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TSAWWASSEN FIRST NATION

## Tsawwassen First Nation

### Wills Program Policy (2022)

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**Date Enacted: 31 May 2022**

*Order Number: O.046-2022*

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Braden Smith  
Chief Administrative Officer

Table of Amendments

<b>Section(s) Amended</b>	<b>Date</b>	<b>Order number</b>	<b>Come Into Force Date</b>

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## 1. Authority

Section 2.2 of the *Constitution Act* states that the Tsawwassen Government is to make best efforts to improve the quality of life for all the Members of the Tsawwassen First Nation. Section 31(2) of the *Government Organization Act* establishes that Executive Council is responsible for the general management, administration, operation, and good government of the Tsawwassen First Nation.

## 2. Definitions

In this policy

- a) **“Administrator”** means the Finance Department.
- b) **“Elder”** means a Tsawwassen Member who is 55 or older.
- c) **“Spouse”** means a person who
  - i. is married to another person, or
  - ii. has lived with another person in a marriage-like relationship for a continuous period of at least 2 years, or
  - iii. has lived with another person in a marriage-like relationship and has a child with the other person.
- d) **“Tsawwassen Member”** means a Tsawwassen individual who is enrolled as a member of Tsawwassen First Nation in accordance with Chapter 21 [Eligibility and Enrolment] of the Tsawwassen First Nation Final Agreement.
- e) **“Representation Agreement”** means a legal document that provides a person the authority to assist in medical care and other personal decisions, such as documents provided for under the *Representation Agreement Act* (BC), or equivalent laws of other jurisdictions.

## 3. Purpose

The objective of this policy is to provide coordination and financial support to Members and their families to assist with putting into place wills, powers of attorney, and Representation Agreements to support their transition to end of life. The wills program seeks to reduce uncertainty and stress for Elders and their families during difficult times associated with death or loss of mental capacity.

## 4. Application

This policy applies to the Tsawwassen Government in administering support to Tsawwassen Members regarding wills, Representation Agreements, and powers of attorney.

## 5. Principles

The policy will be administered according to the following principles:

- a) Tsawwassen Members should be encouraged to have a will, Representation Agreement, and power of attorney;
- b) Tsawwassen Members are empowered and knowledgeable about the importance of maintaining an up-to-date will; and

- c) Tsawwassen Members benefit when their non-Member family have a will, Representation Agreement, and power of attorney because it relieves some of the stress associated with their sickness and passing.

## **6. Eligibility and Rates**

### **6.1. Elders – Single Person Will Packages**

An Elder is eligible to receive up to \$1,000 CAD for a will package for a single person.

### **6.2. Elders – Couples Will Packages**

An Elder is eligible to receive up to \$2000 CAD for a will package for a couple. The Spouse is not required to be a Tsawwassen Member.

### **6.3. Age 18 to 55 – Single Person Will Packages**

Beginning in the 2023-2024 fiscal year, Tsawwassen Members between the ages of 18 and 55 are eligible to receive up to \$500 CAD for a will package for a single person.

### **6.4. Age 18 to 55 – Couples Will Packages**

Beginning in the 2023-2024 fiscal year, Tsawwassen Members between the ages 18 and 55 are eligible to receive up to \$1000 CAD for a will package for a couple. The Spouse is not required to be a Tsawwassen Member.

### **6.5. Same Household Non-Member Family – Single Person Will Packages**

Beginning in the 2023-2024 fiscal year, the Administrator may approve up to:

- \$1000 for a single will package for a non-Member aged 55+ who resides in the same household as a Tsawwassen Member; or
- \$500 for a single will package for a non-Member aged 18-55 who resides in the same household as a Tsawwassen Member.

Funding for non-Member will packages must be approved in advance by the Administrator, who will consider the available budget and prioritize Spouses of Tsawwassen Members and guardians of Tsawwassen Member children.

### **6.6. One Payment Every Five Years**

Recipients are eligible to receive one payment under this policy every five years.

### **6.7. All amounts are in Canadian Dollars.**

## **7. Eligible Costs**

Tsawwassen Government will provide financial assistance for will packages, which include any or all of:

- Wills;

- Power of attorney; and
- Representation Agreements.

The Administrator may refuse payment for any costs other than those listed above. Any additional costs must be approved in advance by the Administrator.

## **8. Acceptable Providers**

Tsawwassen Government will only provide financial assistance for will packages created by either:

- A practicing lawyer; or
- A certified notary public.

From time to time, Tsawwassen Government may negotiate preferred rates with legal firms for will packages; however, Tsawwassen Members may choose their own acceptable provider.

## **9. Payment Process**

### **9.1. Reimbursement**

To receive reimbursement, an eligible recipient must provide proof of payment to the Administrator. The Administrator will reimburse actual costs up to the maximum amount in section 6.

### **9.2. Direct Payment**

Direct payment to an acceptable provider or to a Tsawwassen Member may be arranged in advance by contacting the Finance Department.

## **10. Privacy and Confidentiality**

For purposes of delivering the program, personal information may be collected, retained, used, and disclosed in accordance with the *Freedom of Information and Protection of Privacy Act*.