

Caring for Our Elders



**The Law
Foundation
of Ontario**

Advancing access to justice



Anishinabek Nation Legal Department - 2023



The Anishinabek Nation gratefully acknowledges the Anishinabek Nation Legal Department and the Elders of Garden River First Nation who participated in sharing knowledge and feedback that has been crucial to the development of the Caring for Our Elders Project. The project will assist Anishinabek Nation Elders through education and awareness information regarding the various areas of laws which may impact them directly (i.e., Elder abuse, Wills and Estates Law, Matrimonial Real Property Law, etc.) and how these areas of law may apply specifically to First Nations' related circumstances.

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Caring For Our Elders Project

The elderly face many challenges in accessing adequate services and resources including legal education, services, and support. These challenges are even more pronounced within First Nations where systemic barriers exist, funding is lacking, and where different jurisdictions and laws may apply (e.g., various federal laws may take precedence on-reserve).

In Anishinaabe culture, our elders are very highly regarded and respected. Unfortunately, our elders are also a highly marginalized group with many high-level needs that go unmet due to their age, health challenges, geographical barriers, and low income. Furthermore, statistics regarding the Anishinabek Nation First Nations illustrate that the elderly age cohort is rising.

This project will provide our Anishinabek First Nation elders with an in-depth booklet and video that will include education and awareness information regarding the various areas of laws which may impact them directly (i.e., elder abuse, wills and estates law, matrimonial real property law, etc.) and how these areas of law may apply specifically to First Nations' related circumstances. Additionally, the information will also provide our elders with helpful information and contacts for legal related services and supports that can help if needed in the future.





Anishinabek Nation Grand Council Message

Aniin kina weyaa,

Greetings on behalf of the Anishinabek Nation! It is an honour to present this key resource to you, Elders of Anishinabek Nation. The knowledge and experience that you carry is extremely invaluable to our communities and to our Nation. Your roles within Anishinabek society are foundational for the continuation and flourishing of our culture, language, and original way of life. You are our Knowledge Keepers and our advisors. You hold the key to continuing our Anishinaabe values and principles that will prepare the next generations in fulfilling and upholding their rights and responsibilities.



Chief Reg Niganobe

In fulfilling those roles, we know it is our responsibility at this time in your journey for us to look after you. Providing wholistic care is crucial and that includes protecting your knowledge, wisdom, and independence. We want to provide you with this information that will help you in understanding your rights in this ever-changing world we live in. We believe that the more information about how the law impacts you, can better help you understand your rights and advocate for yourself if you ever need to.

We want to reduce barriers for you in accessing the knowledge you need to ensure you do not end up in unsafe or unlawful situations and know who the right people are that can help when you need it. We hope both the booklet and video are helpful resources for you. Our aim is to provide you with the highest level of reciprocity in care and protection that you have provided us with throughout your journey. We are proud and humbled to have this opportunity to assist in this way and look forward to developing more tools and resources for your future needs.

Chi-Miigwetch;

Reg Niganobe
Anishinabek Nation Grand Council Chief



Ngo Dwe Waangizid Anishinaabe

**One Anishinaabe Family (Preamble to the
Anishinaabe Chi-Naaknigewin – as adopted by
Grand Council in June 2011):**

**Debenjiged gii'saan anishinaaben akiing giibi dgwon
gaadeni mndoo waadiziwin.**

*Creator placed the Anishinaabe on the earth along with the gift of
spirituality.*

**Shkode, nibi, aki, noodin, giibi dgosdoonan wii
naagdowendmang maanpii shkagmigaang.**

*Here on mother earth, there were gifts given to the Anishinaabe to
look after; fire, water, earth and wind.*

**Debenjiged gii miinaan gechtwaa wendaagog
Anishinaaben waa naagdoonjin ninda niizhwaaswi kino
maadwinan.**

*The Creator also gave the Anishinaabe seven sacred gifts to guide
them. They are:*

**Zaagidwin, Debwewin, Mnaadendmowin, Nbwaakaawin,
Dbaadendiziwin, Gwekwaadziwin miinwa Aakedhewin.**

*Love, Truth, Respect, Wisdom, Humility, Honesty
and Bravery.*

Debenjiged kiimiingona dedbinwe wi naagdowendiwin.

Creator gave us sovereignty to govern ourselves.

**Ka mnaadendanaa gaabi zhiwebag miinwaa nango
megwaa ezhwebag, miinwa geyaabi waa ni zhiwebag.**

We respect and honour the past, present and future.





The Law Foundation of Ontario

The Anishinabek Nation gratefully acknowledges the financial contribution from the Law Foundation of Ontario for funding this project.

The Law Foundation of Ontario is a non-profit organization with a unique mandate to improve access to justice for the people of Ontario. It provides funding that enables a wide range of organizations to:

1. Help people to understand the law and the justice system;
2. Help people to use the law to improve their lives; and
3. Foster excellence in the work of lawyers, paralegals and other legal professionals.

A priority for the Law Foundation of Ontario is improving access to justice for disadvantaged groups.

For more information about the Law Foundation of Ontario please visit www.lawfoundation.on.ca/what-we-do

Chi Miigwetch to the Law Foundation of Ontario for its support of this very important initiative!

Anishinabek Nation's Legal Department

The Legal Department of the Union of Ontario Indians provides professional legal services and

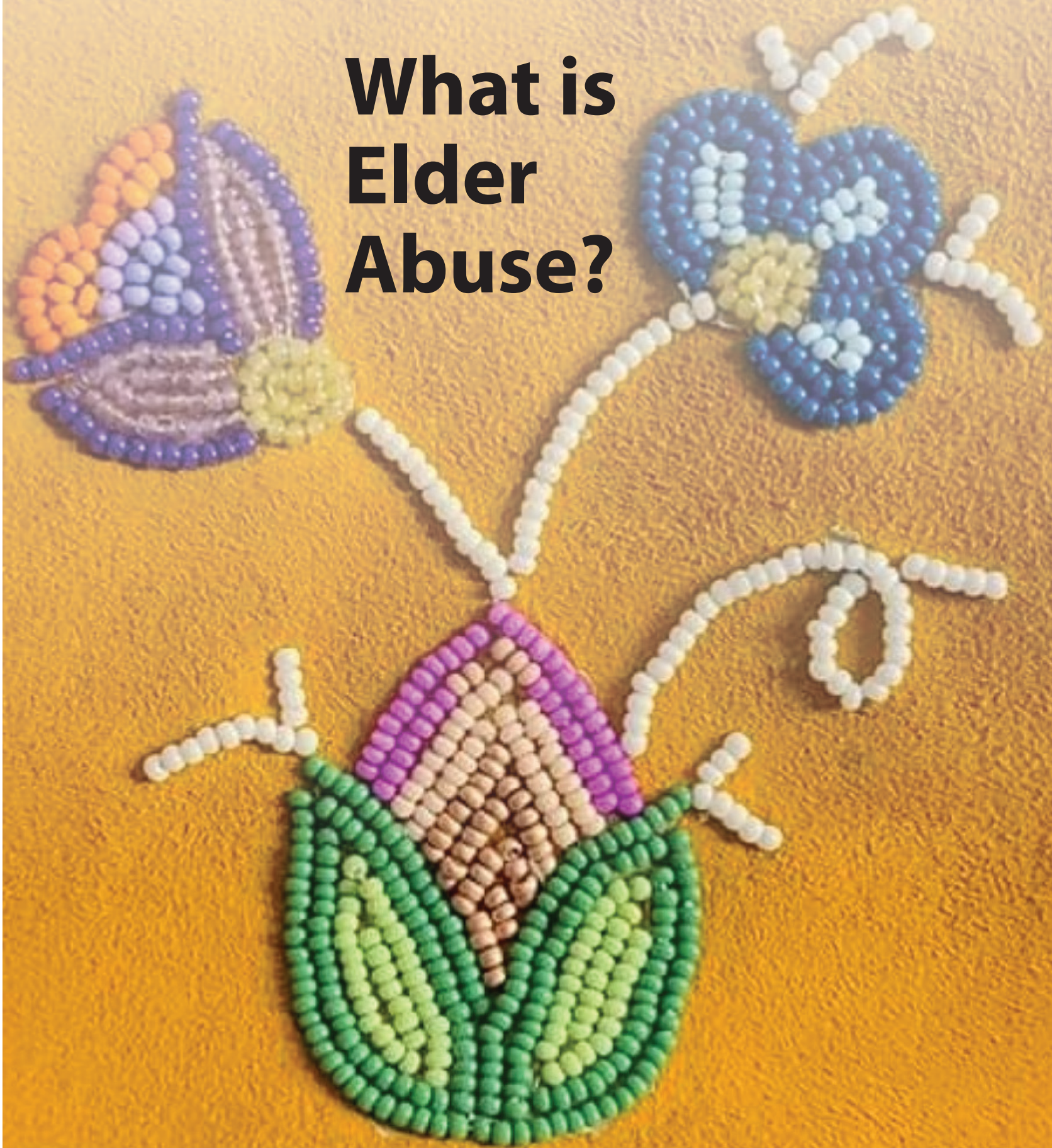
training to the Union of Ontario Indians and its affiliated corporations, First Nations of the Anishinabek Nation, and members of the First Nations comprising the Anishinabek Nation.

Mandate:

- The Legal Department has a mandate to:
- Preserve and promote the existence of First Nations;
- Protect the natural resources of the Anishinabek Nation;
- Promote the human rights of members of the Anishinabek Nation;
- Enforce the accountability of federal and provincial governments to the Anishinabek Nation;
- Develop Anishinabek Nation law and educate the public about Anishinabek Nation rights, laws, and issues; and
- Provide general legal services as required by the Anishinabek Nation.



What is Elder Abuse?



What is Elder Abuse

Elder abuse is the deliberate nonaction of someone towards an elder, senior, or older adult that causes harm.

It is an action or inaction by an individual that results in harm to an older person.



Factors contributing to Elder Abuse

The Residential school, Indian day school, 60's scoop and forced child welfare policies has had and continues to have a huge impact on our First Nations people.

Through colonization our Anishinabek Nation communities were forced to conform to European concepts of decision-making, law-making, heterosexual and patriarchal norms or values that placed higher value on men's political, economic and cultural roles while devaluing women.

Many of the outcomes contribute to putting older First Nations older adults at risk for abuse. For many it resulted in the loss of language, culture, identity and the

intergenerational breakdown of family, clan and our traditional hereditary and governance systems.

Today's legacy and wrongdoings of the past includes many human rights violations in all spheres (overrepresentation in child welfare, justice, etc.), multigenerational abuse, racism, serious health issues and alcohol and drug misuse.

The effects of colonization on the roles and responsibilities of each person in the family has changed over time from what the traditional roles and responsibilities were of each person and has contributed to negative behaviours such as abuse, addictions and effects on the traditional family structures.

Forms of Elder Abuse



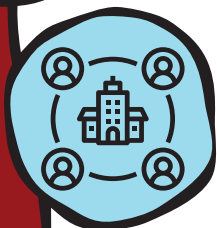
Neglect: when a caregiver does not respond. They may exclude from family functions, non-contact for long periods of time, and lack of care or affection.



Self-Neglect: neglecting to eat, care for self, or bathe.



Physical Abuse: when someone causes bodily harm by slapping, hitting, pushing, pulling hair, punching, or shoving. It can also include restraining an elder against their will.



Institutional Abuse: neglect, self-neglect, financial, sexual, physical and psychological/ spiritual/emotional abuse occurring within a facility (ex., withholding care, food, overmedicating).



Guardianship Abuse: occurs when a person who has been appointed as a guardian abuses their power. The guardian may use the money, house, and/or other assets for personal gain.



Financial Abuse or Exploitation: is the misuse, misappropriation, and/or exploitation of an elder's funds and assets without that person's knowledge and/or full consent, or in that person's best interest.



Sexual Abuse: inappropriate touching, unwanted sexual touching, verbal sexual innuendo, forced sexual acts, and/or rape.



Emotional/Spiritual Abuse: negative talk, demeaning an elder, yelling, rudeness, unnecessary criticism, and having no patience.

Forms of Elder Abuse

There are some offences under the Criminal Code of Canada that an elder abuser can be charged with:

- Financial Abuse
- Theft (Sec. 322)
- Theft by Holding Power of Attorney (Sec. 331)
- Stopping Mail with Intent (Sec. 345)
- Extortion (Sec. 346)
- Forgery (Sec. 366)
- Fraud (Sec. 380)
- Physical Abuse
- Assault (Sec. 266)
- Assault with a Weapon or Causing Bodily Harm (Sec. 267)
- Aggravated Assault (Sec. 268)
- Sexual Assault with a weapon, threats to a third party, or causing bodily harm (Sec. 272)
- Aggravated Sexual Assault (Sec. 273)
- Forcible Confinement [Sec. 279 (2)]
- Murder (Sec. 229)
- Manslaughter (Sec. 234)
- Criminal Harassment (Sec. 264)
- Psychological (Emotional) Abuse
- Intimidation (Sec. 423)
- Uttering Threats (Sec. 264.1)
- Harassing Telephone Calls (Sec. 372.3)
- Active Neglect
- Criminal negligence causing bodily harm (Sec. 220 and 221)
- Duty of persons to provide necessities (Sec. 215)



An Elder Discloses Abuse, What to Do?

It is very difficult for an elder to talk to anyone about being abused, that is why if an elder does disclose abuse, it is important to listen closely and avoid judgement.

Ask questions, help the elder understand that it was not their responsibility for the other's behaviour (abusive behaviour), help generate options, and above all, respect their opinion.

Try to encourage the elder to call the police, an elder abuse hotline, or tell a doctor or nurse, or family member. They can also call Crime Stoppers.



Peace Bonds

A peace bond is a protection order made by the court. It is used where a person is fearful that an individual may commit a criminal offence, but there is no reasonable grounds to believe that an offence has actually been committed.

If you fear that you will be injured or your property will be damaged, you can ask the court to issue a peace bond. Contact the police and inform the officer about your fears and they will assist you. The individual that you fear will be informed of the hearing and will be given the opportunity to be heard. The court will take into consideration all of the evidence provided and if it is satisfied there are reasonable grounds, then a peace bond will be issued. The peace bond will set out the conditions that the individual has to follow, as well as the duration of the peace bond (maximum 12 months period).

If you are being abused you should know: The abuse is not your fault and all forms of abuse are unacceptable. You have the right to live without fear. You have the right to be safe and sound.

Matrimonial Real Property Law

Matrimonial Real Property Law and How It May Impact You

When a spouse passes away, it can be a time of tremendous grief and stress for you and your loved ones. Your First Nation's health centre can often help to connect you and family members with mental health counselling, bereavement, and grief supports.

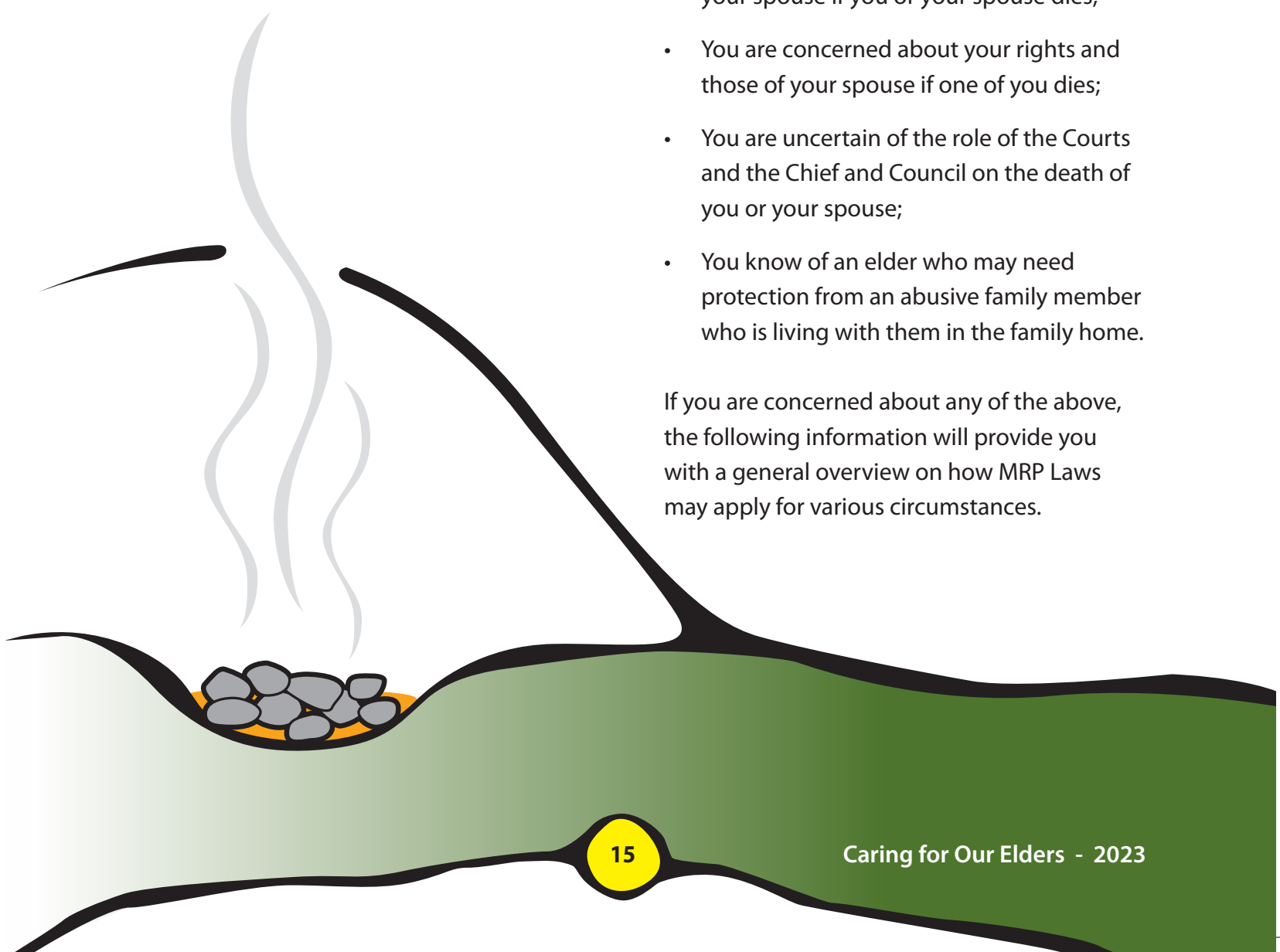
Your First Nation may also be able to assist you with obtaining important property records and connect you with Government of Canada estates officers for your region.

Matrimonial Real Property (MRP) laws apply on-reserve and may impact you. Certain MRP Laws on-reserve apply if there is a breakdown in a marriage or common-law relationship or a "spouse" passes away.

The information in this section of our booklet may be important for you if:

- You are concerned with what happens to your property on the First Nation and the administration of your estate or that of your spouse if you or your spouse dies;
- You are concerned about your rights and those of your spouse if one of you dies;
- You are uncertain of the role of the Courts and the Chief and Council on the death of you or your spouse;
- You know of an elder who may need protection from an abusive family member who is living with them in the family home.

If you are concerned about any of the above, the following information will provide you with a general overview on how MRP Laws may apply for various circumstances.



Some terms that may be important for you to understand for the purposes of MRP Law:

Spouse:

The federal MRP Law applies to married couples and common-law partners where at least one of them is a First Nation member or an “Indian”.

Common-law Partner:

Persons who have been living together in a conjugal relationship for at least one (1) year. If the First Nation has its own MRP Law in place, the First Nation’s definition may be different.

Emergency Protection Order (EPO):

Is an order issued by the courts to protect family members from violence in the family home and the home from damage.

Estates:

All of the assets you own when you die, including land, bank accounts, personal property, after all of your debts are paid (funeral, hydro, etc.).

Exclusive Occupation Order (EOO):

An order providing for the sole occupancy of the home to one of the spouses for a set period of time. It does not involve a change of ownership. These are not permanent and set for a specific period of time.

Family Home:

The family matrimonial home (the structure only, not the land) situated on a reserve where the family normally lives. It will also be referred to as the “home”.

Intestate:

A person who has died without having made a will.

Matrimonial Real Property (MRP):

The immovable property used by a couple and their family, the most common example being a family home and the land it is situated on.

What Is Matrimonial Real Property (MRP) Law?

MRP Laws are in place to provide basic protections and rights to individuals who reside on-reserve.

MRP Laws help to provide protections and rights with regards to the family home and other matrimonial interests or rights on reserve in the event of a relationship breakdown or in the event of the death of a spouse or common-law partner.

Does the First Nation Have Its Own MRP Law in Place?

The First Nation involved may have approved and implemented its own MRP Law. If the First Nation has its own MRP Law in place, the First Nation's MRP Law would be the law to follow and may be different from the federal law.

Contact the First Nation's administration office to find out which laws apply to your situation. If the First Nation has enacted its own MRP Law, obtain a copy of that law to determine any survivorship and occupancy rights that you may have. Please note that the information in this booklet only provides information about how the federal law applies.

If the First Nation involved does not have its own MRP Law in place, the federal Family Homes on Reserve and Matrimonial Interests or Rights Act (FHRMIRA) will apply.

This federal law was enacted in 2013 to ensure that individuals living on-reserve have similar protections and rights as other Canadians regarding:

- 1) the use, possession and occupation of family homes on-reserve; and
- 2) the division of value of any interests that they hold in structures and lands on reserve. The information in this booklet outlines the protections and rights





Emergency Protection Orders (EPO)

Exclusive possession of the family home on reserve if experiencing family violence/elder abuse

Emergency Protection Orders (EPOs) can be helpful in situations where a family member (spouse or common-law partner...whether elderly or not) requires protection from family violence/abuse.

An Emergency Protection Order is granted by a court and can require a spouse and others to vacate the family home and allow the remaining spouse with exclusive possession and access to the home for up to 90 days.

This sort of order can be granted through a provincial judge in the province where the family home is situated. The judge will

take the following into consideration when determining whether or not to grant an Emergency Protection Order:

- History and nature of the family violence;
- Risk of immediate danger;
- Best interests of any children involved;
- Interests of an elderly or disabled persons who habitually reside in the family home;
- Rights of others who may have an interest in the home;
- Period of residence on the reserve;
- Existence of exceptional circumstances that require removing a person other than the applicant's spouse.



Exclusive Occupation Orders (EEO)

Rights to remain in the home if a spouse or partner dies:

An Exclusive Occupation Order is an order providing for the sole occupancy of a home to one spouse for a set period of time. It does not involve change of ownership.

Under the federal MRP Law, if a spouse or common-law partner dies, the surviving spouse or common-law partner may remain in the family home on-reserve for a specified period of time.

A surviving spouse or common-law partner (even if not a member of the First Nation or “Indian” status) has an automatic right

to occupy the family home on reserve for 180 days after the death of their spouse or common-law partner.

This applies even where the surviving spouse or commonlaw partner does not hold any formal interest or right in the family home. This right can be extended beyond the 180 days through an Exclusive Occupation Order (EEO).

An EEO can require others to vacate the property and prohibit their re-entry and can order preservation of the condition of the home, maintenance, and repairs to the home, etc.

Rights to Division of The Value of On-Reserve Matrimonial Real Property

When a spouse or common-law partner dies and the couple have a family home or other property on-reserve, the surviving spouse or common-law partner may have an interest in the value of that home or property.

The surviving spouse or common-law partner will have to choose between receiving an amount under one of the following:

- Amount under the federal MRP Law (s. 36 FHRMIRA);
- Amount or right under the will; or
- Where there is no will, the amount under intestacy provisions of the Indian Act (s. 48).

If the surviving spouse or common-law partner chooses to receive a value under the federal MRP Law, that value is determined based on what a buyer would reasonably be expected to pay a seller for the comparable interests/rights.

If the surviving spouse chooses to apply for this MRP value, they must make an application within ten (10) months after the day on which the death of the spouse occurred. The court will receive the application and may then make orders regarding any of the following:

- What division of the value amount the survivor is entitled to;
- How the payment is to be made (ex., lump sum or instalments);
- If the survivor is a First Nation member, the transfer of any rights or interests in any structures or lands situated on-reserve; and
- Other orders regarding how the value division shall be carried out.

The executor of a will or the administrator of an estate must NOT proceed with the distribution of an estate until one of the following occurs:

- The survivor consents in writing to the proposed distribution; or
- The period of ten (10) months or any extended period granted has expired.

Reasonable advances needed to support survivors or other dependents may be made during this time. Once the family home and matrimonial rights or interests have been distributed, the remainder of the estate will be distributed to the remaining heirs or beneficiaries as per the Will or intestate provisions of the Indian Act. This does not preclude the survivor from inheriting other assets from the deceased such as personal items.

An Executor of the estate and survivor can choose to enter into a written agreement that sets out the amount and terms of payments regarding the division of the value of the family home or other matrimonial real property.

Although a division of value may be calculated based upon the values of lands on-reserve, this does not mean that the surviving spouse or common-law partner's spouse will receive rights or interests in the lands on-reserve.

These sorts of estates and MRP Law matters can be complicated. It is recommended that you receive official legal advice on any valuations and before proceeding with any formal decisions.

Legal Advice Regarding MRP Law & Your Rights

The federal MRP Law gives you certain rights to matrimonial real property on-reserve if your spouse or common-law partner passes away.

It is important for you to understand these rights and to be timely in pursuing them. If you do not understand your rights mentioned in the above, talk to a lawyer.

Carefully follow your lawyer's advice and keep proper records.

Your lawyer may be able to help you understand the applications and forms that you will need to use to obtain certain orders and how long the process might take in your specific situation.



Wills and Estates





Sharing and Gifting As Part of Indigenous Culture

For Anishinaabe people, the practice of gift-giving has unique cultural significance. The gifts include actions and possessions. The tradition shows respect to the receiver of the gift, as well as to their family and ancestors.

It is also a way to show appreciation of knowledge that is exchanged – when seeking guidance or advice, or for assistance from those with distinct abilities or knowledge such as healers and ceremonialists.

Gifting is also sharing one's skills, talents, and resources to benefit and support others. Gifts are an intrinsic part of the sharing custom of Anishinaabe people; sharing has always been a necessary aspect of survival.

The process of creating a will and gifting honours our culture, in addition to preparing your family and loved ones for the time of your death.

Things to Consider:

Mental Capacity

As you proceed on your life journey, it's important to remember that at some point in your life, you may not have the mental capacity to do the things that you can do today. This includes making a will or assigning power of attorney which both require that you have the mental capacity to understand the nature and consequences of your decisions to undertake.

What is Your Estate?

Some people may ask, "What do I have to leave others?" This is called your "estate". Your estate includes everything you own — your house or land that you own, money, anything in your name, including money in bank accounts.

Often, couples who have been together a very long time believe that their estate is shared, that it belongs to both of you. This may not be true and is often not the case. Things that are owned may belong to one or the other in the relationship. Both estates are separate. They are treated separately at death. Both individuals in the relationship need to have separate wills.

Things that you own may have debt or money owed on them. They are still part of your estate but a debt or money owed on these things must be paid before any gifts can be distributed from an estate.

Some things that you own may not be transferable as you would wish because they are used as security or collateral to pay that debt owed. An example of this may be a house or car that has a loan against it. These debts must be paid in full before any gifts are distributed from

your estate. Also, if there are other debts that must be paid, things that you intend to gift may not be transferable because of this need to pay debts unrelated to the object.

What if You Do Not Have a Will?

If you do not have a will, Status Indians who ordinarily reside on-reserve have different rules than non-Status Indian people. If you are ordinarily residing off-reserve, provincial laws would apply to your situation except for land rules. The following information will focus on the on-reserve situation.

The Indian Act sets out a default distribution of an estate if a Status Indian who ordinarily lives on-reserve dies without a will.

- If the value of the estate does not exceed \$75,000.00, the estate goes to the surviving spouse, either married or common-law, for a minimum of one year.
- If the estate is worth more than \$75,000.00 and the deceased has no children, the surviving spouse gets all of the estate.
- If there is one child, the child gets one half of the remainder over \$75,000.00. If there is more than one child, then one third of the remainder over \$75,000.00 goes to the spouse and the remainder goes to the children.
- If there is no spouse, child(ren), then the estate goes to parents, if no parents, then brothers and sisters, and so on and so forth. A person, such as a family member, would apply to be estate trustee without a will to Indigenous Services Canada, who would then appoint someone to ensure these provisions of the Indian Act are carried out.



Wills

A will is a written document that sets out your wishes and instructions in regards to your estate after death. It has formal requirements by law.

It must be in writing, you must have mental capacity to do it, and must generally be at least 18 years of age.



Your Executor

One of the first considerations in writing your will is who will be your executor, the one that carries out what you have said in your will once you have passed on.

If you are in a spousal relationship, you may want to consider the spouse being executor for each other.

Also popular is for the eldest adult child to be the executor, others choose a trusted brother or sister. You should also think about who could be an executor as an alternative if your original executor is unable or unwilling to do the job.

A stylized illustration on the left side of the page. It features a bright yellow sun with black rays in the upper left. Below the sun are two black silhouettes of trees: a tall, thin tree on the left and a shorter, bushier tree on the right. The background is a light blue gradient.

Spouses

Often, married or common-law (living together at least 12 months) couples see everything as jointly owned, but that is often not the case. Things are in one or the other's name.

Each spouse must have a will separate from the other and each deal with their own things. Even though that is the case, a very common approach for spouses is to have what they call **"reciprocal" wills**.

Reciprocal wills are common. Essentially, in reciprocal wills, if one spouse dies, the surviving spouse gets the entire estate.

- If they pass on at the same time, or within a short period of time apart (i.e., 30 days), everything can be divided equally amongst the children.
- If one spouse predeceases the other, once the surviving spouse passes on, the estate can then be divided equally amongst the children. This is a very common and smart approach as it ensures that the surviving spouse can carry on with life and minimize the change as best as possible under the circumstances.

You must consider your legal obligations to a spouse (as discussed on next page).

What To Include In Your Will

Most wills do not get into much detail about things such as cars, snow machines, and other things that come and go with time.

They do deal with the most costly things such as houses and land.

Wills often have what is called a “residue” clause, a line in the will that says “Anything I did not mention in the will can be given to people that you can name”.

Generally, the will says that the residue is to the spouse or divided equally amongst the children, but you can say what you want.

If you have a pension plan or other insurance and can designate a “beneficiary” under your pension plan or insurance, as a general rule, it is good to do so.

It avoids the delay of having your will approved. It also protects those items from debt and inclusion in the value of the estate if you need to have an authority approve your will.

As discussed, you have to consider your spouse, dependents, and debts; for example, the rights of your spouse or dependents, such as minor children, or adults that have depended on you to live.

- If you leave your spouse or dependents out of the will, you are leaving problems for your estate to address.
- If you are separated from a married spouse and you did not get a formal divorce this may also be a problem.

It's best to settle those affairs. You must also consider debts; while things with debt may be transferred in your will and form part of your estate, your estate will have to pay for the debt on it or if the thing such as a car or house has a loan that is secured by the thing itself, that has to be considered and may not be transferable at all. Therefore, you cannot simply do as you please in your will without consequences.

Reserve Land

Status Indians with reserve land have special considerations. Generally, Indian reserve land **cannot** be transferred to a **non-member** of the First Nation.

This includes you spouse or child if they are not a member of the band. If you do leave it to them in your will and they are a non-member, the property will be sold and the value, if any, provided to them.

In some First Nations that have a land code or MRP Law that addresses this issue, there may be a thing called a “**Life Estate**”.

Essentially, a **life estate**, as it relates to land, is a type of ownership of land where, if it is done correctly, a non-band member spouse has a legally enforceable interest in reserve land for the duration of their life. It ends when the non-band member dies and the ownership must then revert to a named band member (usually the couple's adult child but it must be a band member).



Power of Attorney (POA)

In Ontario, there are **two** different powers of attorney (“POA”): one for **personal care**, the other for **property**.

- The **personal care POA** is for healthcare-related decisions and usually takes effect once you have lost mental capacity. To simplify it, it is like a permission letter to someone to do things for you when you cannot in regards to property or permission for someone else to make healthcare decisions once you lose mental capacity.
- The property POA covers not just land, but also all property you own. You can make your POAs very broad or very specific. Detailing what you want to do with a certain property or detailing healthcare specifics. As an example, some people say they do not want blood transfusions.

People often mistakenly believe they have authority under a POA even after the person has died. **Once you die, the POA is no longer effective** — it lapses or expires.

The will, if you created one, takes over and the appointed executor in your will would then be authorized to deal with things in your will and estate.

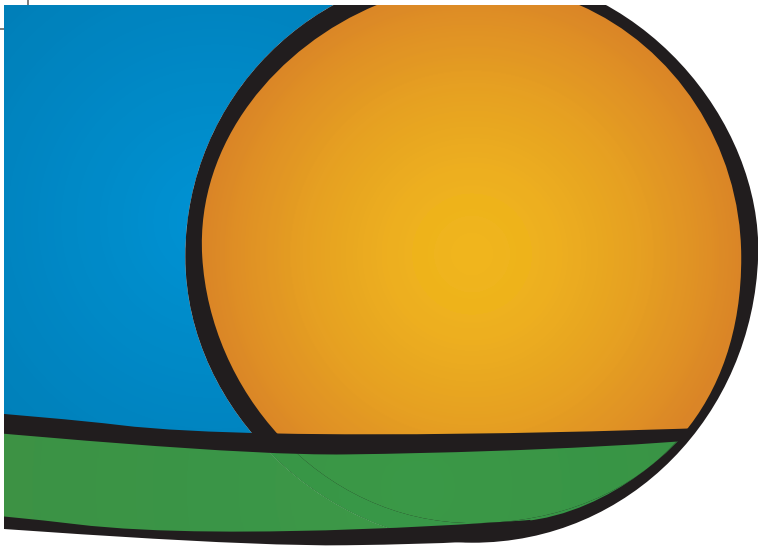
Spouses usually appoint each other; however, it can be a trusted individual such as an adult child or sibling. If you do not create a POA and you lose mental capacity, you cannot create one. Practical considerations include the availability and location of the person that you are appointing as your POA.

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It’s always best to consult a lawyer.



Resources To Help You Obtain Legal Advice Generally

In legal matters, you should have a lawyer who represents you.

Each province has a variety of services to put you in touch with a lawyer. You should discuss your situation and ask any questions before you make a decision to engage a lawyer.

You need to feel comfortable with and have confidence in your lawyer. Here are some resources that may be of some help in contacting legal professionals that can provide you with formal legal advice:



Legal Aid Ontario

Toll-Free At 1-800-668-8258
Monday To Friday From 8 A.m. To 5 P.m.
Legal Aid Ontario accepts collect calls



Law Society Of Ontairo Lawyer Referral Service

You can start the online process of Obtaining a lawyer referral or paralegal referral at www.FindLegalHelp.ca, 24 hours a day.



Legal Clinics in Ontario who may help

Legal Aid Ontario funds 79 legal clinics that provide free services for people with low income client service centre at 416-979-1446 or toll-free 1-800-668-8258.

Other Resources:

Indian Residential School Survivors and Family Hotline

1-800-721-0066

Talk 4Healing

Beendigen.com

1-888-200-9997

First Nation and Inuit Hope for Wellness

1-855-242-3310

Talk Suicide Canada

1-833-456-4566

Crisis Services Canada

1-833-456-4566

Mental Health and Addiction Services for Indigenous individuals and families

www.ontario.ca/page/mental-health-and-addiction-servicesindigenous-individuals-and-families

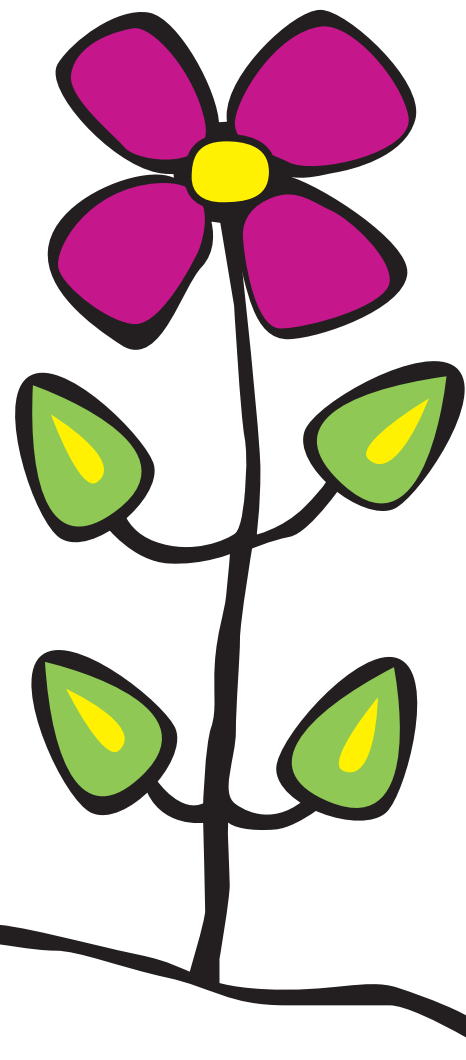
Missing & Murdered Indigenous Women & Girls Crisis Line

1-844-413-6649

Free Community Assistance Program (CAP) for citizens of Anishinabek Nation member First Nations

1-800-663-1142

Contact your local Wellness and Health services or Band Office for help in finding assistance or services offered within your First Nation.





References

- 1. Indian Act**
(<https://laws-lois.justice.gc.ca/eng/acts/I-5/page-1.html>)
- 2. Family Homes on Reserves and Matrimonial Interests or Rights Act**
(<https://laws-lois.justice.gc.ca/eng/acts/F-1.2/page-1.html>)
- 3. The Office of the Public Guardian and Trustee**
(<https://www.attorneygeneral.jus.gov.on.ca/english/family/pgt/poa.php>)
- 4. National Aboriginal Lands Managers Association**
(<https://nalma.ca/>)
- 5. Estate services for First Nations**
(<https://www.sacisc.gc.ca/eng/1100100032357/1581866877231>)

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All images within this workbook that contain First Nation Beadwork are from **TrailBlazing Beads** and have been beaded by **Eva Dabutch** of the Mississauga First Nation.



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