

# Peer Links

Volume 6, Issue 4  
July 2005

## *Special points of interest:*

Upcoming events

How to Create a Will

Guardianship of your Kids

Employment Support

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## **Surviving the Summer Heat**

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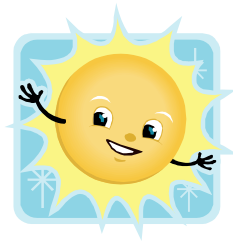
Summer sun means hot days and hot nights. While it may take a little effort to stay cool, the benefits are worth it. Too often we can get beat by the heat, especially those who are more susceptible and less able to withstand summer temperatures. Each year people are admitted to local emergency rooms suffering from the effects of heat.

The effects of heat stress include general weakness, tiredness, poor muscle control, and headache. Heat exhaustion may also include nausea, pale cool and clammy skin, excessive sweating, rapid pulse and rapid shallow breathing and muscle cramps. Heat stroke, the next stage, can occur very quickly and without warning. Symptoms of serious heat stroke include hot, dry, flushed skin, usually with no sweating, agitation and confusion, headache, nausea, and vomiting, rapid, shallow breathing, irregular pulse, possible seizures and loss of consciousness, and even possible shock and cardiac arrest. Gradually dehydration over a few days is also a concern, especially for the elderly or those with weak immune systems.

Each person is different in how they react to the heat. Fitness levels, age, obesity, pre-existing health conditions or even being used to the heat are factors that influence how you respond to heat stress. But whether you are fit as a fiddle or of frail health, you can suffer from heat stress. At best, you will feel tired. At worse, it can be life threatening. That's why it is recommended that you take the following steps to stay cool this summer:

- Stay cool. Avoid the heat. Use air conditioning or fans. if you don't have access to air conditioning, when it gets really hot, you may even want to go to your local air conditioned community centre.
- Wear clean, starch-free, loose-fitting clothing to help the evaporation of sweat.
- Drink plenty of fluids (at least 8 glasses a day) and take in some salty foods to help keep you hydrated.
- If heat cramps occur – often after exposure to heat – and the cramps do not go away, get medical help.

If at anytime you or someone you know is showing symptoms of heat stress or symptoms worsen, contact your doctor, or visit your local walk clinic. People with severe symptoms from heat exposure should present themselves to the nearest Emergency department, or call 911 for emergency assistance.



## In the News...

ITEM 1:

**Automatic Reinstatement for CPP Disability Benefits:** An important change has been announced for the Canada Pension Plan disability benefit (CPP-D) program. In the past, people who received CPP-D and who tried to work, but were unsuccessful because of their disability, had to apply all over again. The change allows CPP-D recipients to have their benefits reinstated any time within two years after they returned to work if they had to stop working because their original disability returned, or because of a related disability. For info, visit the Social Development Canada website at <http://www.sdc.gc.ca>.

## ITEM 2:

### **Physiotherapy Home Visits Now Covered by OHIP:**

The Ontario government has made changes to OHIP coverage for physiotherapy services to improve access. As of April 1, 2005, seniors living at home and patients coming out of the hospital may now be eligible to receive government-funded physiotherapy services at home. Those eligible include seniors over 65; residents of long-term care homes at any age; people who need physiotherapy services in their home or after hospitalization at any age; and people enrolled in the Ontario Disability Support Program, Family Benefits and Ontario Works. Call 1-800-268-1154 (TTY: 1-800-387-5559).

## ITEM 3:

### **Health Canada Makes Drug Database Available to Public:**

Anyone can view Health Canada's database of reported adverse reactions regarding prescription and non-prescription drugs and natural health products. The Canadian Adverse Drug Reaction Information System (CADRIS) can be searched by product name or active ingredient, and other criteria. It will be updated quarterly and can be downloaded. The website address is [http://www.hc-sc.gc.ca/hpfb-dgpsa/tpd-dpt/fact\\_cadris\\_2\\_e.html](http://www.hc-sc.gc.ca/hpfb-dgpsa/tpd-dpt/fact_cadris_2_e.html)

## **Access to Shelter Project (PHASE II)**

### **Who are we?**

Tobias House Attendant Care provides 24-hour personal support services to individuals with physical disabilities in a supportive housing environment. This includes physical assistance with all the activities of daily living, home-making and other consumer directed procedures such as catheterization and ventilator care. Attendant care service is funded by the Ministry of Health and Long Term Care.



In addition, Tobias House operates the Tobias House Resource Centre, which provides a range of services that complement the basic personal support services funded by the provincial government. These services include: assistance to access needed funding, equipment and services, provision and linkage to recreational/social opportunities, a volunteer program and support for vocation/educational as well as information and referral services.

### **The Issues of Violence and Disability:**

Women with physical disabilities experience increased rates of sexual, physical, emotional and psychological violence. Many women with disabilities have a need for a variety of supports such as attendant care. The degree, to which women with disabilities are economically dependent on their partners or family, may increase the risk of potentially abusive situations. Women with mobility and other disabilities who try to leave abusive situations are faced with multiple barriers as well as the barriers to leaving that non-disabled women face.

In consultation with women with disabilities and other community stakeholders, a gap in access to services was identified. While protocols exist, few address the additional barriers for women with disabilities to ensure effective and appropriate responses to requests for safe shelter. Many women may not come forward for a variety of reasons, like the lack of awareness that services exist, previous experience with inappropriate services or concern that they may lose existing services. Women with physical disabilities or women with children with physical disabilities who are experiencing violence in their home at the current time have limited access to the shelter system. Attendant care services are not available in the shelter system and immediate transportation is nearly impossible to arrange. These barriers prevent abused women with physical disabilities from leaving the abusive situation.

### **Access to Shelter (Phase I)**

In the spring of 2003, Tobias House Attendant Care Inc., Anne Johnson Health Station and Education Wife Assault entered into a partnership and began a pilot project. The purpose was to identify the needed supports for abused women with physical mobility disabilities and women with children with physical mobility disabilities. The long-term goal is to reach a cross-sectoral agreement for an integrated response and identify the methods in order to implement this protocol. The project entailed forming an advisory committee, developing and conducting surveys and facilitating two round table meetings to identify needs, gaps in service and develop a coordinated system for women with disabilities and their children.

In 2004, Phase II of the project was funded by the City of Toronto - Breaking the Cycle of Violence Grants and the National Crime Prevention Strategy – the Community Mobilization Grant. Phase II is made up of three components: 1) the training of female attendants to be ‘on-call’ to respond to requests for attendant services by two designated shelters in the GTA – this is a pilot project;

2) the development, administration and preparation of agency reports based on an agency accessibility audit; and 3) self-defence courses for women living with mobility disabilities.

The Project Evaluator will be evaluating the following components.

**Component 1 – The Accessibility Audit:**

The audit of the shelters and agencies in the Violence against Women sector in the new city of Toronto will help the shelters and agencies have concrete information on what they need to do to become accessible. It will allow our committee to have clear information about what agencies are already accessible, and to what degree. Also it will give project staff a clear idea of how agencies and shelters can enhance accessible with a minimal/moderate amount of work. This information is essential to the process of building a comprehensive project that leads us to end with a comprehensive network of services available to women with mobility disabilities requiring attendant care that are experiencing violence.

**Component II – Self Defense for Women with Mobility Disabilities:**

The second aspect of the project is much more directly related to the education of women on both a practical and cognitive level. The self- defense workshops will introduce women to the concept that they are more powerful than they think, even when in a wheelchair. The workshops will begin to build women’s confidence in their ability to defend themselves, and introduce them to a variety of ways they can do that. The self-defense classes will work with women to enhance existing skills and to teach women more detailed strategies and techniques for defending oneself. Finally, the self-defense classes will create opportunities for women to move towards increased sense of empowerment, especially for women who have not yet had the chance to do the classes. This fundamental shift in thinking as one that can have long-term effects on the larger community over time in the way they perceive themselves and their ability to look after themselves.



## Writing Your Will

*This web document explains the law in general. It is not intended to give you legal advice on your particular problem. Because each person's case is different, you may need a lawyer.*

### What is a Will?

A will is a legal document that leaves instructions about what you want done with everything you own at your death. Everything you own at your death is called the *estate*.

A will gives you some control over what will happen to what you own. By having a will, you can make sure that the things you own go to the people you want to have them. A will can be useful for people who outlive you. They can then feel sure that they are carrying out your wishes.

### What are the requirements for making a will?

Because you won't be around to explain what you meant, your instructions in the will need to be clear.

- You need to be an adult. Generally, you must be 19 or over to make a legal will.
- You need to be mentally capable of managing your own affairs.
- You need to agree with the contents of the will at the time you make it.  
If someone misleads you or puts pressure on you, the will is not legal.

For example, if someone tricked you into signing a will but you thought it was a power of attorney, the will would not be legal. If someone forced you to make a will so that he or she could benefit from it, the will would not be legal.

At some point when you are writing the will you should be alone with the lawyer, Notary or other person who is helping you. You need to be able to speak freely without being afraid of hurting anyone's feelings.

### When should I make a will?

You can make a will at any time. You should make a will if you marry or if you start a family. Even if you don't marry or have children, or don't have many

assets, it's still a good idea to make a will so that you can leave your belongings to the special people in your life.

Also, you should make a will when you are in good health. To make a will, you need to be mentally capable. Your mental capability can be affected by illness, accidents or drug treatment.

### **What does a will look like?**

The law sets out some rules that must be followed:

- The will must be in writing - typed or handwritten.
- You must sign the will at the end, in front of two witnesses, and you must tell the witnesses that the will is yours. If you are unable to sign the will (because of illness or disability) you can ask someone to sign it for you in front of you, and in front of the two witnesses.
- The two witnesses must sign the will in front of you and in front of each other.
- You should mark the date on your will.

### **Who can be witnesses to my will?**

The two witnesses must be at least 19 years old and must be mentally capable. A witness must not be a [beneficiary](#) (someone you are leaving something to in your will) or married to a beneficiary. The witnesses do not need to read the will. All they have to do is witness you sign your name to the will, and sign the will themselves in front of you.

### **Overview of a will**

Typically, a will has several sections:

- The will appoints the [executor](#). This is the person who is responsible for carrying out the instructions in the will. You appoint someone you think may outlive you. It's wise to also appoint a person to be back-up executor, just in case the executor dies before you.

- The will says who gets your property and under what conditions. The people to whom you give your possessions and property are called beneficiaries.
- The will says who gets any property that remains after all the beneficiaries have been given their share.
- The will can include other details as you wish. For example, people should name a guardian for their underage children.
- A new will automatically cancels any other will you had in the past. Unless you state in the will your plan to marry a specific person, if you marry or re-marry after the date you signed your will, your will is automatically cancelled.

### **How detailed do I have to get in my will?**

You need to be clear about exactly who the beneficiaries are. You can't say, for example, that you want to leave everything to "hungry children in Africa." But you don't have to write down everything. You only need to be specific about who should get what if there is something of great value and you want to make certain it goes to a particular person. For example, you might want to say who should get your great-great grandfather's gold watch. You may not want to say exactly what should happen to your alarm clock..

### **What doesn't go into the will?**

A will often isn't read until after the funeral. You need to tell someone what kind of ceremony you want when you die, and whether you want to be buried or cremated.

If you own [assets](#) in joint tenancy, they do not form part of the [estate](#). For example, if you and your spouse own the house as joint tenants, or have a joint bank account, it goes directly to the spouse.

Usually RRSPs or RRIFs don't form part of the estate, because in the RRSP or

RRIF you name a beneficiary. When you die, the bank or trust company transfers the RRSP or RRIF, or pays it out to the beneficiary you named. If you have life insurance that names a beneficiary in the policy, the same thing happens.

### **What is an Executor?**

Your executor is the person you name to carry out the instructions in your will. Your executor may need to get a document from the Supreme Court called a Grant of Letters Probate.

[Probate](#) means that the court confirms that everything necessary has been filed, and that financial institutions and the land title office can rely on the will. Estates that involve only a small amount of money (under \$10,000) may not need to go through probate. The executor can check with the Court Registry.

An executor is responsible for settling your affairs. This usually involves selling some assets, preparing the final tax return, paying any outstanding debts, applying for the Canada Pension Plan death benefit, and distributing the estate. How much time this takes depends on how complicated your affairs are.

### **Who should I choose to be my executor?**

An executor needs to be a reliable adult. Most people ask a family member or close friend to be their executor. You can also appoint a lawyer, a private trust company or the Public Guardian and Trustee as executor.

It's important to pick someone who is likely to outlive you. You can also pick a back-up executor, just in case your first choice dies or becomes ill or moves away and doesn't want to do the job.

Being an executor can be quite a lot of work, so choose someone who has some knowledge of financial matters, and who is comfortable dealing with officials. It is very important to ask the person if he or she is willing to take on the job. It's a good idea to sit down with your executor and show him or her the will and discuss it.

The executor can be one of your beneficiaries.

You can appoint more than one executor. If you are going to appoint more than one executor, you want them to be able to work together. For example, it would be difficult for two executors to work together if one lives in British Columbia and the other lives in Nova Scotia.

Sometimes an executor finds that the job is too much. He or she then has the option of employing a lawyer.

### **Can I change my will after I've made it?**

You can make a new will at any time. Or you can change the will you've made by signing a separate document, called a [codicil](#). To be legal, the codicil has to meet the same requirements as the will: it must be in writing, and be signed by you and two witnesses who are not beneficiaries. You don't have to use the same two witnesses you used for your will. The codicil must refer to the will it is amending. There is also the possibility of help from the Office of the [Public Guardian and Trustee](#). Their address and telephone is near the end of this document.

You can also cancel a will. You can cancel a will by destroying the original. Or, you can cancel a will by drawing up a signed written document, with two witnesses. A new will automatically cancels any previous will. If you marry after you made a will, the will is cancelled unless it states the person's name and your plan to marry.

### **Does the law say I have to leave my estate to my family?**

In general, you are free to leave your estate to whomever you want. Only a spouse (including common-law spouse) or your children can dispute the arrangements you make in your will. They have to apply to the Supreme Court within six months after the will has been probated. They have to prove in court that the will does not provide for them adequately.

If you want to leave a spouse or child out of your will, you should explain this in a separate document or letter, kept with your will. You need to show that you have considered them and your obligation to provide for them. This does not guarantee that they will not receive something if they dispute the will in court.

Divorced spouses generally have no legal claim to dispute the arrangements made in your will. Other relatives who are left out also generally have no claim.

### **Do I have to get legal help to make a simple will?**

A simple will does not cost very much and you may find that a lawyer or Notary Public is the safest way to avoid mistakes. Ask a lawyer or Notary how much it will cost before you decide to give the job to him or her.

### **Where should I keep my will?**

You need to keep it in a safe place that is fireproof, waterproof, and tamper-proof. The executor needs to know where it is, so that he or she can easily find it after your death.

### **How do I register my will?**

You can register your will with the provincial government Wills Registry service. The law does not require this, but it's a good idea because it shows where you have put your current will.

To register your will, you (or the lawyer or Notary) need to file a Wills Notice with the Wills Registry, Division of Vital Statistics. To find the nearest office, look in the blue pages at the back of the white pages of your telephone book under Government of Ontario. Do not send a copy of the will, just send the Wills Notice.

### **What happens if I die without a will?**

If you die without a will, someone, usually a spouse or child, needs to file documents in the Supreme Court Registry that ask the court to appoint him or her to administer the estate.

If there is no will, the law sets out who will inherit. The estate goes to the government only if no relatives can be found. If there is no one who can administer the estate, then the Public Guardian and Trustee takes responsibility.

### **Do I have to make a will?**

The law does not say that you have to make a will. However, by making one you can make sure that your wishes about inheritance are respected.

If you die without a will, there is no legal way of knowing what your wishes are. The Supreme Court then has to appoint someone to deal with your estate.

### **How is a will different from Power of Attorney or Representation Agreement?**

A will takes effect only after you die. A Power of Attorney and a Representation Agreement are two types of authority you can give someone to act on your behalf for financial matters when you are still alive.

### **How is a will different from a living will?**

A living will has no legal effect on its own. It is an expression of your wishes if you become seriously ill or injured, and are unable to make healthcare decisions. The person responsible for making healthcare decisions for you would have to consider your wishes.

## **Workshop on “How to Create a Will”**

On Saturday June 11th, 2005 the Prime Timers and members of the PDN got together once again for a workshop on “How to Create a Will”, facilitated by Lana Kerzner, a lawyer from ARCH.

Creating a Will is a multi-faceted topic, one which many of us are concerned about but don't really want to talk about. But it's one of those things that we all will have to deal with at some point in our lives, so it's important that we have as much knowledge and understanding of the concepts as we can.

A very comprehensive package of material was given out to those who attended the workshop. The article you just read on Creating a Will summarizes, in layman's terms, the most important points involved in creating a will.

Many of the parents in the crowd wanted answers to questions around guardianship of their children in the event that something should happen and the parents were either deceased or no longer able to care for their children due to illness. The workshop facilitator didn't actually address this topic in great detail, so I took the liberty of doing some research of my own on the topic of guardianship. I am hoping that the following article will answer some of your basic questions.

## **How Guardianships Work**

### **What does a guardian do?**

Typically, a guardian takes care of a child's personal needs, including shelter, education, and medical care. A guardian may also provide financial management for a child's assets, although sometimes a second person (often called a "guardian of the estate") is appointed for this purpose.

### **What is the difference between a guardianship and an adoption?**

A guardianship establishes a legal relationship between a child and an adult who isn't the child's parent, but it does not end the legal relationship between the child and the child's biological parents. For example, the biological parents are still legally required to provide financial support for the child. And if a biological parent dies without a will, the child has certain automatic inheritance rights.

On the other hand, an adoption permanently changes the relationship between the child and the adults involved. The adopting adults legally become the child's parents. The biological parent (if living) gives up all parental rights and obligations to the child, including the responsibility to pay child support. If a biological parent dies without a will, the child usually has no right to inherit.



### **When does a guardianship end?**

A guardianship ordinarily lasts until the earliest of these events:

- the child reaches legal age (usually 18)
- the child dies
- the child's assets are used up (if the guardianship was set up solely for the purpose of handling the child's finances), or
- a judge determines that a guardianship is no longer necessary.

Even if a guardianship remains in force, a guardian may step down from his or her role with permission from the court. In that case, a judge will appoint a replacement guardian if necessary.

### **What is a guardian ad litem?**

A guardian ad litem is a person appointed by the court to stand in the shoes of a minor in a court proceeding in which the minor has some interest. The court can also appoint a guardian ad litem for an adult who can't care for him- or herself. Often, the guardian ad litem is a parent, close relative, or attorney. Some states also authorize the appointment of a guardian ad litem to represent a child's interests in a divorce case that involves custody issues. If a guardian ad litem is not an attorney, the minor or disabled adult is frequently represented by an attorney as well.

### **If a child lives with me, do I need a guardianship?**

You won't need a guardianship if the child is only staying with you for a few weeks or months. But anyone who anticipates caring for a child for a period of years will probably need a legal guardianship. Without this legal arrangement, you may have trouble registering the child in school, arranging for medical care, and obtaining benefits on the child's behalf. In addition, you'll have no right to keep the child if his parents want him back -- even if you think they're incapable of caring for him properly.

### **If You Want to Avoid a Formal Guardianship**

An adult who has physical custody of a child may have reasons for not wanting to become a legal guardian -- for example:

- The caretaker expects that the child's parents will not consent to a legal guardianship.

- Dynamics between family members are such that filing for a guardianship might set off a battle for legal custody. (This would be especially likely where a stepparent and one natural parent care for a child.)
- The caretaker doesn't want his or her personal life scrutinized in court or by a court-appointed investigator.

Some adults try to slide by and raise children (often grandchildren or other relatives) without any legal court authorization. If you go this route, you could run into problems with institutions that want authority from a parent or court-appointed legal guardian. Some communities and institutions, however, are very accommodating of people who are bringing up someone else's children. California, for example, has created a form that gives a non parent permission to enroll a child in school and make medical decisions on the child's behalf without going to court. Research the laws in your state or talk to a knowledgeable family law attorney to find out whether there are ways for you to care for a child that don't involve becoming a legal guardian.

### **Is it true that parents may need a guardianship of their own child?**

It's strange but true: sometimes parents need to establish a particular type of guardianship called a "guardianship of the estate" to handle their own child's finances -- even if the child lives with them. This situation usually arises when significant amounts of property (at least \$5,000 in most states) are given directly to a child.

Understandably, institutions and lawyers are reluctant to turn assets over to parents when they were intended for a child. A guardianship of the estate relieves the institution from liability, and the parents are directly accountable to a court to show how funds are spent and invested.

**Example:** The Thompsons lived next door to an elderly widow, who was extremely fond of their small daughter. When the widow died, she left her house to little Suzy Thompson. The lawyer handling the widow's estate suggests that Suzy's parents go to court to establish a guardianship of their child's estate. The house is then transferred into the name of Suzy's guardianship estate, which her parents manage until she reaches adulthood.

While this system is effective in protecting children's assets from unscrupulous parents, setting up a formal guardianship of the estate involves time and money that well-meaning parents sometimes find burdensome. For this reason, all states have passed laws to make it easier to give money or property to children. These laws provide simple, inexpensive procedures by which gifts to minors (typically up to \$10,000) can be managed by their parents without setting up formal guardianships of the estate. A gift-giver must simply name, in his or her will or in a trust document, someone to manage the gift until the child reaches adulthood. No court involvement is required.

## **Transitional Housing and Support Program for Abused Women**

The Transition Housing and Support Program aims to provide services through support, counseling, advocacy, and referral to all women, especially women with a disability, in establishing violence-free lives in their community.

The Transitional Housing and Support Program:

- provides support to women in crisis, as well as on-going counseling;
- helps women plan for themselves and their children if they are planning to leave a violent partner, and helps them make the transition into safe housing;
- provides information and referrals to other community supports and services;
- advocates for women, and accompanies women to appointments for family, criminal, income, housing, and immigration consultation;
- helps women find and maintain housing that is safe and affordable.

ASL and cultural interpretation will be provided.

Contact Jiin Yiong, Transitional Housing and Support Worker

Tel: (416) 461-0980

TTY: (416) 461-0625

Email: [tsw@nellies.org](mailto:tsw@nellies.org)

## **FOR EMPLOYED PERSONS WITH DISABILITIES**

**Are you a person with a disability** facing barriers within your job or the workplace? It may be an accommodation issue, a lack of opportunity for advancement or a need for training to keep your work skills relevant. Whatever the issue or problem you're facing, we've been there and we can help.

### **Who we are**

Link Up Alumni Unlimited (LUAU) is an offshoot of Link Up Employment Services for Persons with Disabilities. The alumni association is made up of successful individuals who have a disability (some are self-employed operating small businesses, others have established careers in IT, non-profit organizations and large financial corporations). While their disabilities may vary, the one thing they have in common is a dedication to helping employed persons with disabilities develop and build successful careers.

### **How we can help**

Our upcoming fall schedule includes educational programs of relevance to working people with disabilities. A series of workshops/seminars is planned on topics ranging from how adaptive technologies and devices can assist you at work to retrieve information on applying for government funding to start a business, time and priority management techniques and effective communication in the workplace.

Networking opportunities will also be facilitated through our membership and our parent group, Link Up Employment Services for Persons with Disabilities. Participants in our networking group can share job leads, accommodation ideas, business intelligence, success stories.

For more information, contact Marianne Cooke at (416) 413-4922, extension 27 or by email at [mcooke@linkup.ca](mailto:mcooke@linkup.ca).

**Peer Links** is a quarterly publication of the *Peer Support Program*.

To become a member of the *Peer Support Program*, or to receive **Peer Links** on a regular basis, please contact Nancy at:

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