



Citizens' Representative Message

Through our ongoing contact with the Advocacy Committee of the Seniors' Resource Centre NL, we are exposed to many of the issues which affect seniors, their families and friends. One such issue is the use and abuse of Enduring Powers of Attorney (EPAs). An EPA is a legal tool which permits a person who is concerned about the future management of their financial affairs (a donor) to appoint another person (an attorney) to manage those affairs in case of the donor's incapacity. In this Province the legal requirement for the drafting, and operation of, EPAs is governed by the *Enduring Power of Attorney's Act* (the "Act"). The Act requires only the signature of the donor and one witness to create an EPA.



EPAs are popular because they are flexible and can be adapted to a variety of uses. Unfortunately, vulnerable adults, sometimes seniors, can be victimized by unscrupulous family members or associates who cause them to execute an EPA which, objectively assessed, is not in their best interests.

Can changes be made to the Act which would permit EPAs to retain their desired flexibility, yet enhance protection for donors and their estates? The OCR, in association with the Seniors' Resource Centre NL, has drafted a discussion paper outlining potential changes to how EPAs are drafted and operate. It can be found on our website at <http://www.citizensrep.nl.ca>. Anyone wishing to share their thoughts about how they, or their family or friends, experienced the use of EPAs are invited to email us at citrep@gov.nl.ca.

Internship Student Scott Linstead

Since starting my second and final social work internship with the Office of the Citizens' Representative, I have found it to be a unique experience for me as a social work student. This internship has given me the opportunity to develop my critical thinking skills, become more analytical, and to view situations from a more systemic perspective. All of these attributes will be invaluable to me in my future practice.

Further contributing to my learning is the vast diversity that exists within the work at the OCR. The ability to address complaints from such a wide variety of program areas means that each case may be different from the next, and require a different skill set and knowledge.

Though I have only been with the Office for a short period of time, it is evident that the service it provides is essential not only to individual citizens, but to the community as a whole. The ultimate aim of the Office is to strengthen public services and when this is done, the community itself becomes stronger. This means that everyone, including professionals, stands to gain something from the work of the Office of the Citizens' Representative.



Did you know...

The Citizens' Representative is empowered to initiate investigations of jurisdictional complaints registered by citizens, public servants, the House of Assembly, and the Cabinet. The Citizens' Representative may also investigate a matter under his jurisdiction without a formal complaint; a process known internally as an "own motion" investigation.

Seeking Fairness

The province's Legal Aid Commission is responsible for the provision of certain legal services to qualifying citizens. A woman contacted our Office after her two young children were ordered into the continuous custody of the Department of Child, Youth and Family Services. She claimed she had been let down by Legal Aid over the course of two years. She felt that if she had been adequately represented, she would still have her children in her care. She claimed Legal Aid repeatedly changed her lawyer and the process was unduly delayed. Our review of the matter concluded that her express allegations of "doing nothing" were not supported by the evidence. While it was true she had a number of lawyers assigned to her file, at times she had a team of lawyers together with paralegal and administrative support. Over approximately two years a number of appeals and appearances had been made including a stay application, an application for rescission of the original judgment and an appeal for the matter to be heard by the Supreme Court of Canada. Weighed together with all of the necessary research, case conferences and numerous meetings and communications with the citizen herself, the OCR did not find any administrative unfairness in the process.

Finding Solutions

Citizens who don't know where to turn often call the OCR for help. A disabled woman contacted us to say there was an infestation of weasels in her kitchen. She could not find any way to get rid of them, and was quite afraid. She advised she was an income support recipient and could not afford to pay for the necessary pest control service.

Relying on previous experience with pest control complaints, our investigator contacted AES and advised them of the problem, and the urgency involved. AES can, under policy, cover the cost for an exterminator. They assured us the matter would be resolved. The investigator advised her of the new developments and she was grateful for the help.

We deliver!

We have numerous presentations available for public servants and the general public, ranging from public interest disclosure, to our overall mandate, to navigating difficult complaints. Presentations are available by calling (709) 729-7647 or via email at citrep@gov.nl.ca.

Questions? Comments?

Is your department, agency or community group interested in learning more about the OCR, its services and processes? Do you have a suggestion or question to be addressed in a future edition of *Insights*? Call us at 1-800-559-0079 or (709) 729-7647, or e-mail citrep@gov.nl.ca.

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