

### Family Voice Bulletin 2.0 – Issue 16, (April 20<sup>th</sup>/2021) Future Planning: Wills, Henson Trust, & Powers of Attorney

*Summarized by KJ (Krystal-Jyl) Thomas, MSW, RSW with Juliet Haynes, MSW, RSW*

Family group facilitators KJ Thomas, RSW, and Jillian Crabbe, RSW were joined by guest presenter Katrina Anders (lawyer) as she discussed special concerns regarding future and well-being of loved ones living with mental health challenges. Katrina discussed issues of caregivers, financial security, wills, Henson Trust, powers of attorney and other matters to be considered in planning future steps.

Many families in Canada have a member who lives with a serious mental illness. It is not uncommon in these cases for caregivers to think about, and make plans to assist their loved one both while they are alive, and after they pass. In Ontario, there are a number of financial assistance programs, benefits, and tax breaks that can help families to manage their income in ways that make the best sense for them and their loved one. These tools, while helpful, can be difficult to navigate, as well, guidelines and rules often change rapidly. For this reason, it is helpful and recommended to connect with an accountant, lawyer, and/or financial advisor to help guide you through the processes that will best suit your needs. When seeking information, use government websites for current practices, and if seeking a lawyer, it can be helpful to “shop around” as fees for services vary. As an estimate of a middle of the road cost today, a will, Power of Attorney and Henson Trust set up by a lawyer might be between \$1000-\$1500. All information in this bulletin is meant for general purposes only, as a guide for starting your process.

For caregivers looking to manage the assets for a person with a disability, these programs can help:

**Provincial Disability Benefits-** for qualifying people over the age of 18, includes financial, medical, and other benefits.

**Disability Tax Credit-** tax credits for persons who have a severe/prolonged impairment (12+ months)

**Registered Disability Savings Plan-** one account/beneficiary per person. Lifetime maximum \$200,000.

**Canada Disability Savings Grant-** a matching grant system of up to 300% depending on beneficiary's family income.

**Child Disability Benefit-** a tax-free benefit of up to \$224.58 per month for caregivers of children under 18 who live with a severe or prolonged illness

**Canada Caregiver Credit-** non-refundable tax credit that combines three previous credits: the caregiver credit, the family caregiver credit, and the credit for infirm dependants age 18 or older.

For those needing to manage an inheritance for a person with a disability, including financial realms, these programs are a good place to start:

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**Henson Trust-** optimal estate planning arrangement for persons living with a serious illness. There are Testamentary & Inter-vivos Henson Trusts.

**RRSP/RRIF Rollover-**

**Lifetime Benefit Trust-** a lifetime benefit trust with respect to a taxpayer and the estate of a deceased individual if both meet particular conditions.

**Pension & Insurance Products-** There can be some issues in these areas, either commuting the pension into a lump sum and directing to a trust, or having pension income paid to a testamentary Henson trust can be another avenue to use these.

**Power of Attorney-** a legal document that you sign to give one, or more persons, the authority to manage your money and property on your behalf. In most of Canada, the person you appoint is called an "attorney." A POA was highly recommended by Katrina for all people. When choosing a POA, be sure it is someone you trust. They do not need to live in Ontario.

Lastly, for those who are needing to manage the care & assets of their loved one, you will want to explore Guardianship.

**Guardianship-** a formal plan of care and serving of plan (including alternative Guardian appointed), opportunity for review by The Ontario Office of the Public Guardian and Trustee, final applications are submitted by a lawyer to a judge.

### Resources for legal help:

<p>While The Royal is unable to endorse any particular lawyer, and encourages you to do your own research, the office of our guest presenter and lawyer, Katrina Anders is listed below:</p> <p><b>Anders Roloff Jonah</b> <i>Barristers, Solicitors &amp; Notaries Public</i> Suite 201, 460 West Hunt Club Road Ottawa, ON K2E 0B8 Tel.: 613-224-1621 Fax: 613-224-8827 <a href="http://www.Anderslaw.ca">www.Anderslaw.ca</a></p>	<p><b>Legal Aid Ontario</b> Call 1-800-668-8258 (toll-free) Monday to Friday, 8 a.m. to 5 p.m. for help in over 300 languages.</p> <p>275 Slater Street Suite 1101 Ottawa K1P 5H9 Ottawa Legal Aid Office at 613-238-7931 Integrated Legal Services Office at 613-569-7448 <a href="http://www.legalaid.on.ca">http://www.legalaid.on.ca</a></p> <p>Courthouse (Duty Council) 161 Elgin St., Ottawa</p>
<p><b>ARCH Disability Law Centre:</b> A specialty legal clinic that practices exclusively in disability rights law Telephone: 416-482-8255 Tel. Toll-free: 1-866-482-2724 TTY: 416-482-1254 TTY Toll-free: 1-866-482-2728 Fax: 416-482-2981 Fax Toll-free: 1-866-881-2723 General inquiries email: <a href="mailto:archgen@lao.on.ca">archgen@lao.on.ca</a> <a href="https://archdisabilitylaw.ca/">https://archdisabilitylaw.ca/</a></p>	<p><b>Community Legal Services Ottawa</b> Telephone interpretation available in over 200 languages. Call us, tell us your language and we will get an interpreter on the phone. <a href="https://www.clsottawa.ca/">https://www.clsottawa.ca/</a></p> <p>1355 Bank Street, Suite 406 Ottawa, ON K1H 8K7 Tel. 613-733-0140 Fax 613-733-0401</p> <p>1 Nicholas Street, Suite 422</p>

# family support program programme de soutien familial

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	<p>Ottawa, ON K1N 7B7 Tel. 613-241-7008 Fax 613-241-8680</p> <p>1299 Richmond Road Ottawa, ON K2B 7Y4 Tel. 613-596-1641 Fax 613-596-3364</p> <p><a href="https://www.clsottawa.ca/contact-us/">https://www.clsottawa.ca/contact-us/</a></p>
<p><b>Justice Net</b> JusticeNet is a not-for-profit service helping people in need of legal expertise, whose income is too high to access legal aid and too low to afford standard legal fees. \$25.00 fee to register and search for a lawyer: <a href="https://www.justicenet.ca/how-to-find-a-professional/">https://www.justicenet.ca/how-to-find-a-professional/</a> <a href="http://www.justicenet.ca/">http://www.justicenet.ca/</a></p>	<p><b>Reach Canada</b> Volunteer legal professionals provide up to 3 hours on a pro bono basis to help people with disabilities who are facing legal challenges. <a href="https://www.reach.ca/">https://www.reach.ca/</a></p>
<p><b>University of Ottawa Community Legal Clinic</b> Provides legal services to the Ottawa community. Staffed by lawyers and law students, the Clinic provides public legal education, legal advice, and representation at court for a variety of criminal, family and tenant-related matters. We also assist women who have been victims of violence in obtaining compensation.</p> <p>17 Copernicus St., Ottawa (T) 613-562-5600</p> <p><a href="https://commonlaw.uottawa.ca/community-legal-clinic/">https://commonlaw.uottawa.ca/community-legal-clinic/</a></p>	<p><b>Vanier Community Service Center</b> Services available in French only 290 Dupuis St., 3rd Floor, Ottawa (T) 1-877-500-4508 <a href="https://www.cscvanier.com/en/legal">https://www.cscvanier.com/en/legal</a></p>