

older adults and the law

legal information for seniors



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Public Legal Education Association of Saskatchewan
Saskatoon, Saskatchewan

Tel: (306) 653-1868 Fax: (306) 653-1869 E-mail: plea@plea.org

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Introduction

This publication provides legal information on a variety of topics of interest to people at, or near, retirement age. More detailed information on these and many other legal subjects is available in other PLEA publications, listed at the end of this booklet.

Each section provides basic facts about a particular area of the law. Laws and benefits are always changing. The organizations or agencies mentioned in each section can provide up-to-date information on any changes. Their addresses and phone numbers appear in the Directory located near the end of this booklet.

Age Discrimination

The Saskatchewan Human Rights Commission investigates complaints of discrimination on the basis of ancestry, race, perceived race, nationality, place of origin, religion, creed, disability, sex, sexual orientation, family status, marital status, or receipt of public assistance. They also investigate complaints of age discrimination, but only regarding people between the ages of 18 and 64.

Seniors aged 65 or older are not currently protected by human rights legislation where the basis of a complaint is age discrimination.

To make a human rights complaint, or to find out whether the law regarding age discrimination has recently been changed, contact the Saskatchewan Human Rights Commission.

Housing

Renting

A person renting a property (the tenant) and the owner of the property (the landlord) have certain rights and obligations under provincial law. These duties exist whether there is a written lease or an oral agreement.

A landlord cannot refuse to rent property to someone because of that person's ancestry, race, perceived race, nationality, place of origin, religion, creed, disability, sex, sexual orientation, family status, marital status, or receipt of public assistance. Discrimination is when a landlord refuses to rent to someone or treats a tenant differently for one of these reasons. This discrimination is against the law.

Owners of rental properties must keep the property in reasonable repair and must respect the privacy of the tenant. The tenant must keep the property clean and repair damages that he or she causes. The tenant must also pay rent when it is due, and must not disturb other tenants. A landlord can require a tenant to leave if the tenant does not pay rent, or does not keep the property clean and repair damages.

If rent is paid monthly, a landlord must give three months notice of rent increases. A tenant who wishes to end a rental agreement must give written notice no later than the day *before* the rent for the final month is due. For example, a tenant who wants to quit renting and leave the rental property at the end of March, must give notice by the last day of February.

Landlords may require a security deposit of up to the equivalent of one month's rent. Tenants may pay one-half at the beginning of the tenancy and the remainder within two months. The landlord may use this deposit to pay for damages, cleaning expenses, or unpaid rent. At the end of the tenancy, the landlord must obtain the written consent of the tenant to keep the security deposit, return the deposit to the tenant, or apply to the Rentalsman for a hearing to resolve any dispute. The Office of the Rentalsman helps landlords and tenants settle disagreements.

Further information about the rights of tenants and landlords can be obtained from the Office of the Rentalsman, the PLEA publication *Renting a Home*, or the Saskatchewan Human Rights Commission.

Owning, Buying or Selling a Home

This section discusses some property laws that are of particular interest to people when planning their estate or when selling their homes. General information on buying and selling homes can be found in the PLEA publication *Buying and Selling a Home*.

Joint Ownership of Real Estate

Joint tenants are two or more people who own a single piece of property, with a right of survivorship. This means that if two people are registered on the Title as joint tenants, and one of them dies, the survivor becomes the sole owner of the property. Registering property in both names as joint tenants avoids payment of estate fees and extra legal fees when one of the owners dies. The surviving joint tenant need only provide proof of death, sign an application and pay the land registry fees to become the sole owner of the property.

Spouse's Consent for Mortgage or Sale of a Home

A spouse cannot legally sell or mortgage any home in which the couple lives or has lived unless the other spouse agrees, even if the property is registered only in one name. If the non-owning spouse does not agree with the sale or mortgage, he or she can refuse to give written consent. This applies to married couples and couples in a common law relationship of at least two years duration. This law applies to all spouses, including same-sex spouses.

Living in a Home After it Has Been Sold: Life Estate

Some older people have most of their money invested in their home. They may require money for living expenses, but do not wish to sell and leave their home. In such cases, they may be able to sell the house but remain living in it. This arrangement is called a life estate but some people may refer to it as a reverse mortgage. A life estate is most commonly made with a family member or lending institution, but can be made with others as

well. The buyer takes over the house after the seller dies, without the property passing through the will.

A life estate arrangement usually means the buyer gets the house for a cheaper price because he or she does not take possession until the seller decides to move out or dies. The seller gets money to use right away, but remains in his or her own home. If the seller decides to move out earlier, he or she may give up the life estate in return for extra money.

A lawyer can ensure that a life estate arrangement is properly set up.

Buying a Condominium

A condominium is any building that has been divided into separately owned units. Buying or selling a condominium is similar to buying or selling a house. It is usually necessary to consult a lawyer to handle the sale or purchase of any property. The same real estate and legal fees are involved in buying or selling a condominium as with other real estate.

The owners of each unit in a condominium get a Title document, which gives the legal description of their own unit. This Title describes the individual unit and the parts of the building owned in common, such as hallways, entrances, and grounds. The Title allows the condominium owner to sell or mortgage the property in the same way as any other type of real estate. The Title may also have restrictions about what the owner can or cannot do with the property. For example, there may be restrictions on the type of renovations that can be made to the unit.

Each owner of a condominium unit becomes a member of the condominium corporation for that building. All the owners have voting rights in the corporation. The corporation can make and enforce by-laws for the building. The corporation is responsible for the management and administration of the common parts of the

building. The corporation can charge residents annual or monthly fees for these services.

Most complaints about matters relating to a condominium can be handled through the corporation. Owners also have the right to take matters to court in the same way as any other property owner. An owner having difficulty settling a matter may wish to consult a mediation service or a lawyer.

Nursing and Special Care Homes

Nursing or special care homes that provide care for people who cannot fully care for themselves and require prolonged care are regulated by Saskatchewan Health. The monthly charge to residents in these licensed homes is regulated by the provincial government.

Other conditions of residence in licensed or unlicensed homes are covered in the contract between the resident and the operator of the home. It is important to read and understand the exact terms and conditions of a contract before signing it. Often these contracts are standard forms, and the only option may be to accept or to reject all the terms and conditions. If there is anything the person does not understand, he or she can ask for a full explanation.



A resident who experiences difficulty with a special care home can first take the concern to the different levels of management of the home. If the complaint is not satisfied, a resident may make a written complaint to the Director of Special Care Homes, Saskatchewan Health. If the Director believes the complaint is legitimate, he or she may send a nursing consultant to investigate the complaint.

There are no regulations dealing with the type of accommodations or care that must be given in unapproved care homes. If anyone suspects that any health or fire regulations are being broken in an unapproved home, he or she may complain to the local Public Health Inspector or Fire Department.

For more information on this topic, see PLEA's publication *Special Care Homes*.

Driver's Licence Requirements

Generally, anyone who holds a valid Saskatchewan driver's licence may renew his or her licence every year without taking a test. The age of the person does not make a difference unless the person experiences difficulty in driving due to aging or medical problems. This person may come to the attention of SGI (Saskatchewan Government Insurance) through a doctor, family member, or the police. An investigation could take place and the person might be required to undergo a driving examination.

If a driving examination is required, and the examiner believes it is appropriate, restrictions may be placed on the driver's licence. For example: the driver may be restricted in rural areas to driving to town for the mail, or the driver may not be allowed to drive in cities. If a driver's night vision is poor, he or she may be restricted to driving during daylight hours. If the examiner believes the person is not capable of driving safely, he or she may take the driver's licence away.

Further information can be obtained from SGI.

Consumer Protection

Following are a few areas of consumer protection that may be of particular interest to seniors. For a more detailed discussion of these and other consumer areas, see the PLEA publications *Consumer Contracts, Buying Stuff, Warranties and Guarantees, Consumer Wisdom and Consumer Fraud*.

Warranties

Many manufacturers include warranties and guarantees with their products. These may be written on a card included in the package, or they may be written on the package or the product itself.

In addition to the manufacturers' warranties, Saskatchewan law (*The Consumer Protection Act*) requires manufacturers and sellers to provide certain warranties concerning quality, durability, and servicing of consumer products. These warranties provided by law apply whether or not the manufacturer offers them.

Further information about warranties is available from the Department of Justice, Consumer Protection Branch, listed in the Government of Saskatchewan blue pages.

If a disagreement about a warranty cannot be settled, a consumer may sue a seller or manufacturer in Small Claims Court. Costs in Small Claims Court are low and the consumer does not need a lawyer. Further information is available in the PLEA publication *Small Claims Court*.

Private Sales

Any item a consumer buys in a private sale is not covered by the warranties in *The Consumer Protection Act*. When buying a major item like a car or trailer in a private sale, a buyer can check whether the previous owner owes money on the item, or whether it has been used as security for a loan. This check is done by requesting a search from the Personal Property Registry, which is operated by the provincial Information Services Corporation. A small fee is charged for the search.

Door-To-Door Sales

Door-to-door salespeople sometimes persuade consumers to purchase products that they do not really need or want. *The Consumer Protection Act* and *The Direct Sellers Act* provide protection for consumers dealing with door-to-door salespeople.

Door-to-door salespeople include people who sell over the telephone. The legislation offers additional protection to consumers from deceptive and unfair marketplace practices. The legislation also allows the Consumer Protection Branch of Saskatchewan Justice to take action on behalf of disadvantaged or vulnerable consumers.

All door-to-door salespeople must be licensed. A consumer who buys a product from a door-to-door salesperson can cancel a contract, *for any reason*, within 10 days of making the purchase. The consumer can also cancel the contract if the goods or services purchased are not supplied within 30 days.

Cancelling a contract will not help a consumer if the seller has cashed the cheque and disappeared. A consumer can help prevent such a situation by agreeing to pay only when the goods are received, or by writing a postdated cheque.

Frauds, Schemes and Swindles

Local police and the RCMP offer free information and advice on crime prevention. Some common frauds, often aimed at older people, are discussed here. Further information is available from the Consumer Protection Branch.

Mail, Telephone and T.V. Sales

Consumers must be careful about buying through the mail, telephone, television ads, or the Internet. This is especially true when ordering from a company based outside the province. Consumer protection laws only apply to goods bought from a company based in Saskatchewan. When buying from companies outside Saskatchewan, *buyers must beware.*



If American companies offer goods, the prices to Canadians may be much higher than advertised because of the difference in the value of the dollar. In addition, the consumer may have to pay extra mailing charges, duty, or Canadian import taxes. It may also be difficult to get repairs or to recover money from an American-based company.

Some fraudulent schemes involve a company sending invoices requesting payment for a purchase the consumer did not make. Invoices should be paid only if the consumer remembers ordering and receiving the merchandise.

Cash should never be sent through the mail. When dealing with an unfamiliar company, a consumer can order C.O.D and only pay for the goods when they are received.

Home Improvement Offers

Home improvement offers are a popular type of swindle. Legitimate contractors do not pressure people into signing contracts and will provide information about their business. Reputable salespeople will supply the name of the people or of the company for whom they work. Legitimate businesses allow consumers plenty of time to read over the contract and discuss it with a friend or advisor.

False Charities

Registered charities give official income tax receipts for any charitable donation. An official income tax receipt has a number on it that has been given to the organization by Canada Revenue Agency (CRA) for identification purposes. Ask to see the CRA number on the receipt if there is any doubt whether or not a door-to-door canvasser represents an official charity. As well, canvassers will often have identification badges on their jackets or coats. False charities often have names that could be confused with a legitimate charity.

If there is doubt about the canvasser's honesty, ask for a mailing envelope and send a cheque directly to the charity.

Medical Frauds

Fake laboratory tests, miracle cures, and mail-order clinics are sometimes used to defraud consumers. Consumers should be skeptical of miracle cures and advertisements announcing new scientific breakthroughs. Consumers should always talk to qualified medical personnel.

Hearing Aids

The marketing, sale and servicing of hearing aids now comes under greater government regulation in Saskatchewan. The aim of the law is to help ensure a professional standard of practice, and minimize questionable marketing practices. Private businesses which deal in hearing aids must be licensed by the Saskatchewan Health. Service providers are required to give clients a copy of their hearing test, so they have a choice about where to buy any hearing aid.

The government will be able to investigate consumer complaints and take action against the business, if warranted. Possible action includes suspending a license or ordering repairs or refunds. In addition, consumers will have three working days to consider any purchase, and change their minds, if they wish.

Credit Cards

Consumers must be careful when giving a credit card number over the telephone, online, or anywhere else for that matter. A consumer may avoid fraud by only dealing with well-known companies or by asking for the telephone number of the seller and calling back a few days later to make the order. Phoning back may prevent giving a credit card number to someone who might use it to commit fraud. This also gives the consumer a chance to make sure the business is legitimate. A consumer can call the Corporations or Consumer Protection Branches of the Department of Justice to see if the business is licensed in Saskatchewan. The Better Business Bureau will check the business's reputation.

When using credit cards, the customer copy of the receipt should be checked with the monthly statement. Unscrupulous businesses sometimes alter the amounts.

Consumers can also make sure that any carbon paper used in the receipt is destroyed by asking for it and tearing it up. This prevents the number being copied from the carbon and used by thieves to order merchandise.

A person who lets someone else use his or her credit card will be responsible for all charges made to the card.

Certain businesses, such as car rental companies or hotels, sometimes ask customers to sign blank credit card receipts. A consumer may want to refuse to sign because he or she will be responsible for any amount entered on that receipt.

A lost or stolen credit card should be reported to the credit card company as soon as possible. Most credit card companies will not hold the cardholder liable for any charges if the company is notified before the thief starts using the card. If reported after the card has been used, the amount the cardholder will be responsible for will vary.

If the stolen credit card is one that can also be used to withdraw money from an instant cash machine, automated teller machine or ATM, the cardholder may be liable for a higher amount than if it were a regular credit card. A special personal identification number (often referred to as a PIN number) is needed when using a card to withdraw money. If the thief has this number, he or she may withdraw money from the account. It is a good idea to memorize the personal identification number. If the thief steals the credit card, but does not have the identification number, he or she will not be able to withdraw money.

Victims of Crime

Crime Prevention

In addition to protecting themselves from the frauds and schemes discussed in the previous section, seniors can reduce their chances of becoming victims of crime. The RCMP and local police forces may provide free information and programs in this regard. Many community organizations have crime prevention programs such as Neighbourhood Watch. Further information on this topic may be provided by some of the agencies listed in the Directory at the end of this publication.

Abuse of the Elderly

Elder abuse is a recognized problem in society. It can include physical violence, or actions that cause emotional distress. Neglect, such as poor food or unsanitary conditions, can also amount to abuse.

Elder abuse can occur in all income groups and to seniors of all ages. Victims are often dependent on others, such as family members or health care providers.

There are no laws that deal specifically with elder abuse, but criminal laws may apply to those who abuse elderly people. Any abuse that involves threats of violence of any kind may amount to assault and the police can be notified. In addition, abuse of an elderly person by care providers in a licensed home or a residence should be reported to management as soon as possible. If the matter is not resolved, it can be reported to the Director of Special Care Homes, Saskatchewan Health. The doctor treating the person may also be able to give advice.

A person who is involved in an abusive situation can get support and counselling by calling a Crisis Line, if there is one available. If an elderly person is receiving social assistance, any suspected abuse should be reported to the social worker.

The Victims of Domestic Violence Act also protects older adults in Saskatchewan. Under this law, in cases of domestic violence, a Justice of the Peace or Judge of the Court of Queen's Bench may make certain orders aimed at protecting victims. Under *The Powers of Attorney Act, 2002* an accounting can be requested if there are concerns that someone acting under a power of attorney has not managed money properly. For more information, see the PLEA publication *Abuse of Older Adults*.

Compensation

The Provincial Victims Services Program has been created to coordinate services for victims of violent crimes in Saskatchewan. The victim of a crime such as assault, robbery, impaired driving, or other acts of a similar nature may be eligible for compensation from the Victims Fund. Compensation may cover such things as medical expenses, prescription drugs, and travelling expenses.

The crime must be reported to the police right away and the victim must co-operate in any police investigation. A victim may receive compensation even if the offender is never caught.

Custody and Access of Grandchildren

Sometimes grandchildren's visits to grandparents stop when parents separate or divorce. Sometimes grandparents may want to raise grandchildren who are being seriously neglected by their parents. Many grandparents seek agreements or court orders that give them access to, or custody of, their grandchildren.



An order or agreement granting a grandparent access recognizes the right of the child to spend time with the grandparent. Access could be weekly or monthly visits, overnight stays, or holiday time together.

Custody means actually having the care and control of the child. The person who has custody makes the major decisions about the child, such as where the child will go to school, and usually has the child living with them.

Detailed discussion of mediation, custody, and access can be found in the PLEA publication *Domestic Relations*.

Agreement or Mediation

Matters such as access to, and custody of, children are often best settled out of court. If parents and grandparents agree, a lawyer can assist in drawing up a formal agreement, or getting the appropriate court orders.

If parents and grandparents cannot agree on custody and access, they may choose to go to mediation. Mediators discuss the issues with the people involved and help them come to an agreement. Mediation services are listed in the yellow pages of the phone book. Family counselling services often have mediators skilled in dealing with these issues.

Court Application for Access

Sometimes the parents and grandparents cannot agree (either on their own or through mediation) on the issues of access and custody. In this case, the court will decide these issues based on what is in the best interest of the child. The court will look at relationships between the child and the various persons involved with the child. A grandparent applying for access may have to prove to the court why contact would be good for the child. The court may put conditions on the access granted to the grandparent. For example, the court could require that visits occur under supervision if the grandparent has a disability that affects his or her ability to care for the child.

Court Application for Custody

If a grandparent wants custody, but a parent opposes it, the grandparent will likely have to prove to the court why the child should live with the grandparent and not the parent. The grandparent may have to prove that the parents are unfit, or that the child is being neglected. The fact that the parent has limited financial means is not usually important. When a court gives custody to a grandparent, it may give access to the parents.

The courts will not always award custody of the children to a grandparent, even if the parents are unfit. The court considers what is in the best interests of the child, taking into account the age of the grandparents and their ability to look after the child.

The court may decide to award joint custody to one or both of the parents and to a grandparent. An order for joint custody would probably be given only where the parents and grandparent all agree. This may happen, for example, in the case of very young parents who are having trouble making decisions about what is best for the child and who would like the help of one or more of the grandparents.

Power of Attorney

Who can give a power of attorney?

You can give someone power of attorney if you are...

- at least 18 years of age
- mentally competent
- capable of understanding what you are doing

Who can be given a power of attorney?

You can appoint someone as your attorney if he or she is...

- at least 18 years of age
- able to understand information relevant to making decisions he or she is authorized to make under the power of attorney
- able to appreciate the consequences of making or not making decisions he or she is authorized to make under the power of attorney

There are certain people who cannot be appointed to act under a power of attorney. A person who is 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 assault, sexual assault, other acts of violence, 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 restrictions you can name anyone you choose as your attorney. It should be someone you trust. It can be a relative, friend, lawyer, or an officer of a bank or trust company. When deciding who to appoint you may want to consider what kind of decisions you are giving them the authority to make in what circumstances. The person you choose can refuse to take on the responsibility, so it is important to discuss the matter with them first.

Types of Powers of Attorney

When you appoint someone to act for you under a power of attorney, there a number of choices that must be made about what kinds of decisions the attorney will be able to make and when the attorney can act for you. It is important to consider the options and have a power of attorney document that suits your needs.

Enduring Powers of Attorney

When appointing someone to act for you under a power of attorney you must decide if you want your attorney to be able to continue to act for you if you lack capacity. Capacity means...

- being able to understand information that is relevant to making the kind of decisions in question
- being able to appreciate the consequences of making or not making those decisions

A power of attorney that is a non-enduring power of attorney ends if the grantor loses capacity.

Contingent Enduring Powers of Attorney

A contingent enduring power of attorney only comes into effect if you lose capacity. Whether or not you have lost capacity can be determined by one or more individuals chosen by you and named in your contingent enduring power of attorney. Persons with the authority to make this decision cannot be the attorney or a member of the attorney's family. If no one is named by you or the person(s) you named cannot make the decision, for example because they have died, the opinion of two professionals is required. The legislation names those professional groups that are allowed to make this decision.

Personal and Property Powers of Attorney

A property attorney can be given the authority to make decisions about property and financial matters. This could include the ability

to withdraw money from bank accounts, pay bills and sell or purchase property. It could also include providing for the maintenance or, education of your spouse and/or dependant children. A property attorney cannot make a will for you or change your existing will.

A personal attorney can be given the authority to make decisions about your personal affairs. This could include 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. For more information on health care directives see the PLEA pamphlet *Health Care Directives*.

You can appoint a personal attorney, a property attorney or both. You can only appoint a personal attorney if you chose to make an enduring power of attorney. If you appoint both a property and a personal attorney, you can choose to appoint the same person as both or appoint two different people.

If you appoint a property attorney and a personal attorney and they disagree, the decision of the property attorney will be preferred if it is not clear by the terms of the power of attorney document who should make the decision and the decision involves spending money. Alternatively if the two attorneys disagree, either one can ask the court to give direction.

General and Specific Powers of Attorney

In addition to deciding whether to appoint a personal attorney, a property attorney or both, you can choose to give an attorney general authority or specific authority. If you give your attorney general authority, he or she can make decisions regarding your financial or personal affairs as the case may be.

If you only want your attorney to make certain decisions you can say this in the power of attorney document. For example, a property attorney may be given the power pay certain bills from a

chequing account or you may give a personal attorney authority to decide on a place of residence for you.

Duties of an Attorney

An attorney can do the things that you have given him or her authority to do in the power of attorney document. You can still act for yourself unless you lack capacity.

Anyone who is given authority to act for someone else by power of attorney has certain obligations concerning how that authority can be used. An attorney must act honestly, in good faith, in the best interests of the grantor and with the care that could be reasonably expected of a person with the attorney's experience and expertise. An attorney must also, wherever possible, take into consideration the wishes of the grantor in carrying out his or her duties.

Unless an enduring power of attorney states otherwise, an attorney cannot give someone else the authority to make decisions that the attorney is given the authority to make.

Giving a Power of Attorney

You may want to consult a lawyer about making a power of attorney document. You can also do this yourself.

There are different requirements for creating a power of attorney depending on the type of appointment being made. A non-enduring power of attorney should be in writing and signed by you. The attorney does not need to sign the document.

If you want the power of attorney to be enduring (continue even if you later lack capacity) there are additional requirements. The document 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 act for yourself. The document must be in writing and be signed and dated by you.

The document must also be witnessed. It can be witnessed by a lawyer who has given you legal advice on the document. Alternatively, it can be witnessed by two adults with capacity. The witnesses cannot be the attorney being appointed or a family member of either the attorney or yourself. Witnesses must complete a witness certificate in the form required by the legislation.

If you meet the requirements described, it is not necessary to use any particular form for a power of attorney document although you may choose to use the form included in the legislation. Witness certificates on the other hand, if required, do have to be completed using the form authorized by the legislation. Forms for witness certificates and for creating an enduring power of attorney are available online under the heading "legislated forms" at www.qp.sk.ca.

Fees

An attorney can charge a reasonable fee for work they do for you. This fee can be paid out of your assets. Your attorney must give you an account of any money he or she was paid every year. If you lack capacity, this accounting is made to someone who you have named in the power of attorney document for this purpose or, if no one is named, to your most immediate and available family member.



Accounting

Someone you appoint as your attorney must give you an accounting anytime you request one. 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.

If you have named both a personal and property attorney they can request that the other do an accounting. If you or someone asking on your behalf cannot get an accounting from the attorney, the Public Guardian and Trustee can be asked to direct that the attorney make an accounting.

As well, any interested party can ask the Public Guardian and Trustee to direct that an accounting be made. If the Public Guardian and Trustee has directed that an accounting be made and the attorney still does not give an accounting an application can be made to court.

Ending a Power of Attorney

Ending a Non-Enduring Power of Attorney

Either you or the attorney can cancel a power of attorney at any time. You can cancel it by giving written notice to the attorney. The attorney can cancel the power by telling you that they are ending the power. In this case they should return the document to you. All organizations and companies dealing with the attorney should be notified in writing that the power of attorney has been cancelled.

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. For example, a power of attorney to sell certain real estate ends when that property is sold.



The power of attorney ends if you become mentally incompetent, unless you have given an enduring power of attorney. A power of attorney also ends if your attorney becomes mentally incompetent, your attorney or you die, or become bankrupt.

Ending an Enduring Power of Attorney

An enduring power of attorney can be ended in much the same way as a non-enduring power of attorney. You can cancel it by giving a written revocation to the attorney. You can only do this if you have the capacity to understand the nature and effect of the enduring power of attorney and the effect of ending it.

As well, the attorney can cancel the enduring power of attorney by giving you a written resignation. If you lack capacity the written notice can be given to another attorney, if you have appointed more than one. If there are no other attorneys your most immediate and available family member will be given the written resignation.

An enduring power of attorney, like a non-enduring power of attorney, ends if you or your attorney dies. It does not end if you lack capacity but will end if your attorney lacks capacity. 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 the decisions for you, or the Public Guardian and Trustee is given the authority to make decisions for you. For example, a power of attorney appointing a property attorney would end if the court appointed a property decision-maker for you and a personal power of attorney would end if the court appointed a personal decision-maker for you.

Any interested party can apply to court to have a power of attorney ended if they think that an attorney had abused his or her authority. If the court is satisfied that this is the case the court can end the power of attorney.

An enduring power of attorney will also end if the attorney no longer meets the conditions for being appointed as an attorney. This means that an enduring property attorney cannot continue to

act if he or she becomes bankrupt and that an enduring power of attorney ends if the attorney starts providing personal or health care services to you or is convicted of one of certain criminal offences.

Health Care Directives

The Health Care Directives and Substitute Health Care Decision Makers Act provides the framework for preparing a health care directive in Saskatchewan. Before this legislation came into effect, the term “living will” was often used to describe what we now call a health care directive.

A health care directive is a document that tells health care providers how you would like to be treated if you lose your capacity to make or communicate health care decisions. It is prepared in advance and takes effect when you are no longer capable of consenting to or refusing treatment directly. When a health care provider follows the directions in a health care directive, he or she is protected from subsequent legal action. A health care directive can be made in any circumstances, not just terminal illness. A health care directive cannot permit active euthanasia, assisted suicide, or anything else illegal.

Making a Health Care Directive

Any person 16 years or older who is capable of making health care decisions can make a health care directive. A person is capable of making health care decisions when he or she is able to...

- understand information about potential treatments
- appreciate the consequences of making or not making a decision, and
- communicate the decision

A health care directive may be handwritten or typewritten and must be dated. It must be signed by you or by someone else. If someone else signs for you, they must sign it while you are

present and another person must witness their signature. However, if the person making the directive signs it himself or herself it does not need to be witnessed.

A health care directive comes into effect when you become incapable of making or communicating your health care decisions. You can cancel a directive by destroying it, revoking it, or making a new directive. In an emergency, you can also tell another person that you want to cancel the directive, but it is probably best to cancel it in writing if you can.

You can give specific directions about your care or name a proxy to make decisions when you become incapable. You may also choose to leave specific instructions for some situations and name a proxy for others.

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. Health care providers and proxies must follow your directive if it deals with a particular situation. If the situation is not dealt with, your directive will be used as a guide.

Making a health care directive can help ensure that your health care decisions will be followed. It can also clarify your wishes for your family and health care providers. However, the choice is yours. You can simply decide not to make a directive. If you do not have a directive and are incapable of making health care decisions, your nearest relative can make decisions for you. If there are no family members, or they cannot be found, your doctor or health care provider will make decisions for you.

For more information see the PLEA publication, *Health Care Directives*.

Adults Who Become Mentally Impaired

Sometimes, people become unable to manage their affairs due to the effects of mental or physical disability. The disability may be a result of disease, like Alzheimer's, the after-effects of a stroke, or because of injury. Whatever the cause, in Saskatchewan, if a valid power of attorney is not available, *The Adult Guardianship and Co-decision-making Act* allows the court to give some decision-making powers to concerned individuals.

Types of Decisions

There are two general types of guardianship or co-decision-making powers. A personal guardian or co-decision-maker makes decisions related to the day-to-day lifestyle of the adult. These decisions may include medical care, living arrangements, clothing, and even who can see the adult. A property guardian or co-decision-maker is concerned with the financial affairs and property of the adult.

In some cases, a guardian or co-decision-maker will have to be appointed for both property and personal decisions. In other cases, only one needs to be appointed. If both are needed, then the same person could make each set of decisions. Alternatively, a different set of decision-makers could be involved for each type of decision.

How to Become a Guardian or Co-decision-maker

Under the Act, anyone with a sufficient interest in the personal or financial well-being of an adult person can ask the court to appoint them as a guardian or co-decision-maker for that person. The court can order that the disabled adult needs a co-decision-maker to help make reasonable decisions. Or, if the adult's condition is serious enough, the court can order that someone simply has the power to make decisions for the adult, as a guardian.

Before any such order can be made, there must be at least two written opinions that the adult is incapable to some degree of making decisions for their personal affairs. Assessments can be made by a qualified medical practitioner, registered psychologist, registered nurse, occupational therapist, social worker, or speech-language pathologist.

To be appointed guardian or co-decision-maker, an applicant must be at least 18 years old. Certain application forms must be completed, which then are filed with the court. These forms can be filled out on your own, or with the help of a lawyer. People who wish to fill out the forms themselves can obtain copies from the Public Guardian and Trustee's Office.

The Public Guardian and Trustee may become a property guardian or co-decision-maker for the adult only if no relative or friend is willing to take on the responsibility.

Court Appointment

Notice of the Application to be appointed as a guardian or co-decision-maker must be served on any of the adult's nearest relatives who have not consented to the appointment. Usually, the adult must be served with notice as well. However, if the court decides that this would be harmful to the adult, it may decide that serving the adult is not necessary.

Anyone who has been served with a notice of the application, or anyone else who has a sufficient interest, can file an objection with the court. A written objection must include the reasons for an objection, and be served on the other interested parties.

The court will consider all of the information in the application, as well as any objection that has been filed. A court can hold a hearing with the parties present, if it needs more evidence. However, it may decide to either make the appointment or reject the application, based only on written evidence, such as affidavits and medical reports.

In deciding whether to make an order, the court will consider the physical, psychological, emotional, social, health, residential, vocational and economic needs of the adult. Less intrusive ways of support or assistance for the adult must be tried or at least fully considered. The court must be satisfied that an order appointing a guardian or co-decision-maker is in the best interests of the adult.

The court can make the order for an indefinite duration, or have it subject to review within a certain period of time. As an example, the court can consider a built-in review in circumstances where the adult may improve over time.

Duties of a Guardian

The guardian must act in the best interests of the dependent adult. The guardian must protect the adult's rights and should encourage the adult to be as involved as possible in making decisions.

A property guardian must file with the court an inventory of the property owned by the adult. The court may also require that accounts of the financial affairs of the dependent adult be filed with the court every year.

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, he or she 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 a will any person to act in the guardian's place. If the guardian dies, the nomination takes effect immediately but must be confirmed by a court within six months of the death.

A personal guardian or personal co-decision-maker must get special permission from the court before making certain decisions, such as ...

- withdrawal of life support systems
- organ or tissue donations
- sterilization procedures
- divorce proceedings
- choices based on religious freedoms

Canada Pension and Old Age Security Benefits

Sometimes a person who is receiving Canada Pension or Old Age Security benefits becomes unable to handle his or her own affairs because of mental impairment. In these circumstances a relative or someone close to the person can apply to Social Development Canada to handle the Canada Pension and Old Age Security benefits. This procedure is simpler than applying for guardianship under *The Adult Guardianship and Co-decision-making Act* and there is no cost. If there are sources of income other than the Canada Pension Plan (CPP) or the Old Age Security Program (OAS), guardianship under *The Adult Guardianship and Co-decision-making Act* may still be required to deal with these other matters.

The person applying must sign a form agreeing to look after the benefits in the best interest of the mentally impaired person. A Certificate of Incapability must be signed by the ill person's doctor. If the application is approved, the benefit payments will be sent in care of the applicant.

Further information and the necessary forms are available from Social Development Canada, Income Security Programs Office.

Pensions

There are two types of Federal Income Security Programs: the Old Age Security Program (OAS) and the Canada Pension Plan (CPP). In some cases the Saskatchewan government provides supplements to these federal programs through the Saskatchewan Income Plan. There is also provincial legislation that regulates employer pension plans.



For more information on Federal Income Security Programs contact Social Development Canada (SDC) or visit the seniors section of their website at www.sdc.gc.ca. For more information on Saskatchewan laws regulating employer pensions contact the Pensions Division or visit their website at www.spsc.gov.sk.ca/pensions/default.shtml.

All pension information that a citizen gives to government is private and confidential. To access the information on your personal file, contact Social Development Canada.

If you do not agree with a decision about your federal pension eligibility or benefit amount, you can ask for an explanation or a reconsideration of the decision. There are also ways to appeal a decision.

Old Age Security Program

The Old Age Security (OAS) Program is funded from general federal tax revenues and administered through regional offices across the country. The benefits are adjusted every three months

to reflect increases in the cost of living as measured by the Consumer Price Index. The OAS program includes the Old Age Security Pension (OAS Pension), the Guaranteed Income Supplement (GIS), and the Allowance.

To qualify for any of these three programs you must have resided in Canada for at least 10 years after the age of 18 and you must meet the legal requirements for resident status. If you have not lived in Canada long enough to qualify you may still be eligible for the OAS program because Canada has agreements with some other countries that allow people to count time living in those countries towards the required 10 year period.

Old Age Security Pension (OAS Pension)

This pension benefit is often called a basic pension. The OAS pension is a taxable income. It is paid monthly to persons who are at least 65 years old and who meet the Canadian residence and legal resident status criteria. Employment history is not a factor in determining eligibility. You do not have to be retired to receive this benefit.

If you do not meet the 10 year residency requirement you may qualify for partial benefits based on how long you have lived in Canada after the age of 18. Once the amount of such a partial benefit has been determined it will not increase with additional residence.

To receive any of the benefits under the OAS program you must apply for them. You only need to apply for the OAS pension once. The other two benefits, the GSI and Allowance benefits, are renewed on a yearly basis. Once you are receiving either of these benefits they can be renewed when filing your tax return. You do not have to reapply unless you do not file a tax return or more information is required.

Guaranteed Income Supplement (GIS)

The GIS may be paid monthly to Canadian residents who receive OAS and have little or no other income. The benefit amount is based on whether you have a spouse (including a common-law or same-sex spouse) and your income. This pension benefit is not considered taxable income. The GIS must be renewed annually and the benefit amount may change from year to year depending upon yearly income and changes to your spousal relationship (if any).

GIS benefits cease if you leave Canada for more than six months. If you leave Canada, you can receive GIS benefits for six months following your departure from Canada. If you later return to live in Canada, these benefits may be reinstated.

Saskatchewan Income Plan (SIP)

If you are a permanent resident of Saskatchewan and you receive full or partial OAS pension and GIS benefits you may be eligible to receive additional money under the SIP. To receive SIP benefits your annual income must be below a specified level. If you leave the province you will no longer receive SIP benefits.

The Allowance and Allowance for the Survivor

If you live in Canada and are either a Canadian citizen or a legal resident...

- You may be eligible for the Allowance if you are 60 to 64 years old, have a low income and your spouse or common law partner gets the OAS pension and is eligible for the GIS. You must also have lived in Canada for at least 10 years since you turned 18.
- You may be eligible for the Allowance for the Survivor if your spouse or common law partner has died and you are 60 to 64 years old, have a low income, and have lived in Canada for at least 10 years since you turned 18.

The Allowance is not payable after you turn 65, die, or leave Canada for more than 6 months. A change in a spousal

relationship or income level may also affect eligibility. The Allowance is not considered taxable income.

If you leave Canada, you can receive the Allowance benefits for six months following your departure from Canada. If you later return to live in Canada, these benefits may be reinstated.

Canada Pension Plan (CPP)

The Canada Pension Plan is a social insurance program based on equal contributions by employees and employers. Employee's contributions are automatically deducted from an employee's earnings. Employers' contributions are remitted directly by employers. CPP benefits include retirement pension, disability pension, survivor's pension and death benefits. These benefits are taxable income.

This plan covers most employed and self-employed persons between the ages of 18 and 70. If you have made at least one valid contribution to the plan, you are eligible for retirement benefits. If you have made sufficient contributions to the plan and meet the definition of disabled as set out in the CPP legislation, as well as certain other requirements, you may be eligible for disability benefits. Canada has entered into agreements with some other countries that allow contributions made in those countries to be counted.

The CPP benefit amount is based on the contributor's earnings during a contributory period. Certain "drop out" periods may be excluded from the contributory period. Drop out periods may include when the contributor was disabled, left the labour force to raise children (born after 1958), or had low earnings. All benefits, except the death benefit which is a one-time payment, are adjusted each January to reflect increases in the cost of living.

Retirement Pension

Anyone who has made at least one valid contribution to CPP is eligible for a monthly retirement pension. Persons over 65 may

receive the full retirement pension to which they are entitled regardless of their employment status. The pension amount is about 25% of the contributor's average monthly earnings during the contributory period.

Persons between 60 and 64 who have substantially ceased working may be eligible for reduced benefits if their income is less than the amount of the maximum retirement pension that would be payable at age 65. In this case, the contributor's benefit amount is decreased by 0.5% for each month between the beginning of the pension and the month after the 65th birthday.

It is also possible to postpone receiving the retirement pension up to age 70 in order to increase the benefits payable. If a retirement pension is taken between 65 and 70 years old, the benefit amount is increased by 0.5% for each month between the month after the 65th birthday and the month of the first payment.

Once CPP retirement pension benefits begin, recipients who return to the workforce cannot continue to contribute to CPP.

Pensioners who apply for retirement benefits after age 65 may be paid retroactively for up to 12 months or may choose the adjusted pension rate.

Pension Sharing

Spouses or common law partners in a continuing relationship may apply to receive an equal share of the CPP pensions earned by both parties during their relationship. This does not increase or decrease the benefit amount paid; the amount that both spouses are entitled to is simply divided equally between them.

To share a retirement pension, both spouses or common law partners must be at least 60 years old and have applied for their pensions. Spouses or common law partners may cancel sharing of their benefits and have them reinstated at a later date.

Credit Splitting

Spouses who separate or divorce may be able to have the CPP credits of both themselves and their spouse or ex-spouse split between the two parties. When a marriage or common law partnership ends, the CPP credits built up by the couple can be divided between the two parties, even if one spouse or common law partner did not pay into the Canada Pension Plan. Various factors, including the length of the relationship, determine eligibility for credit splitting. Credit splitting may affect the amount of benefits each spouse is entitled to receive.

Disability Pension

This monthly pension is only available to persons under the age of 65 who are disabled according to CPP legislation and who have made the required CPP contributions.

While receiving this type of benefit, the contributor's file is subject to periodic reassessment. The contributor must report in writing any changes in his or her condition that affects their ability to work. If the contributor delays reporting such changes, some benefits may need to be repaid.

Benefits for children of disabled or deceased contributors

A disabled or deceased contributor's child, or someone acting on behalf of that child, may apply for benefits. Eligibility is based on contributions but the amount of benefits is not - these benefits are paid at a flat rate. To be eligible for benefits, the child must be under the age of 18 or a full-time student who is between the ages of 18 and 25. If the child is between 18 and 25 and not a full-time student, benefits cease. On application, benefits may be reinstated if the child returns to being a full-time student.

Survivor's Pension

This benefit may be paid to the spouse or common law partner of a deceased contributor who has contributed to CPP for a required period of time. If the deceased's contributory period was less than

nine years, contributions must have been made for at least three years. If the deceased's contributory period was more than nine years, contributions must have been made in one-third of their contributory period or 10 years, whichever is less.

This benefit may continue even if the spouse or common law partner of a deceased contributor remarries. However, the recipient cannot collect more than one Survivor's Pension. If the recipient is widowed more than once, they can receive the higher pension amount.

Death Benefits

A lump sum payment may be paid to the estate of the deceased contributor if he or she made CPP contributions for a specified period. Where the deceased has no estate or will, the payment may be made to the person responsible for the funeral, the surviving spouse or common law partner, or the next of kin, in that order of eligibility.

Employer Pensions

Some employers offer a pension plan to their employees. Sometimes pension plan membership is a required term of employment. These plans are independent of government programs (OAS, GIS, CPP, SIP).

Although these plans are not funded by government there are laws that govern employer pensions. In Saskatchewan *The Pension Benefits Act* sets out minimum standards concerning when an employee is eligible to join a company's plan, as well as standards regarding vesting and survivor benefits. Not all employer plans are covered by this Act.

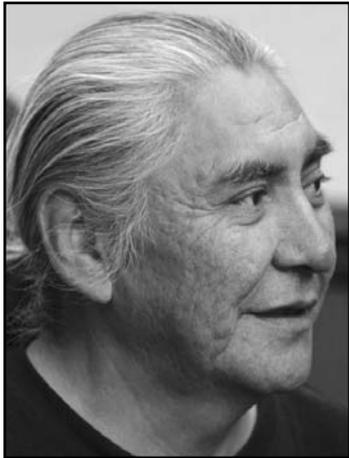
Provincial employer pension plans can vary greatly and may contain more generous terms than the minimum requirements under the provincial legislation. The following overview discusses some of the minimum requirements under the Act. If you require

specific information about a provincial employer pension plan, you should contact the plan's administrator or your employer.

Eligibility for Pensions

Provincial pension eligibility and benefit amounts are generally based on the number of years that a member has contributed and the amount of the contribution. Members are eligible to receive a provincial pension when they reach the "normal retirement date". A member may continue to contribute to a provincial pension plan until they begin receiving a pension.

Although "normal retirement" age is usually 65, different pension plans may have different requirements. The normal retirement date must be specified in the pension plan. Sometimes a formula



combining total years of service plus age may be used to determine retirement dates.

Provincial pension plans must also allow for "early retirement" within ten years of the normal retirement date. Selecting an early retirement date may reduce the amount of pension a member will receive. Each plan must define the early retirement date and the effect on the amount of benefits paid out.

Vesting

Under *The Pension Benefits Act*, pension benefits are "vested" once a maximum period of employment is satisfied or you reach normal retirement age. Once your pension benefits are vested, you have an unconditional entitlement to any benefits you have earned under the pension, although the benefits may not become payable until sometime in the future. The maximum period of

employment is different for benefits earned before January 1994 and those benefits earned after January 1, 1994. Again, some plans may provide for pension benefits to vest at an earlier time. If you leave your pension plan before your benefits vest, you have a right to a refund of your contributions, but not to a pension benefit.

Once a pension has vested, the benefits are "locked-in" and funds must be used to provide a retirement income. Generally, the funds cannot be cashed in as a lump sum payment. However, individuals can transfer money from a pension plan to an approved Registered Retirement Income Fund (RRIF). This allows the individual greater control over fund management as well as the amount of benefits that are paid out.

Unless the pension plan allows for retirement benefits before the age of 55, you cannot transfer pension funds into the RRIF until you reach the age of 55. Since there are fewer restrictions on taking money out of the RRIF, your spouse must give permission before money can be transferred from the pension.

Survivor Benefits

Survivor benefits may vary from plan to plan, but the plan must offer the option of survivor benefits for your spouse. This means that a surviving spouse can receive a lifetime pension based on the member's contributions or pension. The formula varies depending on whether the benefits are pre-retirement or post-retirement. This option may reduce the amount of your pension at retirement to ensure that payments can continue to your spouse after your death. Your spouse can waive this option, if desired, by completing the proper waiver form from the plan's administrator. Waivers must be signed before the commencement of the pension.

Income Tax

Many senior citizens are entitled to some extra tax exemptions. If you are over 65 years of age, and your income does not exceed a certain level, you can claim an age amount exemption on your tax return. This exemption is indexed, which means the dollar amount



of the exemption is likely to rise each tax year. As well, certain private pensions and other retirement income, up to \$1000 per year, may be exempt. Some of these exemptions are transferable between spouses.

When someone retires, he or she can ask to have Canada Pension Plan payments split evenly

between both spouses or common law partners. Splitting the pension may reduce the percentage of tax payable.

Canada Revenue Agency (CRA) operates a number of programs to help people fill out income tax forms. In special circumstances they may even assist people in their homes. Audio cassettes of the Income Tax Guide are available for the visually impaired. These services can be requested through the local offices of CRA. For further information contact CRA.

Wills and Estate Planning

Wills

A will is a legal document in which a person states how his or her property will be dealt with after death. A will usually names one or more executors who distribute the property as directed by the will. Even if someone has few assets, handling the estate is simpler and less expensive when a will exists.

Handling the Estate: Probate and Administration

After death, a will may have to be probated. Probated means proven in court. Probating may not be necessary if the surviving spouse is the executor and only beneficiary and if there are only a few assets, such as a bank account and personal effects. The will itself and the Death Certificate may be sufficient to transfer some assets to the beneficiary. The executor or administrator can check with the bank and other places where assets are located to see if they require the will to be probated or not.

The will must be probated if the deceased owned real estate in his or her name alone. The Information Services Corporation (ISC), cannot register the name of the new owner until the will is probated (also see *Joint Ownership of Real Estate*).

When there is no will, a next-of-kin may apply to the court to be administrator of the estate. If the deceased owned land in his or her name alone, an administrator must be appointed before the land can be transferred or sold.

Further information about estates can be found in the PLEA publication *Wills and Estates*.

Transfer of Vehicle Registration after Death of Owner

A family car that is registered in the name of the deceased can be transferred after death without probating the will. To change the name on the registration, SGI requires a copy of the Death Certificate and a copy of the will. If there is no will, the transfer may still be possible if the applicant is the spouse or sole beneficiary. For further information contact SGI. The insurance expires if registration is not changed within 60 days of the death.

A Death Certificate can be obtained by writing to the Director of Vital Statistics, Saskatchewan Health, Regina.

Gifts for Medical Research

In Saskatchewan, organ and tissue transplants or donations are regulated by *The Human Tissue Gift Act*. This law governs both transplants from one living person to another living person, and organ and tissue donations after death.

In your lifetime, you may wish to donate part of your body, such as a kidney, to another living person. To consent to this you must be 18 years or older, mentally competent to consent, and able to make an informed decision.

You may want to donate your body or organs and tissue after your death for transplants or medical research. To do so you must be 18 or older. You can write and sign a consent form yourself. You may also consent by filling in the organ donor consent card that is provided with your Saskatchewan Health Services Card. Along with the consent card there is also an organ donor sticker that should be attached to your Saskatchewan Health Services Card. It is a good idea to keep the documents with you in your wallet. A consent that is only recorded in your will is not likely to be useful as it may not be read until some time after your death.

By law, you may also consent orally to the use of your body after death. Oral consent must be given in the presence of at least two witnesses during your last period of illness.

You may specify the circumstances in which your body is to be used - you can limit use to therapeutic purposes, medical education, or scientific research, if you wish. You may also restrict which organs or tissue you choose to donate.

It is very important to discuss this issue with your family and close relatives. You should make sure that family, relatives, and close friends know and respect your wishes in this regard. These people will be the ones left to deal with medical personnel. Although a valid consent protects medical personnel and gives them full authority to act in accordance with your wishes, such personnel may be reluctant to do so if surviving family members are strongly opposed.



If a person of any age dies without having given consent to the use of his or her body, organs or tissue for medical purposes, his or her next of kin may consent. Next of kin are prohibited from giving such consent if they have reason to believe that the deceased person would have objected to organ donation or use of his or her body for medical research. Again, it is very important to discuss this matter with your family and ensure that they know and respect your wishes. If your body cannot be used for any of the purposes specified, the matter will be dealt with as if no consent had been given.

Pledge cards for specific donations may be obtained from various agencies. For example, pledge cards for corneal tissue can be obtained from the Lions Eye Bank of Saskatchewan Incorporated. Information about donation of organs can be obtained from organizations such as the Kidney Foundation of Canada. The Saskatchewan Transplant Program, Royal University Hospital (Saskatoon) also provides information about organ and tissue donation and transplantation.

If you wish to donate your entire body for medical research and education, in addition to signing a donor card, you should apply to the department of Anatomy and Cell Biology, College of Medicine, University of Saskatchewan, in Saskatoon.

Funeral Arrangements

Anyone who has particular burial or funeral requests may want to discuss these in detail with their executor and with close relatives. The executor has the legal responsibility for arranging the funeral and is not required to obey the deceased's wishes. But it is rare that such wishes are ignored. Merely stating preferences in a will is inadequate because the will may not be read until sometime after death.

A human death must be properly registered, and permission is needed for burial or cremation. When death occurs, the attending physician will declare the person dead and will sign the Registration of Death. This form is filed with city hall or the town office. This office issues a burial permit and forwards the Registration of Death to Saskatchewan Health. These formalities are usually handled by the funeral director.

Once a death has been registered, a Death Certificate can be obtained by writing to the Director of Vital Statistics, Saskatchewan Health, Regina.

Burial

In Saskatchewan, a burial requires a burial permit and a plot for interment. Services available and prices for burial plots vary from community to community. Cemeteries often have regulations regarding the size and type of marker to be used for burial plots. It is best to check with the cemetery concerned.

Cremation

Cremation is an alternative to burial. There are several crematoriums located in Saskatchewan. The same type of caskets used for burial may be used for cremation. In some areas of Saskatchewan one casket can be used during service but a second, simpler casket or container can be used for the actual cremation. According to individual choice and depending on local municipal regulations, cremated remains can be scattered over fields or water, kept in a house, deposited in private gardens, or interred in a cemetery.

Veterans' Burial Benefits

A veteran with documented service may qualify for a full or partial burial allowance from the Veterans Affairs Canada or from the Last Post Fund.

Most large cemeteries in Saskatchewan have a Field of Honour or soldiers' plot. Veterans or members of the Canadian Forces can be buried in these plots when a discharge certificate or regimental number is produced. Plots are for the veteran or member only and cannot be used by the spouse or family.

Further information may be obtained from the Veterans Affairs Canada or from any branch of the Royal Canadian Legion or of the Army, Navy and Air Force Veterans in Canada.

Pre-Arranged Funerals

A person may arrange to pay for a funeral service or cemetery plot before his or her death. Legislation in Saskatchewan sets out how such pre-paid plans must operate.

Anyone who sells pre-arranged funerals in Saskatchewan must be licensed under *The Funeral and Cremation Services Act*. All money paid before death for funeral services must be held in a trust account.

Similarly, sales of cemetery plots are regulated under *The Cemeteries Act*. A portion of all sales must be kept in a maintenance fund, to ensure the long-term care of the cemetery. Money from the advance sale of plots must be kept in a trust fund.

In either pre-arranged funerals or the advance sale of cemetery plots, the buyer may cancel the agreement. If the seller does not give the buyer a copy of the contract, at the time it is signed or by registered mail or personal delivery within seven business days of the contract being signed, the buyer can cancel the contract and receive a full refund. If the seller later gives the buyer a copy of the contract the buyer only has 30 days after that to cancel on the basis of having not received the contract. A buyer can also cancel for any reason within 10 business days of the contract being made and receive a full refund. If the seller was not properly licensed or did not use an authorized form of contract, the buyer can cancel the deal within one year and be entitled to a full refund. If the buyer cancels at any other time, the seller can keep a portion of the price to cover costs of administration or special services that were ordered by the buyer or provided by the seller.

The law also limits selling activities. For example, salespeople are not allowed to make telephone solicitations between the hours of 9:00 p.m. and 9:00 a.m. They cannot solicit residents of a hospital, a residential service facility, a special care home or a personal care home unless they first receive a specific request to do so. Salespeople cannot engage in any conduct that harasses people or even appears to harass them.

Any complaints about pre-paid plans or a salesperson's conduct can be made to the Saskatchewan Funeral and Cremation Services Council.

When applying for financial assistance, the Department of Community Resources and Employment allows people to keep pre-paid funeral funds up to a maximum of \$7,500. The applicant must have paid for the funeral services before applying for assistance.

Directory

Throughout this publication, reference was made to many non-profit agencies and government departments that provide various services. Following is an alphabetical listing of these and other organizations that are of particular interest to seniors. This is not a complete list but merely a sample of the sort of agencies one might contact to obtain assistance when seeking up-to-date information on available services. Additional sources of information may be found in the blue pages of the telephone book or by contacting the Information Services Department at a local library.

Better Business Bureau of Saskatchewan

(www.bbbsask.com)

Regina Office

201 - 2080 Broad Street

Regina, SK S4P 1Y3

Phone: (306) 352-7601

Saskatoon Office

Phone: (306) 665-1001

(Recorded Information)

Deals with consumer complaints.

Canada Revenue Agency (CRA)

(www.cra-arc.gc.ca)

Regina District Taxation Office

1955 Smith Street

Regina, SK S4P 2N9

Saskatoon District Taxation Office

340 Third Avenue North

Saskatoon, SK S7K 0A8

Toll Free: 1-800-959-8281 (individual income tax enquires)

Toll Free: 1-800-267-6999 (tax information phone service -T.I.P.S.)

Provides information on income tax.

Canada Mortgage and Housing Corporation

(www.cmhc-schl.gc.ca)

Regina Branch Office

1870 Albert Street, Suite 120

Regina, SK S4P 4B7

Phone: (306) 780-5880

Saskatoon Branch Office

200 - 119 Fourth Avenue South

Saskatoon, SK S7K 5X2

Phone: (306) 975-4900

(Recorded Information)

Canadian Association of Retired Persons

(www.carp.ca)

1304 - 27 Queen Street East

Toronto, ON M5C 2M6

Phone: (416) 363-8748

Canadian Human Rights Commission

(www.chrc-ccdp.ca)

750 - 175 Hargrave Street

Winnipeg, MB R3C 3R8

Phone: (204) 983-2189

Toll Free: 1-800-999-6899

Investigates complaints of discrimination made by a federal agency against an individual.

Canadian Snowbird Association

(www.snowbirds.org)

180 Lesmill Road

North York, ON M3B 2T5

Toll Free: 1-800-265-3200

Provides services to travelling seniors: insurance, hotel and auto rates, newsletter.

College of Medicine

(www.usask.ca/medicine/)

Department of Anatomy and Cell Biology, University of Saskatchewan

(www.usask.ca/anatomy/)

Room A315 H.S.C. Building

107 Wiggins Road

Saskatoon, SK S7N 5E5

Phone: (306) 966-4075

Provides donation forms for those who wish to donate their bodies for medical research and education.

College of Physicians and Surgeons

(www.quadrant.net/cpsc/)

211 Fourth Avenue South

Saskatoon, SK S7K 1N1

Phone: (306) 244-7355

Toll Free: 1-800-667-1668

(Complaints)

Regulatory body for the medical profession in the Province of Saskatchewan. Receives complaints from patients who are dissatisfied with the care received from a doctor.

Community Care, Saskatchewan Health

T.C. Douglas Building,

3475 Albert Street

Regina, SK S4S 6X6

Phone: (306) 787-7126

Deals with complaints against the management or staff of a nursing or special care home.

Consumers' Association of Canada

(www.consumer.ca)

Saskatchewan Branch

306 - 220 Third Avenue South

Saskatoon, SK S7K 1M1

Phone: (306) 242-4909

Publishes a quarterly newsletter supplying valuable information on consumer policy, trends and the marketplace. Provides self-help information and directs consumers to the appropriate organization for help with a particular problem.

Consumer Protection Branch, Saskatchewan Justice

(www.saskjustice.gov.sk.ca/cpb/)

5th Floor, 1919 Saskatchewan Drive

Regina, SK S4P 3V7

Phone: (306) 787-5550

Toll Free: 1-888-374-4636

Provincial government office providing education, information, resources and workshops on consumer legislation in Saskatchewan.

Farm Stress Line

(www.agr.gov.sk.ca/docs/Econ_Farm_Man/human/farmstressline04.asp)

Toll Free: 1-800-667-4442

Provides crisis intervention, short-term counselling, referrals and information to people living in rural Saskatchewan.

Geriatric Assessment Program

Department of Medicine, Royal University Hospital

University of Saskatchewan

103 Hospital Drive

Saskatoon, SK S7K 0W8

Phone: (306) 966-7947

Provides inpatient assessment and treatment as well as a day hospital.

Hearing Aid Plan

Saskatoon District Health Administrative Offices

122 3rd Avenue North

Saskatoon, SK S7K 2H6

Phone: (306) 655-4170

Provides hearing assessments and hearing aid fittings and repairs. Regional and mobile clinics located throughout the province.

Heart and Stroke Foundation of Saskatchewan

(www.heartandstroke.ca)

Saskatchewan North

279 3rd Avenue North

Saskatoon, SK S7K 2H8

Phone: (306) 244-2124

Saskatchewan South

2360 2nd Avenue

Regina, SK S4R 1A6

Phone: (306) 569-8433

Provides education on heart disease and stroke.

Information Services Corporation (formerly Land Titles Office)

See the blue pages of the telephone book, Government of Saskatchewan, under land registration for the address and the telephone number of the nearest ISC Office.

Kidney Foundation of Canada

(www.kidney.sk.ca)

Saskatchewan Branch

1 - 2217 Hanselman Court

Saskatoon, SK S7L 6A8

Phone: (306) 664-8588

Provides free information about donating organs.

Land Titles Office (see Information Services Corporation)

Lions Eye Bank of Saskatchewan Inc.

(www.usask.ca/medicine/ophthalmology/lions.html)

c/o The Eye Centre
Saskatoon City Hospital
701 Queen Street
Saskatoon, SK S7K 0M7 Phone: (306) 655-8002

Provides pledge cards for donations of corneal tissue after death.

Medical Services Branch

(www.health.gov.sk.ca/ph_med_services.html)

3475 Albert Street
T.C. Douglas Building
Regina, SK S4S 6X6 Phone: (306) 787-3475

Provides information about health care coverage in regards to optometrists, chiropractors, physicians, out of province, and out of Canada.

Mental Health Services Intake - Saskatoon Health Region

715 Queen Street
Saskatoon, SK S7K 4X4 Phone: (306) 655-7950

Provides various services to seniors suffering from mental health disorders.

National Clearing House on Family Violence

(www.phac-aspc.gc.ca/ncfv-cnivf)

Family Violence Prevention Unit
Public Health Agency of Canada
Address Locator #1907D1
7th Floor, Jeanne Mance Building
Tunney's Pasture
Ottawa, ON K1A 1B4 Phone: (613) 957-2938
Toll Free: 1-800-267-1291

If you have a hearing or speech impairment and you use a TTY device call (613) 952-6396 or 1-800-561-5643.

Provides information or materials on family violence including abuse of older adults.

NeighbourLink Saskatoon

P.O. Box 7507
Saskatoon, SK S7K 4L4 Phone: (306) 477-5465

Provides transportation and various types of household help.

Office of the Queen's Printer

(www.qp.gov.sk.ca)
Walter Scott Building
B19 - 3085 Albert Street
Regina, SK S4S 0B1 Phone: (306) 787-6894
Toll Free: 1-800-226-7302

The public can purchase copies of provincial Acts, Regulations, and forms, such as those required to apply for guardianship for dependent adults. All orders must be pre-paid. Phone for prices. Copies can be viewed online and printed free of charge.

Office of the Rentalsman

(www.saskjustice.gov.sk.ca/provmediation/rentalsman/)

120 - 2151 Scarth Street
Regina, SK S4N 3V7

Phone: (306) 787-2699

122 3rd Avenue North
Saskatoon, SK S7K 2H6

Phone: (306) 933-5680
Toll Free: 1-888-215-2222

Provides information and handles disputes between landlords and tenants.

Personal Property Registry

(www.isc-online.ca)

Head Office
260 - 10 Research Drive
Regina, SK S4P 3V7

Phone: (306) 787-6787
Toll Free: 1-866-275-4721

Other Locations: Call the nearest Provincial Court of Saskatchewan.

Conducts searches to ensure there are no liens registered against second-hand goods or vehicles.

Public Health Inspector

Public Health Inspectors are employed by the Regional Health Authorities. Contact your local health region.

Public Guardian and Trustee of Saskatchewan

(www.pgt.gov.sk.ca)

100 - 1871 Smith Street
Regina, SK S4P 4W4

Phone: (306) 787-5424

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

Registered Psychiatric Nurses Association of Saskatchewan

(www.rpnas.com)

2055 Lorne Street
Regina, SK S4P 2M4

Phone: (306) 586-4617

Licensing and governing body for Registered Psychiatric Nurses in the province. Receives complaints from patients dissatisfied with care received from a psychiatric nurse.

Revenue Canada (see Canada Revenue Agency)**Royal Canadian Mounted Police (RCMP)**

(www.rcmp-grc.gc.ca)

6101 Dewdney Avenue West
Box 2500

Regina, SK S4P 3K7

Phone: (306) 780-5560

400 Brand Place
Saskatoon, SK S7J 5L6

Phone: (306) 975-5173

2020 9th Avenue West

Prince Albert, SK S6V 6J7

Phone: (306) 765-5500

Other Locations: Call the nearest R.C.M.P. detachment.

Provides crime prevention programs.

RCMP Commission for Public Complaints

(www.cpc-cpp.gc.ca)

Toll Free: 1-800-665-6878

Independent commission that receives and investigates complaints against the RCMP.

Saskatchewan Association for Community Living

(www.sacl.org)

Provincial:

3031 Louise Street

Saskatoon, SK S7J 3L1

Phone: (306) 955-3344

Regina and District Branch

2216 Smith Street

Regina, SK S4P 2P4

Phone: (306) 790-5680

Saskatoon Branch

102 - 135 Robin Crescent

Saskatoon, SK S7L 6M3

Phone: (306) 652-9111

Provides information on wills and estate planning for parents who wish to ensure adequate financial provisions for their children who have a mental handicap.

Saskatchewan Association of Licensed Practical Nurses

(www.salpn.com)

2310 Smith Street

Regina, SK S4P 2P6

Phone: (306) 525-1436

Licensing and governing body for Licensed Practical Nurses in the province. Receives complaints from patients dissatisfied with care received from a licensed practical nurse.

Saskatchewan Consumer Drug Information Service

(www.usask.ca/pharmacy-nutrition/services/sdis.shtml)

College of Pharmacy and Nutrition

University of Saskatchewan

110 Science Place

Saskatoon, SK S7N 5C9

Phone: (306) 966-6378

Toll Free: 1-800-665-3784

Provides information and advice on prescription, over-the-counter, and herbal medications.

Saskatchewan Deaf and Hard of Hearing Service

(www.sdhhs.com)

Saskatoon Office

3 - 511 1st Avenue North

Saskatoon, SK S7K 1X5

Phone: (306) 665-6575

TTY: (306) 665-9845

Toll Free: 1-800-667-6575

TTY Toll Free: 1-866-475-1110

Regina Office

2341 Broad Street

Regina, SK S4P 1Y9

Phone: (306) 352-3323

TTY: (306) 522-0750

Toll Free: 1-800-565-3323

TTY Toll Free: 1-888-272-9116

Offers education and information on hearing related problems, interpreting services, as well as socializing for people with hearing loss.

Saskatchewan Funeral and Cremation Services Council

(www.fcscs.ca)

3847 "C" Albert Street

Regina, SK S4S 3R4

Phone: (306) 584-1575

Receives complaints about prepaid funeral contracts or salespeople of pre-arranged funerals.

Saskatchewan Government Insurance, Driver's Licenses and Motor Vehicle Registration

(www.sgi.sk.ca)

2260 11th Avenue
Regina, SK S4P 0J9

Phone: (306) 775-6900
Toll Free: 1-800-667-9868

623 2nd Avenue North
Saskatoon, SK S7K 2C7

Phone: (306) 683-2320
Toll Free: 1-800-667-5111

Other areas call: 1-800-667-9868

Provides information on driving restrictions and examinations.

Saskatchewan Health Registration

1942 Hamilton Street
Regina, SK S4P 3V7

Phone: (306) 787-3251
Toll Free: 1-800-667-7551

Provides the Saskatchewan Health Services Card and information on benefits and registration.

Saskatchewan Human Rights Commission

(www.gov.sk.ca/shrc)

3rd Floor, 1942 Hamilton Street
Regina, SK S4P 3V7

Phone: (306) 787-2530
Toll Free: 1-800-667-8577

8th Floor, 122 3rd Avenue North
Saskatoon, SK S7K 2H6

Phone: (306) 933-5952
Toll Free: 1-800-667-9249

Deals with complaints in the area of human rights.

Saskatchewan Housing Corporation

(www.hrhousing.sk.ca/shc.html)

Regina Housing Authority
1850 Smith Street
Regina, SK S4P 2N3

Phone: (306) 525-2377

Saskatoon Housing Authority
525 - 24th Street East
Saskatoon, SK S7K 0K9

Phone: (306) 668-2700

Prince Albert Housing Authority
(www.pahousingauthority.com)
230 8th Street East
Prince Albert, SK S6V 7A2

Phone: (306) 953-7420

Provides information on and application forms for the Home Modifications Program for the physically disabled.

Saskatchewan Registered Nurses Association

(www.srna.org)

2066 Retallack Street
Regina, SK S4T 7X5

Phone: (306) 359-4200

Licensing and governing body for Registered Nurses in the province. Receives complaints from patients dissatisfied with care received from a registered nurse.

Saskatchewan Safety Council

(www.sasksafety.org)

445 Hoffer Drive
Regina, SK S4N 6E2

Phone: (306) 757-3197

Provides a home safety course for seniors as well as the *55 Alive* safe driving course for seniors.

Saskatchewan Seniors Mechanism

(www.skseniormechanism.ca)

112 - 2001 Cornwall Street
Regina, SK S4R 3X9

Phone: (306) 359-9956
Toll Free: 1-888-823-2211

Provides a united voice to the province's seniors, researches and takes action on issues affecting seniors, and coordinates resources for seniors in the province.

Saskatchewan Transplant Program

Royal University Hospital
P.O. Box 86
103 Hospital Drive
Saskatoon, SK S7N 0W8

Phone: (306) 655-1054
(Saskatoon)
Phone: (306) 655-1000
(24 hour answering service)

Provides information about organ and tissue donation and transplantation to the public, to professionals and to prospective transplant candidates through videos, speakers and displays.

Saskatoon Community Clinic, Seniors Program

(www.saskatooncommunityclinic.ca)

455 2nd Avenue North
Saskatoon, SK S7K 2C2

Phone: (306) 652-0300

Provides various services to seniors, including Aboriginal seniors' programming.

Saskatoon Health Region, Continuing Care and Geriatric Services

(www.saskatoonhealthregion.ca)

3rd Floor
410-22nd Street East
Saskatoon, SK S7K 5T6

Phone: (306) 655-3300

Single point of entry to many community resources within Saskatoon Health Region, including access to day programs and special care homes.

Saskatoon Council on Aging Inc.

(www.scoa.ca)

301 - 506 25th Street East
Saskatoon, SK S7K 4A7

Phone: (306) 652-2255

Promotes the dignity, health, and independence of older adults by identifying needs and working with local agencies to initiate, implement and evaluate projects for older adults in the community.

Senior Citizens Action Now Association, Saskatchewan

310 Avenue F South
Saskatoon, SK S7M 1T2

Phone: (306) 244-6408

Social action group working to improve and ensure adequate and equitable living standards for the elderly.

Seniors Legal Assistance Service

(www.lawsociety.sk.ca)

Phone: (306) 359-1767

(Regina)

Toll Free: 1-800-667-9886

Free legal advice to qualifying seniors may be provided by the Law Society of Saskatchewan's Seniors Legal Assistance Service.

Small Claims Court

(www.sasklawcourts.ca)

Provincial Court Building
4th Floor, 1815 Smith Street
Regina, SK S4P 3V7

Phone: (306) 787-5375

Provincial Court Building
220 19th Street East
Saskatoon, SK S7K 2H6

Phone: (306) 933-7053

Other locations: Call the nearest Provincial Court

An informal court which can be used for smaller claims against retail stores, debtors, and claims arising out of automobile accidents.

Social Development Canada, Income Security Programs Office

(www.sdc.gc.ca)

2045 Broad Street
Regina, SK S4P 2N6

Provides information and application forms for Old Age Security Programs and Canada Pension.

Toll Free: 1-800-277-9914

Veterans Affairs Canada

(www.vac-acc.gc.ca/)

1200 - 1881 Scarth Street
Regina, SK S4P 4K9

Toll Free: 1-866-522-2122

501 - 5th Floor
101 - 22nd Street East
Saskatoon, SK S7K 0E1

Provides information on burials for veterans or members of the Canadian Forces.

Victims Services Program, Saskatchewan Justice

(www.saskjustice.gov.sk.ca/VictimsServices)

6th Floor, 1874 Scarth Street
Regina, SK S4P 3V7

Phone: (306) 787-3500

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

Vital Statistics

(www.health.gov.sk.ca)

Saskatchewan Health
1942 Hamilton Street
Regina, SK S4P 3V7

Phone: (306) 787-3092

Toll Free: 1-800-458-1179

A provincial government department which provides marriage and death certificates and registers changes of name.

Workers' Compensation Board

(www.wcbsask.com)

200 - 1881 Scarth Street
Regina, SK S4P 4L1

Phone: (306) 787-4370

129 3rd Avenue North
Saskatoon, SK S7H 2H6

Phone: (306) 933-6312

Toll Free: 1-800-667-7590

free legal information

PLEA publications are available free through your local library, at distribution points throughout Saskatchewan, and electronically on our web site at

www.plea.org

pamphlets

Arrest (also available in Plains and Woods Cree)	Health Care Directives
Assault	HIV/AIDS, The Law and You
Babysitting	Jail or Bail
Becoming a Lawyer	Joint Tenants or Tenants in Common
Being a Witness in Criminal Court	Legal Careers
Bicycling	Names and Changes of Names
Busted	Peace Bonds
Child Abuse and Neglect	Renting a Place to Live
Child and Spousal Maintenance	Sexual Assault
Child Protection Services	Social Assistance: Appeals
Custody and Access	Social Assistance: Applying
Debts	Social Assistance: Special Needs, Advances, Overpayments
Going to a Lawyer	Unmarried Parents
Going to Criminal Court	Youth Criminal Justice Act
Going to Youth Justice Court	
Harassment, Intimidation and Threats	

booklets

Abuse of Older Adults	Environmental Law and the Farmer
Abusive Relationships	Farm Financial Difficulties
Administrative Law	Human Rights
Automobiles - Buying and Selling	Non Profit Organizations
Buying and Selling a Home	Older Adults and the Law
Buying Stuff	Patients Rights
Consumer Contracts	Power of Attorney
Consumer Fraud	Renting a Home
Consumer Wisdom	Single Parents
Criminal Law	Small Claims Court
Death in the Family	Special-care Homes
Debts and Credit	Warranties and Guarantees
Domestic Relations (Ending a Spousal Relationship)	Wills and Estates
Drugs, Alcohol and the Law	

Please note that some of the listed publications may be available in electronic format only.