Rightfully PROUD

Rightfully PROUD is a series of pamphlets designed to help lesbian, gay, transgender and bisexual (LGTB) people living in British Columbia make sense of their rights and responsibilities under federal and provincial law.

It is hoped *Rightfully PROUD* will enable LGTB people to make more informed decisions about their lives, relationships and families.

These pamphlets were updated and reprinted in 2005, following a first printing in 2002. For more information on any given topic, contact the resources listed or consult with a lawyer or legal advisor.

Other pamphlets in the *Rightfully PROUD* series include:

- Adventures in Parenting
- Human Rights & Discrimination
- Income Tax: What Same-Sex Couples Need to Know
- Same-Sex Partnerships: Rights & Responsibilities

For copies, contact The Centre at 604 684-5307 or visit our website www.lgtbcentrevancouver.com

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RESOURCES

THE CENTRE
A community centre serving & supporting lesbian, gay, transgender, bisexual people & their allies
Information, referrals & services
1170 Bute Street
Vancouver, BC V6E 1Z6
Tel. 604 684-5307 1-800-566-1170
www.lgtbcentrevancouver.com

GAY & LESBIAN BUSINESS DIRECTORY OF GREATER VANCOUVER
Information on legal services and lawyers
Tel. 604 739-GLBA
www.glba.org

LEGAL SERVICES SOCIETY
Law Line
Legal information & referrals by phone
Tel. 604 408-2171 (Lower Mainland)
1-866-577-2525
(toll-free outside Lower Mainland)
www.lss.bc.ca

REPRESENTATION AGREEMENT RESOURCE CENTRE
411 Dunsmuir Street
Vancouver, B.C. V6B 1X4
Tel. 604 408-7414
www.rarc.ca

CANADA PENSION PLAN & OLD AGE SECURITY INFORMATION LINE
Tel. 1-800-277-9914 (toll free)
www.hrdc-drhc.gc.ca

Rightfully PROUD

Legal information for lesbian, gay, transgender, bisexual people and their families in British Columbia

updated 2005

In Health, Through Illness & Loss

THE CENTRE
A Community Centre Serving and Supporting Lesbian, Gay, Transgendered, Bisexual People and their Allies

In Health, Through Illness and Loss

In recent years, lesbian, gay, transgender and bisexual (LGTB) people have won most legal rights and freedoms in BC and Canada. However, social discrimination against LGTB people remains a disturbing reality.

It is important that LGTB people continue the tradition of self-care and the care of chosen families.

This pamphlet provides information on steps that LGTB people can take to ensure that their life choices are respected and their relationships safeguarded in times of good health as well as through difficult times of illness and loss.

Representation Agreements

Someday, because of illness, injury, disability, or age-related factors, you may have difficulty managing your own affairs. The best way to handle this situation is to have a representation agreement in place.

A representation agreement is a written document in which you appoint one or more representatives. The representatives are given the authority to handle your financial and legal affairs and to make personal and healthcare decisions for you, if and when necessary.

A representation agreement ensures that your wishes and values are honored by people you choose and trust. It may also help to ease the burden of care by family and friends.

Contact the Representation Agreement Resource Centre for more information and guidelines on drafting a representation agreement.

Wills

No matter how small or large your estate may be, making a will is one of the most important things you will do in your lifetime. This applies whether you are single or in a relationship.

A will ensures that your assets and personal belongings are distributed according to your wishes rather than by the law. Perhaps more importantly, a properly drawn will enables you to make provisions for those you love and may save them considerable time, financial hardship and emotional stress.

More benefits to having a will

- You can include funeral arrangements that reflect your own life choices
- You can appoint a guardian for your biological or adopted children who are under 19
- If you have a common-law partner who is named in your will, it may help support their eligibility for pensions and benefits upon your death.

Making a will

In your will, you name someone to be your executor. This may be your partner, family member or close friend, or it can be a financial institution. The executor is responsible for carrying out your wishes as outlined in the will.

It is important that your will be kept up to date and reflects your current situation. Your executor should know where to find it and other important documents.

Having a lawyer draft your will is one option. Will kits are also available in most bookstores. However, if your estate is complicated or you have questions, get legal advice. While a lawyer charges a fee for service, the security of having a properly drawn will is worth the extra cost.

Note: Marriage voids any pre-existing wills. Same-sex partners who marry will need to have new wills made.

Surviving the death of a partner

If you are in a same-sex relationship, you may be eligible for benefits upon the death of a partner under the Canada Pension Plan (CPP) and Old Age Security (OAS) program.

Death benefit

If your partner contributes to CPP, you may be eligible for a death benefit if s/he dies. This is a one-time amount paid to the estate usually to help with funeral costs.

Survivor Benefits

If your partner contributes to CPP, you could be eligible for survivor benefits. You must have lived with your partner for at least one year before the date of death and be over the age of 35 to make a claim (under 35 if you have dependent children or have a disability).

Allowance for the Survivor

Under the OAS program, the allowance for the survivor provides a modest income for *low income* 60 to 64 year olds whose partners have died. You must have lived with your partner for at least one year before the date of death.

Note: To qualify for these benefits under CPP and OAS, the death of your same-sex partner must have occurred January 1, 1998 or later. If your partner died before that date, consult with a lawyer familiar with same-sex laws to discuss your options.

Beneficiaries

If you want your partner to get proceeds of insurance you carry, your RRSPs, or benefits under a pension plan, make sure to name them as beneficiaries with the plan. This way, the money is paid to your partner immediately after you die, without a delay while your will is being 'probated'.