

Overview of Canadian Legislation on Supported Decision-making

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The Government of Nova Scotia is exploring how supported decision-making could be implemented in the province. Supported decision-making means that adults can make their own decisions with help from a person or group of people they choose. This document provides an overview of the legislation in other provinces and territories in Canada that addresses supported decision-making.

The jurisdictions and legislation included in this document are listed below. For each piece of legislation, we have focused on the sections that relate to supported decision-making:

- **British Columbia (BC) - Representation Agreement Act¹**
 - The Representation Agreement Act was enacted in 2000 (last amended 2024). It is intended to allow adults to arrange in advance how decisions will be made with them or by someone else if they are incapable of making decisions independently. It includes two types of decision-making agreements: Section 7 (Standard) and Section 9 (Non-standard). Section 7 agreements address authorizing a representative to “help the adult make decisions, or to make decisions on behalf of the adult”, while Section 9 agreements are focused on substitute decision-making where a representative is authorized to make decisions for the adult. The term “representative” is used throughout the Act to describe both decision supporters and substitute decision-makers.
- **Alberta (AB) - Adult Guardianship and Trusteeship Act²**
 - The Adult Guardianship and Trusteeship Act was enacted in 2008 (last amended in 2025). It addresses decision-making for adults and includes supported decision-making, co-decision-making, guardianship, and trusteeship models. The supported decision-making section allows adults to create a supported decision-making authorization to help with personal matters, but not financial decisions. Decisions made with a supporter's assistance are legally recognized as the adult's own decision.
- **Saskatchewan (SK) - The Adult Guardianship and Co-decision-making Act³**
 - The Adult Guardianship and Co-decision-making Act was enacted in 2001 (last amended 2024). It includes co-decision-making and guardianship models. A co-decision-maker can be appointed by the court to assist an adult in making decisions and to make joint decisions with the adult about personal matters (personal co-decision-maker) and finances and property (property co-decision-maker). A co-decision-maker must accept the adult's decision and sign necessary documents as long as the decision is reasonable and unlikely to cause harm to the adult.
- **Manitoba (MB) - The Adults Living with an Intellectual Disability Act⁴**
 - The Adults Living with an Intellectual Disability Act was enacted in 1996 (last amended 2025). The Act addresses decision-making for adults with intellectual disabilities. An adult with an intellectual disability is defined as an adult living with

significantly impaired intellectual functioning existing concurrently with impaired adaptive behaviour (both of which manifested before the age of 18) who needs assistance to meet their basic needs with regard to personal care or management of their property. This Act references assisted decision-making and defines it as “the process whereby an adult living with an intellectual disability is enabled to make and communicate decisions with respect to their personal care or property and in which advice, support or assistance is provided to the adult by members of the adult's support network.” The Act does not provide any further guidance on assisted decision-making.

- **Quebec (QC) – Assistance Measure⁵**

- In 2022, Quebec made amendments to its laws related to adult decision-making (including the Civil Code, the Code of Civil Procedure, the Public Curator Act, and provisions related to the protection of adults). Under these amendments, the Assistance Measure was introduced which allows an adult to be assisted with decisions while they continue exercising all their rights and control their decisions and assets. The assistant is restricted from making certain decisions (e.g., cannot perform banking transactions or sign documents).

- **New Brunswick (NB) - Supported Decision-Making and Representation Act⁶**

- The Supported Decision-Making and Representation Act was enacted in 2022. The purpose of the Act is to protect and promote the autonomy and dignity of persons who require support in relation to decision-making. The Act includes three models for decision-making: decision-making assistants, decision-making supporters, and representatives. With decision-making assistance, adults can create a decision-making assistance authorization to have an assistant help with decisions by obtaining relevant information and communicating decisions. Assistants cannot make decisions on the adult's behalf. Decision-making supporters are court-appointed when an adult lacks capacity for certain decisions but can make them through a supported process, and less intrusive measures are unavailable or insufficient. Supporters make decisions jointly with the supported person through a process that respects the person's wishes and preferences but cannot make decisions on behalf of the adult. Decisions made through both assistance and support are recognized as the person's own decisions.

- **Yukon (YT) - Adult Protection and Decision Making Act⁷**

- The Adult Protection and Decision Making Act was enacted in 2003 (last amended 2018). The Act includes three models, supported decision-making, representation, and guardianship. Supported decision-making agreements allow an associate decision-maker to help an adult who does not need guardianship and is substantially able to manage their affairs make or communicate decisions. Decisions made or communicated with the associate decision-maker's assistance are recognized as the adult's own decision.

Newfoundland and Labrador, Northwest Territories, Nunavut, Ontario, and Prince Edward Island do not currently have laws in place that formally address supported decision-making so are not included in this document. PEI introduced legislation for supported decision-making in 2022 but it has not been enacted so is not included here.

Details for each jurisdiction are provided related to:

- [Definition of capacity](#)
- [Presumption of capacity](#)
- [Capacity assessment process if applicable for supported decision-making](#)
- [Types of decisions allowed in supported decision-making](#)
- [Duties of supporters](#)
- [Requirements to implement agreements](#)
- [Safeguards and oversight](#)
- [Monitors and complaint process](#)
- [Protection of third parties and supporters from liability](#)

Definition of Capacity

BC	An adult can make a standard representation agreement even if they cannot manage contracts, health care decisions, or financial affairs on their own [s 8(1)]. In deciding if an adult is capable of making a Section 7 agreement, all relevant factors must be considered. This could include whether the adult is able to express a desire for help with decisions, show their preferences and feelings, understand that their representative will make decisions affecting them, and has a trusting relationship with their chosen representative [s 8(2)].
AB	Capacity means the ability to understand the relevant information about a decision and to appreciate the reasonably foreseeable consequences of both making that decision and failing to make it [s 1(d)].
SK	Capacity means the ability to understand information relevant to making a decision and to appreciate the reasonably foreseeable consequences of making or not making that decision [s 2(c)].
MB	An adult with intellectual disability is defined as an adult living with an intellectual disability who needs assistance to meet their basic needs with regard to personal care or management of their property. An intellectual disability is defined as significantly impaired intellectual functioning existing concurrently with impaired adaptive behaviour both of which manifested before the age of 18 [s 1(1)]. A person is incapable of personal care if they cannot understand information relevant to decisions about their health care or their physical, emotional, psychological, residential, educational, vocational, or social needs, or cannot appreciate the reasonably foreseeable consequences of making or not making such decisions (s 46). A person is incapable of managing property if they cannot understand information relevant to decisions about management of their property or is not able to appreciate the reasonably foreseeable consequences of a decision or lack of a decision (s 81).
QC	Adults must be able to choose their own assistant(s) and demonstrate that they understand the scope of this measure and be able to express their wishes and preferences (p. 3). ⁸
NB	A person has capacity to make a decision if they can understand relevant information and appreciate the reasonably foreseeable consequences, including with available assistance if needed [ss 3(1), 3(2)]. A person is presumed to have capacity unless proven otherwise. Capacity exists even if the person makes risky or unwise decisions, previously lacked capacity for similar decisions, lacks capacity for other decisions, or requires assistance to communicate [s 3(3)].
YT	The Act states that an adult may enter into a supported decision-making agreement if they understand the nature and effect of the agreement (s 6).

Presumption of Capacity

BC	Every adult is presumed to be capable of making, changing, or revoking representation agreements and decisions about their personal care, health care, legal matters, and routine financial affairs unless proven otherwise [s 3(1)]. An adult's method of communication cannot be used as a reason to decide they lack capacity [s 3(2)].
AB	The Act must be interpreted and administered according to the following principles (s 2): • an adult is presumed to have capacity to make decisions until proven otherwise • an adult is entitled to communicate by any means that enables them to be understood, and the communication method is not relevant to determining capacity • when an adult requires assistance or lacks capacity to make a decision, their autonomy must be preserved by ensuring the least restrictive and least intrusive form of assisted or substitute decision-making that is likely to be effective is provided
SK	The Act must be interpreted and administered according to the following principles: adults are entitled to have their best interests given paramount consideration; to be presumed to have capacity unless proven otherwise; to choose how they live and to accept or refuse support, assistance, or protection as long as they do not harm themselves or others and have capacity to make such decisions; to receive the most effective but least restrictive and intrusive form of support, assistance, or protection when unable to care for themselves or their estates; to communicate by any means that enables them to be understood if they have difficulty communicating due to physical or mental disabilities; and to be informed about and participate in decisions affecting them to the best of their ability (s 3).
MB	The Act's preamble recognizes that an adult living with an intellectual disability is presumed to have the capacity to make decisions affecting themselves, unless demonstrated otherwise (Principles).
QC	Capacity is not explicitly defined in the materials reviewed.
NB	A person is presumed to have the capacity to make a decision unless the contrary is demonstrated [s 3(4)].
YT	Until the contrary is demonstrated, every adult is presumed to be capable of managing their affairs [s 3(1)]. An adult's way of communicating with others is not grounds for deciding that they are incapable of managing their affairs [s 3(2)].

Capacity Assessment Process

In most of the jurisdictions reviewed, the legislation does not indicate that a capacity assessment is needed for supported decision-making. Exceptions are described in the table below.

BC	N/A
AB	N/A
SK	Before an order appointing a personal or property co-decision-maker can be made, an assessment of the adult's capacity related to areas in which a co-decision-maker may be required and the likelihood of change in that capacity must be carried out in the prescribed manner [ss 12(1), 38(1)]. The court may require the adult to submit to an examination by one or more health professionals at any time and place the court directs [ss 12(2), 38(2)]. An applicant must provide at least two assessments (using Form J) of the adult's capacity (Regulations⁹, s 5(1)). At least two of these assessments must be performed by qualified professionals, including: medical practitioners, psychologists, registered psychiatric nurses, registered nurses, occupational therapists, social workers, or speech-language pathologists (Regulations, s 5(2)).
MB	N/A
QC	N/A
NB	For decision-making support, a capacity assessment must be conducted by an assessor in accordance with regulations [s 53(1)]. If a person refuses to undergo or continue with an assessment, the assessor must stop and notify the person who requested it [s 53(2)]. After completing the assessment, the assessor must prepare a capacity assessment report in the prescribed form [s 53(3)]. An assessor is a medical practitioner, nurse practitioner, or psychologist lawfully entitled to practice in the Province, or a member of a class of persons prescribed by regulation (s 52).
YT	N/A

Types of Decisions

BC	Adults can authorize a representative to assist with or make decisions on their behalf across four main areas of life: personal care, routine financial matters, both major and minor health care decisions, and obtaining legal services and instructing lawyers to start or manage legal proceedings on the adult's behalf, with the exception of divorce proceedings [s 7(1)]. A representative may not be authorized to help make, or make on the adult's behalf, a decision to refuse health care necessary to preserve life, or, despite the objection of the adult, to physically restrain, move or manage the adult, or authorize another person to do these things [s 7(2)].
AB	Supported decision-making only applies to personal matters (s 3). Personal matters are non-financial issues relating to an adult's life and wellbeing, including health care, living arrangements, social connections and activities, educational or vocational training, employment, and legal proceedings that aren't primarily financial in nature [s 1(bb)].
SK	When making an order for personal co-decision-making, the court must specify which matters are subject to the personal co-decision-maker's authority, including decisions about (s 15): • where, with whom, and under what conditions the adult lives • whom the adult associates with and who has access to them • social activities • work • educational, vocational, or other training • applying for licences, permits, or other legal authorizations (not relating to the adult's estate) • legal proceedings (not relating to the estate) • health care (subject to health care directives legislation) • restraint of movement or behavior when necessary for safety • diet, dress, grooming, hygiene, and daily living matters • any other matters the court specifies as required to be made in the adult's best interests When making an order for property co-decision-making, the court must specify which matters are subject to the property co-decision-maker's authority related to matters of the adult's estate [s 40(1)].
MB	Decisions can be made about personal care or property with advice, support, or assistance from members of the adult's support network [s 6(1)].
QC	Assistants can help the assisted person make decisions and manage their property (p. 2). ¹⁰ The types of decisions an assistant can help with are not specified in the documents reviewed.

NB (Assistants)	A decision-making assistance authorization may be made related to the personal care matters or the financial matters of an assisted person [s 6(3)]. Personal care matters are defined as relating to the personal well-being of a person, including, but not limited to, health care, diet, clothing, accommodation, support services, education, employment, recreation and social activities. Financial matters are defined as related to the property or finances of a person (s 1).
NB (Supporters)	A supported decision-making order can include decisions related to personal care matters and/or financial matters [s 20(1)] (See definitions of financial and personal care matters for Assistants included above) A decision-making supporter shall not exercise powers in relation to the following financial matters unless expressly authorized to do so in the supported decision-making order [s 24(4)]: (a) the making, amending or revoking of the supported person's will; (b) the giving of gifts or donations or the making of loans by the supported person; (c) the providing of financial support by the supported person to the supported person's spouse, common-law partner or dependant or any other person; and (d) any other financial matter prescribed by regulation
YT	A supported decision-making agreement should include the types of decisions which the associate decision-maker is authorized to assist and not authorized to assist [ss 9(c), 9(d)].

Duties of Supporters

BC	A representative must act honestly, in good faith, with reasonable care and skill, and within the authority given in the agreement [s 16(1)]. Representatives must keep proper records and financial accounts, produce them upon request by the adult, monitor, or Public Guardian and Trustee, and keep the adult's assets separate from their own (with exceptions for jointly owned property). Representatives cannot delegate their authority except for investment matters to qualified specialists. Being a potential beneficiary of the adult's estate does not create a conflict of interest [ss 16(6), 16(8), 16(9), 16(12)].
AB	An adult may authorize a supporter to exercise some or all of the following powers: access, collect, or obtain (or assist the adult in accessing, collecting, or obtaining) relevant information from any person and help the adult understand it; assist the adult in making the decision; and communicate or assist the adult in communicating the decision to others (s 2).
SK	When a decision made by the adult and personal co-decision-maker requires signing a document for implementation, the document is voidable unless both co-sign [ss 16(1), 41(1)]. The co-decision-maker's co-signature is not a guarantee for a loan or other document [ss 16(2), 41(2)].
MB	No specific requirements are provided in the law for the types of decisions that can be made with assisted decision-making.
QC	The assistant cannot act on behalf of a person or make decisions for them. For example, they are not able to sign documents or make bank transactions. They are able to send or receive information to and from third parties or acknowledge a decision on behalf of the assisted person. They can: act as an intermediary for the assisted person; advise the assisted person; contact third parties to obtain or send information, or to inform them of decisions made by the assisted person; access the assisted person's personal information, only with their consent and if the information is needed to help them (p. 3-4). ¹¹
NB (Assistants)	A decision-making assistant can obtain or help the assisted person obtain relevant information from any person, and to communicate or help the assisted person communicate their decisions to others [s 6(4)].
NB (Supporters)	A decision-making supporter may obtain or help the supported person obtain relevant information, make decisions with the supported person through a supported decision-making process, communicate or help communicate the supported person's decisions, and do anything necessary to give effect to those decisions [s 24(2)]. The supporter must not make decisions on behalf of the supported person [s 24(3)]. The supporter must act honestly, in good faith, with reasonable care, and not for their own benefit [ss 26(1), 26(2)]. They must keep their property separate from the supported person's property unless authorized otherwise, explain their powers and duties to the supported person at appointment, and keep the supported person informed of their actions [ss 26(3), 26(4), 26(5)].

	When making decisions through the supported decision-making process, the supporter must discuss information and consequences in a way the supported person is likely to understand, assess options based on the supported person's wishes and preferences, and ensure the decision is guided by those wishes and preferences [s 27(1)]. The supporter may refuse to communicate or implement a decision only if doing so would cause serious harm to the supported person [s 27(2)]. The supporter may request relevant information from any person and must make reasonable efforts to determine if the supported person has a will (if handling financial matters) or health care directive (if handling health care matters) and review it [ss 25(2), 25(3)].
YT	An associate decision-maker assists the adult to make and express decisions by helping them obtain and understand relevant information, ascertaining and communicating the adult's wishes, and ensuring the adult's decision is implemented [s 5(1)]. The associate decision-maker must not exert undue influence or make decisions on behalf of the adult [s 5(2)]. The associate decision-maker may help the adult obtain information they're entitled to but must obtain the adult's consent before accessing information not reasonably required for the decision, using information for other purposes, or disclosing it [s 10(2)]. They must keep information secure and dispose of it properly when no longer needed. Exceptions allowing disclosure without consent include responding to designated agency inquiries, Public Guardian and Trustee investigations, or court applications concerning the adult [ss 10(2), 10(3)].

Requirements to Implement Agreements

BC	A representation agreement must be in writing and is executed when it is signed and witnessed according to the Act's requirements and all required certificates are completed [s 13(1)]. The agreement must be signed by the adult and by: all representatives (if they must act jointly), the sole representative (if only one is appointed), or at least one representative (if multiple representatives may act independently) [s 13(2)].
AB	A specific form, provided by the Office of the Public Guardian, must be used [s 4(3)]. The adult can name up to 3 supporters and identify the areas in which the supporter(s) have authorization [s 4(1)].
SK	Any person with a sufficient interest in the adult's welfare, the public guardian and trustee, or designated individuals, corporations, or agencies may apply to the court in the prescribed form to be appointed as a co-decision-maker [ss 6, 42(2)]. The applicant must serve a copy of the application on: the adult; the nearest relatives (except those who have consented to the order); the Minister of Social Services (if the adult receives certain services); the adult's personal decision-maker or proposed personal decision-maker; the adult's other decision-makers or proposed decision-makers; any attorney under a power of attorney; any proxy under a health care directive; any supporter nominated by the adult under section 9 of the Personal Care Homes Regulations (1996); any trustee administering financial benefits for the adult; and the public guardian and trustee [ss 7(1), 31(1)]. However, the applicant is not required to search for persons in those categories if their existence is not already known [s 7(2), 31(2)].
MB	The Act does not specify any requirements for assisted decision-making agreements.
QC	Only the Curateur public can recognize an assistant through a multi-step process. The person seeking assistance and the proposed assistant must jointly submit the application for recognition directly to the Curateur public or through a lawyer or notary (p. 4). The person files the application voluntarily and may stop the process at any time. No legal proceedings, medical assessments, or psychosocial assessments are required (p. 4). Proposed assistants must obtain criminal background checks and at least two people close to the person requesting assistance must be notified (p. 3). The Curateur public makes the final decision whether or not to recognize an assistant. When the application for recognition is accepted by the Curateur public, the name of the assistant is entered in the Public register of assistants (p. 2). ¹²
NB (Assistants)	A decision-making assistance authorization must be in the prescribed form and include: the identity and relationship of each decision-making assistant; a signed consent statement from each assistant; the matters and powers the assistant may exercise; a statement from a lawyer (practicing Law Society member) confirming they reviewed the authorization with the assisted person, were present when it was signed, and believe the person has capacity to make it; a statement from anyone signing on behalf of the assisted person (if applicable); indication if electronic communication was used; and any additional information prescribed by regulation [s 6(5)]. The authorization must be signed and dated in the

	lawyer's presence by either the assisted person or, if the person is unable to sign, by someone age 19 or older at the assisted person's direction and in their presence [s 6(7)].
NB (Supporters)	An interested person age 19 or older may apply to the court to be appointed as a decision-making supporter under a supported decision-making order [s 36(1)]. The application must include: an affidavit from the applicant, an affidavit from any other proposed decision-making supporter, a capacity assessment report, a financial summary (if seeking powers related to financial matters), and any other documents prescribed by regulation or required by the court [s 36(2)].
YT	A supported decision-making agreement must be in the prescribed form, dated, and signed by the adult and associate decision-maker(s) in the presence of two witnesses age 19 or older, who must also sign [ss 8(1), 8(2)]. Witnesses cannot be the adult's associate decision-maker, representative, or their employees, agents, spouses, children, or parents, and must understand the adult's method of communication [s 8(2)]. Each associate decision-maker must sign a declaration confirming their relationship to the adult, willingness to serve, and acknowledgement of their duties [s 8(3)]. The agreement must include: a description of the adult's difficulty in making or communicating decisions, the name of at least one associate decision-maker, and the types of decisions they are authorized (and not authorized) to assist with [s 9(1)]. The agreement may designate multiple associate decision-makers for different types of decisions and provide for alternates [s 9(2)]. When multiple associate decision-makers assist with the same type of decision, the agreement must specify whether they act jointly or successively; otherwise, they are deemed to act successively in the order named [s 9(3)].

Safeguards and Oversight

BC	<u>General Safeguards</u> An adult must not be required to have a representation agreement as a condition of receiving any good or service (s 3.1). <u>Monitors</u> When a representation agreement includes authority over routine financial matters, the adult must name a monitor unless the representative is their spouse, the Public Guardian and Trustee, a trust company, a credit union, or two or more representatives acting unanimously [s 12(1)]. Adults not required to have a monitor may choose to name one anyway [s 12(3)]. Monitors must make reasonable efforts to ensure representatives comply with their legal obligations and may visit and speak with the adult at any reasonable time [ss 20(1), 20(2)]. If the monitor suspects non-compliance, they can require the representative to produce accounts and records and must notify all relevant parties [s 20(4)]. Monitors must inform the Public Guardian and Trustee if they believe a representative is not complying with their duties [s 20(5)]. The Public Guardian and Trustee may appoint a replacement monitor if the current monitor is unsuitable or unable to act and the adult is incapable of making a new agreement [s 21(1)]. If the Public Guardian and Trustee declines to appoint a monitor or someone is dissatisfied with the decision, they may apply to the court for review [s 21(2)]. <u>Complaints</u> Anyone may make an objection to the Public Guardian and Trustee if they believe: the adult lacked capacity when making the agreement; fraud, undue pressure, or abuse was used; the agreement is inconsistent with the adult's wishes or best interests; there are errors in the agreement; the representative is unqualified, abusing or neglecting the adult, failing to follow instructions, incapable of acting, or otherwise failing to comply with their duties; or other improper conduct has occurred [s 30(1)]. Upon receiving an objection, the Public Guardian and Trustee must review it and may investigate, apply to court for orders (including confirming changes, cancelling the agreement, or validating an agreement despite defects), appoint a monitor, or take other necessary action [s 30(3)].
AB	<u>General Safeguards</u> A supporter is only authorized to access, collect, or obtain (or assist the adult in accessing, collecting, or obtaining) personal information that they are entitled to access under the agreement [s 9(4)].

	Supported decision-making cannot be used to support financial decisions (s 3). <u>Monitors</u> Monitors are not included in the legislation. <u>Complaints</u> Complaints about co-decision-makers can be made by any interested person and will be investigated by a complaints officer as required. Complaints must be about a failure of the co-decision-maker that will result in harm to the physical or mental health of the adult or financial loss. Complaints officers can interview relevant parties, access records and information, and enter premises to interview the adult and assess the potential risk of harm. If the complaint is founded, the investigator can take steps to resolve the matter, refer those involved to an alternative dispute resolution process, or recommend that a guardianship or trusteeship order is put in place (ss 75-79).
SK	<u>General Safeguards</u> If the court decides a hearing is necessary, at the hearing, the applicant must prove that the adult needs a personal co-decision-maker [s 9(2) and s 33(2)]. The court registrar must notify all relevant parties at least 10 days in advance including the applicant, anyone who was served with the application, anyone who consented to the order, and anyone who filed an objection [s 9(1) and s 33(1)]. The court cannot make an order to appoint a personal or property co-decision-maker unless less intrusive forms of support have been tried or carefully considered, and must limit the co-decision-maker's authority to only those specific powers necessary to meet the adult's needs [s 14(2) and s 40(2)]. Co-decision-makers may advise the adult and share decision-making authority with the adult on matters specified by the court [s 17(1) and s 42(1)]. The co-decision-maker must accept the adult's decision and cannot refuse to sign necessary documents if a reasonable person could have made that decision and no harm to the adult is likely to result [s 17(2) and s 42(2)]. <u>Monitors</u> No monitors are required under the Act.

	<u>Complaints</u> Objections to co-decision-making appointments go to the court [ss 8(2), 32(2)]. A person served with a copy of the application for co-decision-making may file a statement of objection with the court within 10 days after the last person is served, setting out their reasons for objecting [ss 8(1), 32(1)]. Any person claiming a sufficient interest in the adult's personal welfare may also file an objection within the same timeframe [ss 8(2), 32(2)]. The statement must be in the prescribed form and a copy must be served on the applicant, other persons mentioned in the Act (e.g., relatives of the adult, other decision-makers of the adult), and anyone who consented to the requested order [ss 8(3), 8(4), 32(3), 32(4)].
MB	The legislation does not provide any specific requirements for safeguards or oversight for assisted decision-making.
QC	<u>General Safeguards</u> Only the Curateur public can recognize an assistant. A criminal background check is required for prospective assistants, and the assistant must commit in writing to respect the privacy of the person being assisted and that there is no conflict of interest (p. 3).¹³ The maximum duration of an assistance measure is three years, after which it can be renewed. The person being assisted can end the agreement at any time (p. 6-7).¹⁴ When the Curateur public accepts an application for assistance, the assistant's name is entered in the Public Register of Assistants for a maximum of three years. Organizations with which the assistant communicates must access this register to confirm the assistant's identity and ensure they are recognized by the Curateur public. The Curateur public is responsible for removing the assistant's name from the Public Register at the end of the assistance measure (p. 6-7).¹⁵ <u>Monitors</u> There are no external monitors identified in the materials reviewed, but two people close to the person being assisted must be notified about the choice of assistant (p. 3).¹⁶ <u>Complaints</u> No information about a complaints process is provided in the materials reviewed.
NB	<u>General Safeguards</u> A decision-making assistant must keep any records prescribed by regulation and provide them to the assisted person or another decision-making assistant appointed under the same authorization upon request, or to the court or others if ordered by the court (s 14).

	A decision-making supporter must keep records prescribed by regulation and any other records necessary to provide a complete account of actions taken regarding the supported person's financial matters. These records must be provided to the supported person or another decision-making supporter upon request, or to the court or others if ordered by the court (s 29). <u>Monitors</u> No monitors are required under the Act. <u>Complaints</u> For supported decision-making, the supported person, decision-making supporter, Public Trustee, or any interested person age 19 or older may apply to the court for a review of the order [s 32(1)]. The court may also order a decision-making supporter to apply for review at any time [s 32(2)]. A decision-making supporter must apply for review if ordered by the court or if there has been a significant change in circumstances relevant to the order [s 32(3b)]. The court may require the decision-making supporter to provide their records, a capacity assessment report, and any other documents [s 32(4)]. Upon review, the court may continue, terminate, or vary the order (including removing one or more decision-making supporters), or require a decision-making supporter to reimburse the supported person for losses resulting from the supporter's failure to fulfill their duties [s 32(5)]. No specific information is included in the law about complaints related to assisted decision-making.
YT	<u>General Safeguards</u> An adult or their associate decision-maker may apply to the Supreme Court to void an agreement the adult made with another person if the agreement relates to matters within the associate decision-maker's responsibilities and the adult entered into it without consulting the associate decision-maker [s 12]. Monitors and a process for complaints are not included in the legislation.

Protection of Third Parties and Supporters from Liability

Jurisdiction	Third Parties	Supporters
BC	Any third parties who relied on the agreement without knowing it was invalid are protected [s 24(2)].	A representative who follows their duties as outlined in the Act are not liable for injury, death, loss, or damage arising from their actions (s 23). If a representative acts in good faith under an agreement that turns out to be invalid or not in effect, and they didn't know and couldn't reasonably have known this, they are protected from liability and their actions are considered authorized [s 24(1)].
AB	A decision made with a supporter's assistance (or communicated by or with the supporter's assistance) is the supported adult's decision for all purposes [s 6(1)]. However, a person may refuse to recognize such a decision if they have reasonable grounds to believe the supporter exercised undue influence on the supported adult or that there may be fraud or misrepresentation by the supporter [s 6(2)].	No legal action can be taken against a supporter for anything done or omitted in good faith while exercising their authority or carrying out their duties under the Act [s 10(1)]. Similarly, no action can be taken against a supporter or any other person for acting in good faith in reliance on a supported decision-making authorization while it is in effect, or if the supported adult has terminated it without the supporter's or person's knowledge [s 10(2)].
SK	When a personal co-decision-maker co-signs a contract with an adult under this authority, the contract remains binding on the adult after the order is terminated, as if the adult had made the contract while capable [ss 23(2), 49(2)].	Any decision made, action taken, consent given, or thing done by a personal co-decision-maker in good faith within their shared authority with the adult is deemed to have been made, taken, given, or done by the adult for all purposes [ss 23(1), 49(1)].
MB	No information for assisted decision-making provided.	No information for assisted decision-making provided.
NB (Assistants)	A person may refuse to recognize a decision if they have reasonable grounds to believe the assistant/supporter did not act in accordance with their powers and duties [ss 13(2), 28(2)]. However, even if the assistant/supporter failed to act properly, the decision remains valid and binding on the assisted/supported person in relation to third parties who did not know and had no reasonable grounds to	A decision made by an assisted/supported person with the assistance of a decision-making assistant/decision-making supporter (or communicated by or with the supporter/assistant's help) is the assisted/supported person's decision for all purposes, provided the assistant acted in accordance with their powers and duties [ss 13(1), 28(1)].

Jurisdiction	Third Parties	Supporters
	believe the assistant/supporter acted improperly [ss 13(3), 28(3)].	
QC	No information provided. Third parties must verify that the name of the assistant is on the Public register of assistants before sharing information with them (p. 6). ¹⁷	No information provided. Supporters do not make or execute decisions, they only collect or provide information on behalf of the individual (p. 2). ¹⁸
YT	No information provided.	An associate decision-maker is not liable for injury, death, or financial loss to the adult if they act honestly, in good faith, in the adult's best interests, and exercise reasonable care, diligence, and skill [s 13(1)]. An associate decision-maker is also not liable for decisions made by the adult if the decision-maker disagreed with and advised against the decision [s 13(2)].

Endnotes

¹ British Columbia. *Representation Agreement Act* (hereafter *RAA*), R.s B.C. 1996, c. 405. Retrieved from https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96405_01.

² Alberta. *Adult Guardianship and Trusteeship Act* (hereafter *AGTA*), s A. 2008, c. A-4.2. Retrieved from <https://www.cplea.ca/wp-content/uploads/AdultGuardianshipAndTrusteeAct.pdf>.

³ Saskatchewan. *The Adult Guardianship and Co-decision-making Act* (hereafter *AGCDA*), s s 2000, c. A-5.3. Retrieved from <https://pubsaskdev.blob.core.windows.net/pubsask-prod/14450/Chap-65.pdf>.

⁴ Manitoba. *The Adults Living with an Intellectual Disability Act* (hereafter *ALIDA*), C.C.s M. c. A6.1. Retrieved from https://web2.gov.mb.ca/laws/statutes/ccsm/_pdf.php?cap=a6.1.

⁵ The Québec legislation was not directly reviewed. Instead the information provided here is from two key documents produced by the Government of Québec: Curateur Public Québec (2023). *The Assistance Measure: Official Recognition for Assistants*. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/aut_doc_util_en/mesur_assist_en.pdf.

Curateur Public Québec (2025). *The assistance measure: Official recognition to better help you*. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/dep_mesur_assist_en.pdf.

⁶ New Brunswick. *Supported Decision-Making and Representation Act* (hereafter *SDMRA*), s N.B. 2022, c. 60. Retrieved from <https://laws.gnb.ca/en/document/cs/2022,%20c.60>.

⁷ Yukon. *Adult Protection and Decision Making Act* (hereafter *APDMA*), s Y. 2003, c. 21. Retrieved from <https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2003/2003-021A/2003-021A.pdf>.

⁸ Curateur Public Québec (2025). *The assistance measure: Official recognition to better help you*. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/dep_mesur_assist_en.pdf.

⁹ Saskatchewan. *Adult Guardianship and Co-decision-making Regulations* (hereafter *AGCDA Regs*), R.R.s c. A-5.3 Reg 1. Retrieved from <https://pubsaskdev.blob.core.windows.net/pubsask-prod/1617/A5-3r1.pdf>.

¹⁰ Curateur Public Québec (2023). *The Assistance Measure: Official Recognition for Assistants*. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/aut_doc_util_en/mesur_assist_en.pdf.

¹¹ Curateur Public Québec (2023). *The Assistance Measure: Official Recognition for Assistants*. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/aut_doc_util_en/mesur_assist_en.pdf.

¹² Curateur Public Québec (2023). *The Assistance Measure: Official Recognition for Assistants*. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/aut_doc_util_en/mesur_assist_en.pdf.

¹³ Curateur Public Québec (2023). *The Assistance Measure: Official Recognition for Assistants*. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/aut_doc_util_en/mesur_assist_en.pdf.

¹⁴ Curateur Public Québec (2025). *The assistance measure: Official recognition to better help you*. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/dep_mesur_assist_en.pdf.

¹⁵ Curateur Public Québec (2025). *The assistance measure: Official recognition to better help you*. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/dep_mesur_assist_en.pdf.

¹⁶ Curateur Public Québec (2023). The Assistance Measure: Official Recognition for Assistants. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/aut_doc_util_en/mesur_assist_en.pdf.

¹⁷ Curateur Public Québec (2023). The Assistance Measure: Official Recognition for Assistants. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/aut_doc_util_en/mesur_assist_en.pdf.

¹⁸ Curateur Public Québec (2025). The assistance measure: Official recognition to better help you. Retrieved from https://cdn-contenu.quebec.ca/cdn-contenu/curateur-public/pdf/dep_mesur_assist_en.pdf.