNB



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## About Inclusion NB

### Our Vision

All individuals with an intellectual or developmental disability live full and valued lives in all aspects of society.

### Our Mission

Leading the creation of opportunities for individuals with an intellectual or developmental disability and their families to live full and valued lives in all aspects of society.

The opinions and interpretations in this publication are those of the authors and do not necessarily reflect those of the funders.

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984 Prospect St, Fredericton, NB E3B 2T8  
Toll Free: 1-866-622-2548  
Tel: (506) 453-4400  
Fax: (506) 453-4422  
E-mail: [info@inclusionnb.ca](mailto:info@inclusionnb.ca)  
Web: [www.inclusionnb.ca](http://www.inclusionnb.ca)



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## Preface

This guide provides families and/or caregivers who support an individual with a disability with information on financial planning. The guide partners with two Easy Read guides – Making Decisions: Power of Attorney and Making Decisions: Taking Care of your Money + Planning for your Future.

These guides can be easily used in a one-on-one setting with a facilitator or with a support person, like a family member. They can also be read alone or in a small group.

Mapping out the future for a child or family member can seem like a challenging task. Families may be familiar with positive planning processes that are focused on helping their child or loved one with a disability to live a good life. You may have had help by many people in your unique situation to develop a good plan: extended family and friends, members of your child's support circle, other families in similar circumstances, or facilitators.

Discussing financial planning and legal processes like estate planning and power of attorney is important and empowering for your loved one and your family.

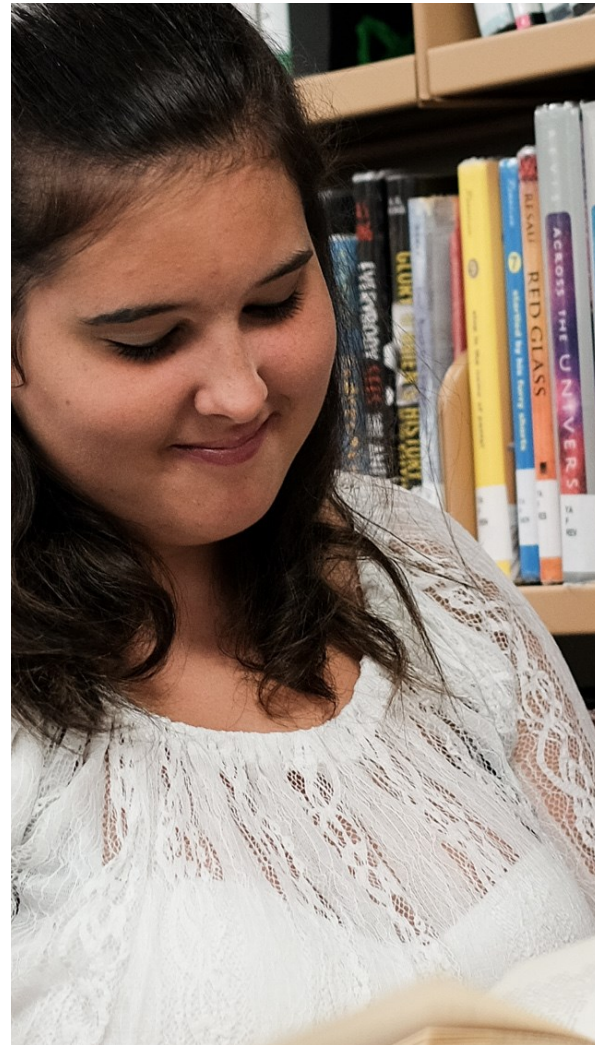
## What is Easy Read?

Easy Read is a way of making information more accessible.

Using Easy Read format, it is possible to make information easier to understand.

By incorporating simple words and pictures into the modules, relatively complex information about powers of attorney and financial and estate planning is broken down into easy-to-follow concepts.

Easy Read is a process that allows any information to be made accessible to anyone regardless of their learning style or ability.



## What will you find in this guide?

This guide provides an overview and more information for family and caregivers to help facilitate discussions related to:

Section 1: Developing a Power of Attorney

Section 2: Financial Planning and Budgeting

Section 3: Estate Planning

Each section will explore relevant information regarding accessing support and benefits for your loved one and offer tips on how to have these conversations using the partnering Easy Read guides.

**Let's begin.**





## Developing a Power of Attorney

The partnering Easy Read guide, Making Decisions: Power of Attorney, provides basic information about developing a Power of Attorney.

Every family and individual has unique needs and experiences. Not everyone with an intellectual disability is unable to make health care and/or financial decisions.

If a person can make their own decisions, a power of attorney provides an opportunity for independence and autonomy to make large decisions in their life. A power of attorney also provides a level of protection for individuals with a disability without restricting their capacity to have agency in their life.

Guardianship after an individual turns 18 can be right for some, but it also poses several restrictions that may not be required. It is best to talk with an attorney about whether your child or family member would benefit from a power of attorney for healthcare and financial matters. This provides a level of assurance to the individual as well as their family that there is a plan in place, should they need assistance with healthcare or financial decisions.

## Power of Attorney

A power of attorney is a written document wherein an individual gives permission to a person or several people to make decisions related to property, finances, and health or personal care. Anyone who is mentally competent over the age of 19 can create a power of attorney.

The person who gives the power of attorney is called the grantor. The person who receives the power is called the attorney.

A person can give power of attorney to anyone who is mentally competent and meets other legal requirements. When working with your child or family member with a disability, encourage them to designate a power of attorney who is a trusted family member or caregiver.

The following are some benefits of empowering a person with a disability to create a power of attorney:

- Giving agency to the individual to gain assistance in decision-making.
- Accessing trusted assistance with money management, inclusive of activities from cashing government benefit cheques to undertaking a loan or paying rent.
- Planning in case of medical needs. If the individual becomes incompetent or is unable to make decisions, a power of attorney can assist.
- Assigning a power of attorney who is a younger family member or caregiver can assist aging parents to feel at ease knowing that their child has support.

The person creating the power of attorney can give the grantor power to make decisions on their behalf regarding financial affairs, property, and personal care.

A power of attorney can be revocable or irrevocable. It is most common for people to create a power of attorney that is revocable. Revocable means that the grantor has the ability to change or end it at some point in the future, as long as they are mentally competent.

Irrevocable power of attorney is less common. It includes a clause saying that the donor cannot end it. Consultation with a lawyer is recommended if an irrevocable power of attorney is being considered.

Another type of power of attorney is called an enduring power of attorney. This is a power of attorney that continues to be legally effective after the grantor becomes mentally incompetent. There are specific provisions which must be included in the power of attorney agreement to establish an enduring power of attorney.

If an individual is seeking to create an enduring power of attorney to deal with property and financial matters, they must:

- include a specific provision in the power that says it can be exercised during your (the donor's) mental incompetence;
- sign the power or ask another person to sign in your name, in your presence and at your request; and,
- have the power witnessed by an adult other than the attorney.

There are advantages to establishing an enduring power of attorney, particularly for an individual with an intellectual disability.



For example, if they become mentally incompetent prior to establishing an enduring power of attorney, a family member would have to apply to court to become their legal guardian. This can increase barriers to accessing prudent medical care and create additional restrictions to the individual's autonomy.

Having an enduring power of attorney established in advance can avoid the delay, inconvenience, and costs of going to court to appoint a legal guardian, since there is no need for the court to determine your mental state.

The role of a power of attorney for personal care and financial support is to take on the important responsibility of helping to make important decisions for a loved one about finances, personal care, and future planning. These decisions must be made sensitively, with care and respect for the person and in consultation with supportive family members and friends.

For additional information on Power of Attorney, visit the [Public Legal Education and Information Service of New Brunswick](#).

## Financial Planning and Budgeting

Budgeting is an essential skill for everyone. The ***Making Decisions: Taking Care of your Money + Planning for the Future*** guide explores key features of developing a budget and includes worksheets to assist individuals and their families to develop a budget and assess needs and wants. Please refer to the guide for further information.

The following section provides information on the following relevant financial benefits:

- Income Assistance/Extended Benefits
- Financial trust
- Key issues for establishing a financial trust
- Registered Disability Savings Plan

## What is Income Assistance?

New Brunswick's Department of Social Development provides people in financial need with assistance to meet their basic needs such as food, rent, utilities, and clothing. The program may also help people with other needs such as child care, transportation, prescription drugs, and more. Individuals receiving Income Assistance may also benefit from a wide range of programs and services designed to help manage learning, work, and transitional case plans.



## How to apply for Income Assistance?

**Step 1:** Gather the following information before you contact the Department of Social Development. You will be asked to provide:

- Your mailing address
- Your residential address (if it is different from your mailing address)
- Your rental or mortgage costs
- For every member in the household, you will be asked to provide:
  - First and last name
  - Birthdate
  - Medicare number
  - Social Insurance Number (SIN)
- Income (employment, child support, Employment Insurance, etc.)
- Assets (what every family member owns, a car, or a house)

**Step 2:** Call the provincial number for screening and intakes at 1-833-SDDSTel (1-833-733-7835). You will be asked questions to determine if you may be eligible to receive Income Assistance.

**Step 3:** If you are eligible for Income Assistance, an appointment will be scheduled for you to complete the application package and provide the required documentation to the department. Please see the “Checklist of documents to bring to your appointment” under “Related Links.”



## Extended Benefits Income Assistance

To obtain Extended Benefits, you must first apply for regular Income Assistance, then request the disability amount. Your case worker from Income Assistance will provide forms to complete and submit to the Medical Advisory Board for approval upon completion. For more information on extended benefits, visit [www2.gnb.ca/content/gnb/en/departments/social\\_development/policy\\_manual/applicant\\_and\\_clienttypes/content/blind\\_deaf\\_disabled.html](http://www2.gnb.ca/content/gnb/en/departments/social_development/policy_manual/applicant_and_clienttypes/content/blind_deaf_disabled.html).

## Registered Disability Savings Plan (RDSP)

A Registered Disability Savings Plan (RDSP) can be a beneficial way to invest money for someone who has a disability. Here are some reasons to consider opening an RDSP:

1. You choose where to invest your money. All the major Canadian banks and some credit unions offer RDSPs.
2. The government contributes generously. Depending on your family income, for every \$1 saved, they will match up to \$3. This is the Canada Disability Savings Grant.

3. You can have money in an RDSP and still get your government benefits. To find out how your province treats the RDSP, visit <https://www.canada.ca/en/employment-social-development/programs/disability/savings/pt-benefits.html>.
4. Anyone can contribute to an individual's RDSP: family, friends, neighbours, charities, foundations, and organizations. This gives people who want to help a way to do so. They just need the permission of the plan holder.
5. You can spend RDSP withdrawals as you wish. You can decide where and when to spend the money.
6. When you close an RDSP, the contributions and investment gains are yours.
7. The RDSP is a powerful tool for long-term financial security.

RDSP assets are tax exempt for people on income assistance benefits and up to \$800 per month of payments from an RDSP are also exempt.





## Planning for the Future – Estate Planning

It is important to plan. Everyone ages and eventually passes away. Your family member or loved one with a disability may need assistance to plan for their future, particularly when it comes to estate planning and developing a will. Creating a will can provide a sense of empowerment and agency for individuals as they move on in life.

The ***Making-Decisions: Estate Planning*** guide provides an overview of estate planning in Easy Read format and discusses the basics of why a will is created and what it entails. The goal of the guide is to facilitate ease of conversation for family members and caregivers of those with an intellectual disability. The following is some supplementary information to guide the conversation.

### Creating a Will and Estate Plan:

There are several reasons anyone should consider creating a will. These are:

1. **Distributing property.** Your family member may have assets such as a car or a house and this should be denoted in their will. If a person dies without a will, their property will be divided in fixed shares among the people who the law regards as their closest relatives. This may be against the person's wishes.
2. **Choose your own executor.** When a will is developed, a person can choose their own executor, meaning that they can choose the person who will administer the benefits they leave to others after they pass away.



3. To avoid delays and additional costs. Settling an estate with a will allows the process to progress much more quickly. This will save money as well.

In **New Brunswick**, the **Wills Act** requires that you be at least 19 years old to make a valid will. The law makes certain exceptions to the age requirement. If you are or have ever been married, you can make a valid will even if you are under 19 years of age. Also, members of the Canadian Forces on active service and mariners or seamen, while at sea or in the course of a voyage, can make a valid will under the age of 19. You must also be mentally competent. This is sometimes referred to as “being of sound mind”. If you become mentally incompetent after making your will, it remains a valid will.

The following types of assets can be given away in your will:

- General property such as real estate, bank accounts, and vehicles. If an individual shares these items with someone else, a lawyer should help determine equitable distribution of these assets.

- Investments such as pension plans, life insurance, RRSPs, and Credit Union accounts can also be distributed in a will. RDSPs can also be included in a will. In fact, recipients of an RDSP are encouraged to form a will to determine who will receive the benefit once the recipient has passed away.
- Personal items such as jewellery, instruments, or other heirlooms can be distributed in a will.

In terms of debts, any assets will be used to pay off existing debts once a person dies. Funeral costs and other end-of-life costs will also be paid for by the estate. Family members and friends designated in a will receive what is remaining of the estate once these costs have been managed.

A person with a disability should have assistance when designing their will and choosing someone as their executor. While writing a will does not initially require a lawyer, there may be a need to discuss complex needs with a lawyer. A lawyer will ultimately sign off on the will to make it official.

There are many resources available online for creating a will. Taking some time to discuss with your loved one and exploring the idea of estate planning and writing a will with them using the Easy Read guide is the first step to opening the conversation. While discussing end of life can be challenging, estate planning will provide peace of mind and confidence that assets will be cared for appropriately once your loved one passes.

Additional information regarding estate planning and will creation can be found on the [Public Legal Education and Information Service of New Brunswick](#) website.







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984 Prospect St, Fredericton, NB E3B 2R7

1.866.622.2548 [www.inclusionnb.ca](http://www.inclusionnb.ca)



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