

If You Need Representation

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If You Need Representation
Office of the Public Trustee, December 2017
ISBN: 978-1-55457-807-8

If You Need Representation

Representation helps you look after yourself in areas where you have trouble making decisions.

A judge decides if you can't make decisions about some things. If so, the judge picks someone to decide those things for you. That person is called your representative.

Your representative decides some things for you, but only if you can't decide those things yourself.

Your representative can be a friend, family member, or someone else who cares about you.

If you have signed a Power of Attorney and a Personal Directive, normally you will not need a representative.

How representation happens

The first step is called a capacity assessment.

A professional asks you questions about how you make decisions. You do not have to answer. You can have someone else there to help you. If you need anything to help you understand the questions you should ask for it.

No one can decide that you can't make decisions just because you have a disability, how old you are, or how you look.

Just because you can't make some decisions doesn't mean you can't make other decisions.

Just because you can't make some decisions sometimes doesn't mean that you can't make those decisions all the time.

The second step is going to court.

If the professional decides that you can't make some decisions, then a judge has to decide if you need a representative to make those decisions for you.

You will get a paper saying when to go to court.

You can talk to a lawyer about going to court and about getting a representative. You can call Nova Scotia Legal Aid to talk to a lawyer. If you want to talk to a lawyer, call telephone [1-877-420-6578](tel:1-877-420-6578).

You have the right to be there when the judge is hearing what people say about you. You can ask questions. You have the right to make your feelings clear to the judge, and the judge has to listen. You can bring someone along to help you ask questions and to say what you want to say. You can bring a lawyer.

If you can't make it to the court but you want the judge to hear what you have to say, make sure you get in touch with the court to tell them that.

If the judge decides that you need someone to make decisions for you, then the judge has to pick a person to be your representative. You can tell the judge who you think it should be.

Normally the money to pay for the health professionals who decide if you can make decisions, and any lawyers who go to court, comes from your money. [You may be able to get some or all of the capacity assessment cost paid by the government. To find out, contact the Public Trustee's Office by calling 902-424-7760.](#)

You can also get free legal help from Nova Scotia Legal Aid. You can call Legal Aid at 1-877-420-6578.

Your representative

The person that the judge picks to make decisions for you is called your representative.

Your representative can make decisions for you.

Your representative has to listen to what you want, but the representative does not have to agree.

Your representative has to make decisions that will look after your needs and the things that you care about.

Your representative has to let you know what decisions they are going to make for you.

[Your representative may have to tell the Public Trustee what the representative has decided for you.](#) The Public Trustee makes sure that representatives are acting properly. If you want your representative to do this, you should tell the judge that. If you don't want your representative to do this, you should tell the judge that.

Things your representative can decide

Your representative can decide things for you that you can't decide for yourself.

That might include:

- where you will live
- how to spend your money
- what medications you will take
- whether you work and the type of work you do

But your representative may not be able to decide all of those things. It depends on what the judge says the representative can decide.

There are some things a representative can't decide for you, such as:

- Anything you can decide for yourself
- Some medical treatments
- Your relationship with your child
- To change your will

How long does representation last?

Representation lasts as long as you can't make decisions for yourself.

[When ordered by the judge](#), your representative has to go back to the judge to check that you still need a representative.

If you think you can make decisions for yourself, you can ask your representative to help you see a professional for another capacity assessment. The professional will ask you questions about how you make decisions.

If you think you don't need a representative anymore, you can ask a judge to cancel the representation order. You should talk to your representative or a lawyer about how to do this.

If your representative is not making decisions properly or looking after you, you can complain to the Public Trustee. To call the Public Trustee's Office, call telephone [902-424-7760](tel:902-424-7760).

If your representative is not making decisions properly or looking after you, you can also ask a judge to pick someone else. Talk to someone you trust or a lawyer about how to do this. [Remember, you can get free legal help from Nova Scotia Legal Aid by calling 1-877-420-6578.](#)

Basic ideas

In Nova Scotia, the law about representation is based on some important ideas. Judges and representatives have to pay attention to these ideas when they are making decisions:

1. You deserve respect as a person and for your ability to make choices.
2. You can make choices for yourself until someone proves that you can't.
3. You can make choices for yourself, even if someone else thinks your decisions are wrong or bad.
4. You have the right to speak for yourself in a way that works best for you.
5. Even if you need help making decisions, you have the right to keep as much freedom and rights as possible. No one should interfere with your freedom unless the court has given them permission to.

