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TSAWWASSEN FIRST NATION

Tsawwassen First Nation

Wills Program Policy (2022)

Date Enacted: 31 May 2022

Order Number: O.046-2022

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Order Number: O.071-2024

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Kim Baird
Interim Chief Administrative Officer

Table of Amendments

Section(s) Amended	Date	Order number	Come Into Force Date
Replaced "Administrator" with "Director" s.2 amended s.5(b) amended s.6.5 amended s.6.6 and 6.7 repealed and replaced s.9 repealed and replaced	15/10/2024	O.071-2024	15/10/2024

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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) **“Director”** means the Director of Member Services or their delegate.
- 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 should be 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 payment of 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. Workshops on Tsawwassen Lands

From time to time, Tsawwassen First Nation may offer workshops on Tsawwassen Lands at which a lawyer or notary will attend to prepare Wills and related documents for Members and their families. The Director will pay such lawyer or notary directly for these services, at rates approved by the Director.

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

and guardians of Tsawwassen Member children. Likewise, the Director will determine whether non-Member Spouses and guardians of Members are permitted to obtain services at on-Lands workshops.

6.7. One Payment Every Five Years

Recipients are eligible to receive assistance under this policy no more frequently than once every five years, regardless of whether they obtain assistance at a workshop on Tsawwassen Lands or through their own lawyer or notary. 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 Director may refuse payment for any costs other than those listed above. Any additional costs must be approved in advance by the Director.

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 Methods

Reimbursement

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

Direct Payment

Direct payment to an acceptable provider or to a Tsawwassen Member may be authorized in advance by contacting the Director.

Services provided at on-Lands Workshops

If TFN offers wills preparation workshops on-Lands, the Director will pay the lawyer or notary directly, in amounts which may vary from those set out in section 6.

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*.