

Form 1: Decision-Making Assistance Authorization

(Supported Decision-Making and Representation Act, S.N.B. 2022, c.60, s.6)

A. Assisted person

Name: _____ Date of birth: _____

Address: _____

B. Appointment of decision-making assistant

Under section 6 of the *Supported Decision-Making and Representation Act*, I appoint the following person(s) as my decision-making assistant(s):

Name: _____ Relationship to assisted person: _____

Address: _____

Name: _____ Relationship to assisted person: _____

Address: _____

Name: _____ Relationship to assisted person: _____

Address: _____

C. Powers of decision-making assistant

If the assisted person is appointing two or more decision-making assistants, complete the following in relation to the first decision-making assistant named in section B.

My decision-making assistant may exercise the following powers in relation to the matters referred to below (*check and initial one or both*):

_____ to obtain from any person any information that is relevant to a decision I am going to make or to assist me in obtaining that information

_____ to communicate a decision I have made to other persons or to assist me in communicating a decision

My decision-making assistant may exercise these powers in relation to the following matters (*check and initial as applicable*):

_____ all of my personal care matters

_____ the following personal care matters:

_____ health care

_____ education

_____ diet

_____ employment

_____ clothing

_____ recreation

_____ accommodation

_____ social activities

_____ support services

_____ other: _____

_____ all of my financial matters

_____ the following financial matters:

The powers of my decision-making assistant are subject to the following conditions and restrictions (*optional*):

If the assisted person is appointing two or more decision-making assistants, check and initial one of the following:

_____ The additional decision-making assistant(s) may exercise the same powers as the first decision-making assistant named in section B and may exercise these powers in relation to the same matters, and (if applicable) these powers are subject to the same conditions and restrictions.

_____ The powers of the additional decision-making assistant(s) differ from those of the first decision-making assistant named in section B as follows:

D. Expiry of authorization

This authorization expires on the following date (*optional*): _____

E. Revocation

Check and initial if applicable.

_____ All previous decision-making assistance authorizations made by me under the *Supported Decision-Making and Representation Act* are revoked.

F. Signature

Signature of assisted person: _____ Date: _____

Complete if applicable. Note that a person appointed as a decision-making assistant in section B is not eligible to sign the authorization on behalf of the assisted person.

I am signing and dating this authorization on behalf of, at the direction of and in the presence of the assisted person.

Name: _____ Signature: _____

Date: _____ Address: _____

Check if applicable.

The requirement that a person who signs and dates a decision-making assistance authorization on behalf of an assisted person must do so in the presence of the assisted person was satisfied using an electronic means of communication in accordance with section 3 of the *General Regulation – Supported Decision-Making and Representation Act*.

G. Lawyer's statement

Note that provisions of the Supported Decision-Making and Representation Act relating to capacity and assistance are set out at the end of this form.

I declare that I am a practising member of the Law Society of New Brunswick, that I have reviewed the provisions of this authorization with the assisted person, that I am of the opinion that the assisted person has the capacity to make this authorization, and that I was present when this authorization was signed and dated by the assisted person or a person on behalf of the assisted person.

Name: _____ Signature: _____

Date: _____ Address: _____

Check if applicable.

- The requirement that a decision-making assistance authorization must be signed and dated by the assisted person or a person on behalf of the assisted person in the presence of a lawyer was satisfied using an electronic means of communication in accordance with section 3 of the *General Regulation – Supported Decision-Making and Representation Act*.

H. Consent of decision-making assistant

I consent to my appointment as a decision-making assistant.

Name: _____ Signature: _____

Date: _____ Address: _____

Name: _____ Signature: _____

Date: _____ Address: _____

Name: _____ Signature: _____

Date: _____ Address: _____

Provisions of the *Supported Decision-Making and Representation Act* relating to capacity and assistance

2 In this Act, a reference to “assistance” in relation to decision-making means any measure that helps a person have the capacity to make a decision, including explanations of relevant information and reasonably foreseeable consequences of the available options.

3(1) A person has the capacity to make a decision if the person is able to

- (a) understand the information that is relevant to the decision, and
- (b) appreciate the reasonably foreseeable consequences of the decision.

3(2) A person has the capacity to make a decision if the person is able to satisfy paragraphs (1)(a) and (b) with the assistance that is available.

3(3) A person may have the capacity to make a decision even if the person

- (a) makes or would make a decision that another person would consider risky or unwise,
- (b) lacked the capacity to make a similar decision in the past,
- (c) lacks the capacity to make other decisions, or
- (d) requires assistance to communicate.

3(4) A person is presumed to have the capacity to make a decision unless the contrary is demonstrated.

6(2) A person has the capacity to make a decision-making assistance authorization if the person has the capacity to make the decisions involved, including decisions about

- (a) whom to appoint as a decision-making assistant,
- (b) the matters in relation to which a decision-making assistant may exercise powers, and
- (c) the powers that a decision-making assistant may exercise.