

Confirmation of Substitution (for a Representation Agreement)

Sample form on last page

NOTE:

The sample Confirmation of Substitution Form (last page) is designed to be used with the Basic Representation Agreement (RA) forms provided by Nidus.

If you have an RA form from another source, you may need to take different steps. The confirmation procedures are determined by the wording in the RA.

For example, the RA forms provided by the BC government (Ministry of Attorney General and included in the Ministry of Health My Voice materials) require a Statutory Declaration as confirmation of substitution.

The law requires that an RA outlines how substitution is to be confirmed but the law does not require specific procedures. The lawyers for the BC government decided to use a more bureaucratic and legalistic approach. The Nidus approach, as described here, is in keeping with the intent of the legislation.

What is a Confirmation of Substitution Form?

A form for Confirmation of Substitution is a way to provide written confirmation to a third party—for example, a financial institution, a hospital or a government agency—that someone else (named in the RA as a representative or alternate now has authority to act in place of the authorized representative). See the sample at end. You can use or adapt it.

When would we use a Confirmation of Substitution Form?

You would use the sample form if the RA has wording that allows this type of confirmation. Some RAs have different wording and set out different procedures for how substitution is confirmed.

The Basic RA forms provided by Nidus have wording that fits the sample form. The Basic RA forms provided by Nidus also recognize that substitution might occur due to being **temporarily** or permanently unable to act or continue to act.

In a temporary absence (eg. illness or vacation) the representative will substitute back into their role.

What other documents might confirm permanent unavailability?

Other documents can provide evidence of substitution. For example:

- a Death Certificate
- a Notice of Resignation

In these cases, a Confirmation of Substitution Form may not be required. Or you can use the sample form and attach the other documentation to it.

Make sure the Confirmation of Substitution is kept with the original RA and included when make photocopies. You may need to provide copies of the Confirmation of Substitution to third parties who already have a copy of the RA (before substitution) in their files.

Everyone named in the RA should also have a copy of any documented changes.

What if the representative is out of town temporarily and will return in a few weeks?

The Confirmation of Substitution Form can be used with Nidus Basic RA forms to confirm the alternate is able to act while the representative is temporarily out-of-town. Following is an example:

Neeta is the representative for her mother, Shalini. Neeta is going on vacation for a month. Her brother, Ashok, is the alternate and they complete a Confirmation of Substitution Form so there is no problem if Ashok has to act in the role of representative while Neeta is away.

Shalini's RA7ALL says written confirmation of substitution will be provided by the monitor. Vishal, the monitor, completes and signs the sample Confirmation of Substitution Form.

Neeta places the Confirmation of Substitution Form with the original RA7ALL and gives copies to Ashok in case he needs to provide it to the bank or the doctor when helping his mother.

When Neeta returns to resume her role as representative, Vishal will complete another Confirmation of Substitution Form to substitute for (reverse) the substitution.

Should the Confirmation of Substitution Form be destroyed if the absence is only temporary?

Do not destroy the Confirmation of Substitution Form when the representative returns from a temporary absence. It is a good idea to keep previous Substitution Forms as part of the record.

What if the alternate has to replace the representative permanently?

If the representative is permanently unable or unwilling to act and is capable, the representative can complete a Notice of Resignation form. See [Related Forms](#).

If the representative is not able to resign and there is no death certificate or other documentation to verify that there has been a permanent event, then the Confirmation of Substitution Form should be completed and kept. The other procedure might be for the adult to revoke (cancel) the RA and make a new one, naming new people. For information on revocation go to [Related Forms](#). For Basic RA Forms provided by Nidus, scroll down at <https://nidus.ca/ra-forms/>

Who will sign the Confirmation of Substitution Form?

In order to determine who should sign the Confirmation of Substitution form, check the wording in the RA. Look for a heading called 'Confirmation of Substitution.' Read the paragraph under the heading to see who will provide confirmation in writing. For example, if it says 'the monitor,' then that is the person who will sign the Confirmation of Substitution Form.

Do I register a copy of the Confirmation of Substitution Form with Nidus?

To keep track, you can register the Confirmation of Substitutions (or the completed Statutory Declaration) under 'Other Documents' in the [Nidus Registry](#). You can upload an individual form or if more than one, scan and upload as one file. See middle of page 7 at [How To Register](#)

Frequently Asked Questions

NOTE: The following questions relate to Custom RA forms. Nidus does not currently offer Custom RA forms. The Basic RA forms provided by Nidus only allow for 1 representative and 1 alternate.

There are two representatives named in the RA; do we use the Confirmation of Substitution Form?

No, usually the two representatives are in effect for the same powers/authority. One representative may be more active than the other but the other already has authority to act if needed. A Confirmation of Substitution Form is most commonly used when the RA names an alternate(s) and the alternate needs authority to act as a representative.

There is more than one alternate named in the RA; what do we do?

Check the wording in the RA. Do the alternates move up in order—one at a time? If yes, then use the Confirmation of Substitution Form to confirm that the person named as Alternate #1 is now acting in place of the representative.

If the RA says that both alternates will move up together, then use the Confirmation of Substitution Form to confirm that both alternates are now acting in place of the representative. You may need to adapt the sample form.

To use this sample, type in fields and print this page for signing, or print this page and handwrite in fields, then sign.

CONFIRMATION OF SUBSTITUTION FORM FOR A REPRESENTATION AGREEMENT

(See section 6 Representation Agreement Act and wording in Representation Agreement)

This is to confirm that

Name of person(s) acting as Representative(s)

who is/are named in the Representation Agreement made by

Full legal name of the Adult (first, middle, last)	Date the Adult and Witnesses signed Agreement (Month, DD, YYYY)
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is being replaced by/substituted for the following who is/are authorized to act as representative(s)

Name of person(s) substituting for acting Representative(s)

As set out in the Representation Agreement, this is confirmed by:

PRINT Full name of person who may confirm substitution
PRINT Full address of person confirming substitution
PRINT Role in Adult's Representation Agreement

Signature of person confirming substitution	Date substitution takes effect (Month, DD, YYYY)
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This is for information; it is not legal advice.
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