

Title	Questionnaire on the practical operation of the HCCH 2000 Protection of Adults Convention
Document	Prel. Doc. No 2 of September 2020
Author	PB
Agenda item	TBD
Mandate(s)	C&R No 34 of the 2019 CGAP; C&D No 31 of the 2020 CGAP
Objective	<ul style="list-style-type: none"> – To seek information as to the implementation and practical operation of the 2000 Convention in Contracting Parties; – To identify challenges or questions that have arisen in the practical operation of the 2000 Convention in Contracting Parties; – To seek information as to the implementation of the 2000 Convention in non-Contracting Party Members of the HCCH; – To assist with the preparation of a draft Country Profile under the 2000 Convention in advance of the SC; – To assist with the drawing-up of a draft Practical Handbook on the Operation of the 2000 Convention in advance of the SC; and – To obtain views and comments about other issues for discussion at the upcoming meeting of the SC. <p>Replies to the Questionnaire should be provided no later than 4 December 2020.</p>
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input type="checkbox"/> For Action <input checked="" type="checkbox"/>
Annexes	
Related documents	<ul style="list-style-type: none"> – Prel. Doc. No 1 of July 2019 – Questionnaire to assess the need to convene a possible meeting of the Special Commission in 2022 to review the practical operation of the <i>Convention of 13 January 2000 on the International Protection of Adults</i> – Prel. Doc. 10 of December 2019 – Report on the planning for a first meeting of the Special Commission to review the practical operation of the HCCH 2000 Adults Convention

INTRODUCTION

Objectives of the Questionnaire

This Questionnaire is being circulated in preparation for a possible meeting of the Special Commission (SC) on the practical operation of the *HCCH Convention of 13 January 2000 on the International Protection of Adults*¹ (hereinafter, the “2000 Convention”) to be held in The Hague in May / June 2022 (dates to be confirmed).

A first questionnaire was circulated in July 2019 to assess the need for a possible meeting of the Special Commission to review the practical operation of the 2000 Convention. Responses from 27 Members were collated and formed Prel. Doc. 10 of December 2019² for the attention of the 2020 Council on General Affairs and Policy (CGAP). The Conclusion & Decision³ No 31 from that meeting reads as follows:

“CGAP noted the progress made in organising the first meeting of the SC on the practical operation of the 2000 Protection of Adults Convention, to be held in May / June 2022. CGAP noted the possible topics recommended by HCCH Members in their responses to the questionnaire on this matter and encouraged the PB to focus its preparations on those topics identified as being of high interest, including by developing a Practical Handbook and, resources allowing, a Country Profile.”

This Questionnaire is addressed primarily to Contracting Parties to the 2000 Convention, but certain questions (appearing in **grey highlights**) at the beginning of the Questionnaire and on powers of representation are also addressed to Members of the HCCH that are non-Contracting Parties.

After more than 10 years of operation of the 2000 Convention, the Questionnaire has the following broad objectives:

- a. To seek information as to the implementation and practical operation of the 2000 Convention in Contracting Parties;
- b. To identify challenges or questions that have arisen in the practical operation of the 2000 Convention in Contracting Parties;
- c. To seek information as to the implementation of the 2000 Convention in non-Contracting Party Members of the HCCH;
- d. To assist with the preparation of a draft Country Profile under the 2000 Convention in advance of the SC;
- e. To assist with the drawing-up of a draft Practical Handbook on the Operation of the 2000 Convention in advance of the SC; and
- f. To obtain views and comments about other issues for discussion at the upcoming meeting of the SC.

The Questionnaire is designed to facilitate an efficient exchange of information on these matters prior to the meeting of the SC and also assist with the drawing up of an agenda for the meeting.

¹ The text of the 2000 Convention is available at: < <https://assets.hcch.net/docs/c2b94b6b-c54e-4886-ae9f-c5bbef93b8f3.pdf> >.

² The text of Prel. Doc. No 10 of December 2019 is available at: < <https://assets.hcch.net/docs/d0d3112b-56c1-42d4-b19a-a04beee01dc7.pdf> >.

³ The Conclusions and Decisions of CGAP 2020 are available at: < <https://assets.hcch.net/docs/70458042-f771-4e94-9c56-df3257a1e5ff.pdf> >.

Scope of the Questionnaire

The Questionnaire covers all the provisions of the 2000 Convention with the exception of the final clauses (Arts 53-59). Where relevant, reference is made to the *United Nations Convention of 13 December 2006 on the Rights of Persons with Disabilities* (hereinafter the “UNCRPD”) which the 2000 Convention may assist implementing for matters which may have cross-border implications.

In considering the questions that follow, Contracting Parties and non-Contracting Parties may find it useful to refer in particular to the new and revised edition of the Explanatory Report⁴ (ER) on the 2000 Convention drawn up by Professor Paul Lagarde.

Instructions for completion

The Questionnaire is being sent to Central Authorities designated under the 2000 Convention as well as to National and Contact Organs. Central Authorities as well as National and Contact Organs are invited to co-ordinate as appropriate with competent authorities⁵ in their respective States as well as stakeholders in this field (*e.g.*, guardians, curators and analogous institutions, notaries, lawyers, research / academic institutions, long-term care establishments, health care providers, financial institutions). For Contracting Parties to the Convention, Central Authorities are ultimately responsible for submitting the completed Questionnaire to the Permanent Bureau (PB).

In order to allow the PB to extract parts of the Questionnaire for a compilation and analysis of the responses, please use **this Word Version** of the document, and please **do not return a PDF version** of the completed Questionnaire.

We kindly request that replies to the Questionnaire be sent to the PB by e-mail to < secretariat@hcch.net > **no later than 4 December 2020** with the following subject matter captioned in the heading of the e-mail: “[name of State] Response to the 2000 Convention Questionnaire – 2022 Special Commission”. Any questions concerning the Questionnaire may be directed to < secretariat@hcch.net >.

The PB intends, except where expressly asked not to do so, to place all replies to the Questionnaire on the HCCH website (< www.hcch.net >). Please therefore clearly identify any responses which you do not want to be placed on the website.

Thank you for your kind co-operation.

⁴ The text of the Explanatory Report is available at: < <https://assets.hcch.net/docs/1509ab33-c2fe-4532-981c-7aa4dad9ba45.pdf> >.

⁵ The term “competent authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 2000 Convention. Whilst in the majority of States Parties such “authorities” will be courts (*i.e.*, judicial), in some States Parties administrative authorities are responsible for decision making in Convention cases.

**QUESTIONNAIRE ON THE PRACTICAL OPERATION OF
THE HCCH CONVENTION OF 13 JANUARY 2000 ON THE INTERNATIONAL PROTECTION OF ADULTS**

Wherever the responses to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 2000 Convention, **please provide a copy of the referenced documentation** in (a) the original language and, (b) wherever possible, accompanied by a translation into English and / or French.

Name of State or territorial unit: ⁶	British Columbia (Canada)
<i>For follow-up purposes</i>	
Date the Questionnaire was completed:	August 2021
Name of contact person:	Andrea Buzbuzian
Name of Authority / Office:	Justice Services Branch, Ministry of Attorney General
Telephone number:	778-974-3682
E-mail address:	Andrea.Buzbuzian@gov.bc.ca

Please note:

- Non-Contracting Parties to the 2000 Convention are requested to respond to all questions appearing under Part I as well as questions in Part II which numbers appear in **grey highlight**.
- Contracting Parties to the 2000 Convention are requested to complete all questions under Part II.

PART I – QUESTIONS FOR NON-CONTRACTING PARTY MEMBERS OF THE HCCH

1. Is your State considering joining the 2000 Convention?

- Yes
 No, if possible please explain:
[Please insert text here](#)

2. In considering how your State would implement the 2000 Convention, have you encountered any issues of concern?

- No
 Yes, please explain:
[Please insert text here](#)

3. Is your State considering joining the 2000 Convention with a view to implementing its obligations under the UNCRC, *e.g.*, Articles 12 and 16 of the UNCRC?

- Yes
 No, please explain:
[Please insert text here](#)

⁶ The term "State" in this Questionnaire includes a territorial unit, where relevant.

PART II – PRACTICAL OPERATION AND IMPLEMENTATION OF THE 2000 CONVENTION

I – Significant developments in your State

- 1.1. Have there been any significant developments in your State regarding the legislation or procedural rules applicable in cases, including in international situations, of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests? Where possible, please state the reason for the development in the legislation / rules (*e.g.*, in connection with the implementation of the UNCRPD), and, where possible, the results achieved in practice:

- No
 Yes, please describe:
[Please insert text here](#)

- 1.2. Please provide a brief summary of any significant decisions concerning the interpretation and / or application of the 2000 Convention rendered by the competent authorities⁷ in your State, including in the context of the UNCRPD and other relevant instruments:

[Please insert text here](#)

- 1.3. Please provide a brief summary of any other significant relevant developments in your State since it became a Contracting Party to the 2000 Convention:

[Please insert text here](#)

II – General operation information

- 2.1. Please indicate the number of cases handled by your Central Authority since the 2000 Convention came into force for your State:

[Please insert text here](#)

- 2.2. Please indicate, if possible, the names of the Contracting Parties involved in the cases referred to in question 2.1.:

[Please insert text here](#)

- 2.3. Please indicate the month and year when the 2000 Convention came into force for your State:

[Please insert text here](#)

- 2.4. Please indicate the number of Full Time Equivalents (FTEs) employed at this moment by your Central Authority dedicated to the operation of the 2000 Convention:

[Please insert text here](#)

⁷ The term “competent authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 2000 Convention. Whilst in the majority of States Parties such “authorities” will be courts (*i.e.*, judicial), in some States Parties administrative authorities are responsible for decision making in Convention cases.

III – Scope

3.1. Have competent authorities⁸ in your State experienced any challenges, or have questions arisen, in determining the scope of the Convention under **Article 1** (meaning of “adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests”), **Article 2** (meaning of “adult”) or **Article 3** (meaning of “measures”)?

- No
- Yes, please describe:
- Article 1** (meaning of “adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests”), please specify:
[Please insert text here](#)
- Article 2** (meaning of “adult”), please specify:
[Please insert text here](#)
- Article 3** (meaning of “measures”), please specify:
[Please insert text here](#)
- Other, please specify:
[Please insert text here](#)

3.2. Please indicate whether the following measures are available in your State and describe their fundamental features including the conditions that must be met for an adult to be subject to such measures (tick more than one box if applicable):

- Guardianship, please describe:
[Please insert text here](#)
- Curatorship, please describe:
[Please insert text here](#)
- Analogous institution, please name and describe:
[Please insert text here](#)

3.3. Please list and describe measures available under the law of your State that are not listed in **Article 3** but that would nevertheless fall under **Article 3** (e.g., “guardian *ad litem*”, “advanced health / medical decisions”, “*Betreuer*” (under German law), “*un placement sous sauvegarde de justice*” (under French law)):

[Please insert text here](#)

3.4. While the formation, annulment and dissolution of marriage or any similar relationship, as well as legal separation are excluded from the scope of the 2000 Convention in accordance with **Article 4(1)(b)**, please list and describe the possible powers of representation between partners available in your State resulting from the effects of marriage, and similar relationships, that fall under the scope of the 2000 Convention “insofar as they are aimed at the protection of the ailing partner” (see paras 35 and 90 of the ER):

[Please insert text here](#)

IV – Jurisdiction

4.1. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**habitual residence**” of the adult under **Article 5(1)**?

⁸ *Ibid.*

- No
 Yes, please specify:
[Please insert text here](#)

4.2. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction in the case of a “**change of the habitual residence**” of the adult under **Article 5(2)**?

- No
 Yes, please specify:
[Please insert text here](#)

4.3. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**presence**” of the adult under **Articles 6, 10 and 11**?

- No
 Yes, please specify:
[Please insert text here](#)

4.4. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**nationality**” of the adult under **Article 7**?

- No
 Yes, please specify:
[Please insert text here](#)

4.5. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to transfer jurisdiction based on the “**interests**” of the adult under **Article 8**?

- No
 Yes, please specify:
[Please insert text here](#)

4.6. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**situation of the property**” of the adult under **Article 9**?

- No
 Yes, please specify:
[Please insert text here](#)

4.7. Have competent authorities in your State had experience with urgent measures of protection taken under **Article 10**?

- No
 Yes, please describe in which situations a competent authority in your jurisdiction has applied **Article 10**:
[Please insert text here](#)

4.8. Have competent authorities in your State had experience with temporary and limited measures of protection taken under **Article 11**?

- No
 Yes, please describe in which situations a competent authority in your jurisdiction has applied **Article 11**:
[Please insert text here](#)

4.9. Have competent authorities in your State had experience using the Measures of Protection Concerning an Adult recommended form⁹ for the purpose of **Article 8** and the Information relating to Measures of Protection concerning an Adult recommended form¹⁰ for the purpose of **Articles 7, 10 and 11**?

- No, please explain:
[Please insert text here](#)
 Yes

4.10. Has your State taken appropriate steps (*e.g.*, guidelines, procedures, protocols) in accordance with **Article 30(a)** to facilitate communications between competent authorities of different Contracting States concerning the coordination of jurisdictions issues arising under **Articles 5-12**?¹¹

- No
 Yes, please describe such guidelines, procedures or protocols and also provide a link or attach them, preferably translated into English or French:
[Please insert text here](#)

4.11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other articles in **Chapter II**?

- No
 Yes, please specify:
[Please insert text here](#)

V – Applicable law – General

5.1. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying or taking into consideration the law of another State with which the situation has a substantial connection in accordance with **Article 13(2)**?

- No
 Yes, please specify:
[Please insert text here](#)

⁹ The Measures of Protection Concerning an Adult recommended form is available at: < <https://assets.hcch.net/upload/form35b.pdf> >.

¹⁰ The Information relating to Measures of Protection concerning an Adult recommended form is available at: < <https://assets.hcch.net/upload/form35c.pdf> >.

¹¹ See, *e.g.*, Direct Judicial Communications - Emerging Guidance regarding the development of the International Hague Network of Judges and General Principles for Judicial Communications, including commonly accepted safeguards for Direct Judicial Communications in specific cases, within the context of the International Hague Network of Judges available at: < <https://assets.hcch.net/docs/62d073ca-eda0-494e-af66-2ddd368b7379.pdf> >.

- 5.2. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying their own law, in accordance with **Article 14**, to the conditions of implementation of foreign measures, whether these are known or unknown to their own law?

No
 Yes, please specify:
[Please insert text here](#)

- 5.3. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 17**?

No
 Yes, please specify:
[Please insert text here](#)

- 5.4. Please list and describe specific rules of representation of the adult which your State would regard as part of the mandatory law under **Article 20**:

[Please insert text here](#)

- 5.5. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other articles in **Chapter III**?

No
 Yes, please specify:
[Please insert text here](#)

VI – Applicable law – Powers of representation (including advance directives)

In the following questions (questions 6.1. to 6.49.) references to powers of representation, as described in Article 15 of the 2000 Convention, mean, and are limited to, “powers of representation granted by an adult, either under an agreement or by a unilateral act, to be exercised when such adult is not in a position to protect his or her interest”. Such powers of representation are also known as “mandate in case of incapacity”, “self-determined guardianship”, “voluntary guardianship”, “living will”, “*mandat de protection future*”, “*mandat extrajudiciaire*”, etc.¹² In a great number of States, such powers of representation are private agreements. They may be witnessed, certified, notarised, or not be subject to any formal requirements. Several States provide for various forms of powers of representation. Any such powers of representation fall under the scope of the 2000 Convention. The availability of powers of representation under the law of Contracting Parties to the 2000 Convention will facilitate implementation of their treaty obligations. However, the absence of such powers should not stop States from becoming Contracting Parties.

Thus, powers of representation may or may not be *available* under the law of your State. Where they are, they may be available *in one or more forms* (see question 6.19. below). To achieve the desired effect, the use of any of these forms of powers of representation may be *optional or mandatory*. Furthermore, powers of representation may or may not be subject to *formal requirements* (such as being notarised, certified, or witnessed) to achieve validity and operability. In addressing the existence, extent, modification and extinction of such powers of representation for the purpose of Article 15, Section VI of this Questionnaire seeks to accommodate *all* these various possibilities with a view to obtaining a better understanding of powers of representation across HCCH Members. **If the actual position in your State does not fit easily within the alternatives offered, please use “other”**

¹² Such “powers of representation” under Art. 15 of the 2000 Convention are not to be confused with “general powers of attorney” or “ordinary powers of attorney” under civil or commercial law.

at the end of any relevant question to explain the position of your State. Responses to Section VI will be particularly relevant for drawing up a draft Country Profile and draft Practical Handbook on the operation of the 2000 Convention.

Availability of such powers of representation (as described above in the introduction to Section VI for the purposes of questions 6.1. to 6.49.) under your domestic law and related safeguards

6.1. Does the law of your State provide for such powers of representation?

Yes

No, if possible please explain or provide further background:

The responses provided for Part 6 of the questionnaire are based primarily on the legislation that relates to enduring powers of attorney (Power of Attorney Act) and representation agreements (Representation Agreement Act). Enduring powers of attorney, and representation agreements ("section 7" representation agreements, and "section 9" representation agreements), are the instruments (or powers of representation) by which an adult may appoint another person to make, or in the case of section 7 representation agreements, help make, decisions on behalf of the adult in relation to the adult's financial affairs, and personal and health care.

Except for the questions that refer specifically to advance health directives and advance medical directives, the responses set out below relating to powers of representation do not relate to advance directives. British Columbia's Health Care (Consent) and Care Facility (Admission) Act provides for advance directives, in which an adult may give or refuse consent to any health care described in the advance directive.

6.2. If yes to question 6.1., the following questions are designed to address the various possibilities outlined in the second paragraph of the Introduction to this Section VI (above) in relation to *formal requirements* that may be applicable in your State and their respective functions (in relation to each question, tick more than one box if applicable):

Please insert text here

6.2.1. Is it mandatory in your State to have such powers of representation notarised?

a. Powers of representation cannot be notarised

b. Yes, it is mandatory

b.1. Always mandatory

b.2. Only mandatory for specific purposes, please specify:

While there is not a requirement for "notarization", if an enduring power of attorney is to be effective for the purposes of the Land Title Act, it must be executed and witnessed in accordance with that Act. This would require "officer certification" by a lawyer, notary public, or other person before whom an affidavit may be sworn under the Evidence Act.

c. No, it is not mandatory, but it is an available option

d. Please tick the relevant functions of this formal requirement

d.1. To establish the capacity of the grantor at the time of granting the powers of representation

d.2. To verify that the person signing the powers of representation is the grantor

d.3. To witness the signature of the powers of representation by the grantor

d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)

d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCRPD)

d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCRPD)

d.7. To confirm the absence of undue influence (Art. 12(4) UNCRPD)

d.8. Other, please specify:

If an enduring power of attorney or representation agreement is witnessed by a lawyer or regulated notary public, then only one witness is required (instead of two).

6.2.2. Is it mandatory in your State to have such powers of representation certified?

- a. Powers of representation cannot be certified
- b. Yes, it is mandatory
- b.1. Always mandatory
- b.2. Only mandatory for specific purposes, please specify:
Please insert text here
- c. No, it is not mandatory, but it is an available option
- d. Please tick the relevant functions of this formal requirement
- d.1. To establish the capacity of the grantor at the time of granting the powers of representation
- d.2. To verify that the person signing / who signed the powers of representation is / was the grantor
- d.3. To witness the signature of the powers of representation by the grantor
- d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)
- d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCRPD)
- d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCRPD)
- d.7. To confirm the absence of undue influence (Art. 12(4) UNCRPD)
- d.8. Other, please specify:
Please note the response to question 6.2.1 above regarding officer certification of enduring powers of attorney for the purposes of the Land Title Act.

6.2.3. Is it mandatory in your State to have such powers of representation witnessed?

- a. Powers of representation cannot be witnessed
- b. Yes, it is mandatory
- b.1. Always mandatory
- b.2. Only mandatory for specific purposes, please specify:
An enduring power of attorney and representation agreement requires two witnesses to the signing of the enduring power of attorney or representation agreement. However, only one witness is required if the witness is a lawyer or regulated notary public.
- c. No, it is not mandatory, but it is an available option
- d. Please tick the relevant functions of this formal requirement
- d.1. To establish the capacity of the grantor at the time of granting the powers of representation
- d.2. To verify that the person signing the powers of representation is the grantor
- d.3. To witness the signature of the powers of representation by the grantor
- d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)
- d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCRPD)
- d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCRPD)
- d.7. To confirm the absence of undue influence (Art. 12(4) UNCRPD)
- d.8. Other, please specify:
Please insert text here

6.2.4. Is it mandatory in your State to have such powers of representation subject to another formal requirement?

Please specify the name of the formal requirement:

- a. Powers of representation are not subject to another formal requirement
- b. Yes, it is mandatory
- b.1. Always mandatory
- b.2. Only mandatory for specific purposes, please specify:
[See response to question 6.2.1 regarding the requirement for officer certification for the purposes of the Land Title Act.](#)
- c. No, it is not mandatory, but it is an available option
- d. Please tick the relevant functions of this formal requirement
- d.1. To establish the capacity of the grantor at the time of granting the powers of representation
- d.2. To verify that the person signing the powers of representation is the grantor
- d.3. To witness the signature of the powers of representation by the grantor
- d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)
- d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCRPD)
- d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCRPD)
- d.7. To confirm the absence of undue influence (Art. 12(4) UNCRPD)
- d.8. Other, please specify:
[Please insert text here](#)

6.3. If yes to question 6.1., are such powers of representation in the form of a private agreement without any formal requirements (e.g., notarised, certified or witnessed) available under the law of your State?

- No, please explain:
[Powers of representation \(enduring powers of attorney and representation agreements\) must be witnessed.](#)
- Yes

6.4. Have issues arisen in your State with regard to the existence of such powers of representation governed by the law of another State?

- No
- Yes, please explain:
[The Power of Attorney Act \(section 38\) and the Power of Attorney Regulation \(section 4\) provide for the recognition of instruments akin to an enduring powers of attorney from the following jurisdictions: other Canadian provinces/territories; the United States of America; the United Kingdom of Great Britain and Northern Ireland; Australia; and New Zealand. To be effective in British Columbia, the instrument must meet the specified requirements and be accompanied by a certificate from a solicitor permitted to practice in the jurisdiction in which the instrument was made. The provisions are similar for instruments akin to representation agreements \(Representation Agreement Act, section 41; Representation Agreement Regulation, section 9\).](#)

6.5. If no to question 6.1., does the law of your State prohibit such powers of representation, or contain provisions rendering them ineffective?

- No
- Yes, please explain:
[Please insert text here](#)

6.6. If no to question 6.1., does your State intend to legislate in the near future to provide for such powers of representation?

- No, please explain:
[Please insert text here](#)
- Yes

6.7. If yes to question 6.6., please indicate which form of powers of representation your State is likely to provide for (tick more than one box if applicable):

- a. **notarised** powers of representation
- b. **certified** powers of representation
- c. **witnessed** powers of representation
- d. **private agreements** without any formal requirements
- e. Other form, please specify:
[Please insert text here](#)

Designation of a representative under such powers of representation

6.8. Are there conditions / limitations (*e.g.*, to provide safeguards with regard to conflicts of interests) as to who can be designated as a representative under such powers of representation governed by the law of your State (*e.g.*, limitation to natural persons, or a further limitation to persons with specified relationships to the grantor)?

- No
- Yes, please explain:
[An individual who provides personal care or health care services to the adult for compensation, or an employee of a facility in which the adult resides and which provides these services, cannot be named as an attorney or representative. However, this does not apply to restrict the appointment of a spouse, child or parent of the adult who may be providing such services.](#)
[A person appointed with authority in respect of the adult's personal care or health care must be a natural person \(an individual\) or the Public Guardian and Trustee of British Columbia. A person appointed with authority in respect of the adult's financial affairs may be a natural person \(an individual\), the Public Guardian and Trustee, or a financial institution authorized to carry on trust business.](#)

6.9. Does your response to question 6.8. differ whether such powers of representation are subject to a formal requirement (*e.g.*, notarised, certified, witnessed) or not subject to any formal requirements?

- No
- Yes, please explain:
[Please insert text here](#)

6.10. Have issues arisen in your State with regard to the capacity of the person designated as a representative under such powers or representation governed by the law of another State?

- No
- Yes, please explain:

Not to our knowledge. (See question 6.4 regarding the recognition of instruments from other jurisdictions.)

Supervision / control mechanisms of such powers of representation

6.11. Are such powers of representation governed by the law of your State subject to some supervision / control mechanisms / reporting (e.g., a person or authority designated (on a mandatory or voluntary basis) under such powers or by operation of law to which the person designated as the representative is to report to)?

No, please explain:
Please insert text here

Yes, please explain:
Concerns regarding an enduring power of attorney or representation agreement, including concerns that an attorney or representative are not acting appropriately, can be reported to the Public Guardian and Trustee of British Columbia, and the Public Guardian and Trustee is authorized to take certain actions in response.
Also, an adult making a representation agreement may choose to name a monitor in the agreement and, in some circumstances, must name a monitor.

6.12. Does your response to question 6.11. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

No
 Yes, please explain:
Please insert text here

6.13. Have issues arisen in your State with regard to the control mechanism to which such powers of representation governed by the law of another State are subject to?

No
 Yes, please explain:
Not to our knowledge. (See question 6.4 regarding the recognition of instruments from other jurisdictions.)

Extent of such powers of representation

6.14. Are such powers of representation (and wishes expressed therein) governed by the law of your State legally binding on the designated representative?

Yes
 No, please explain:

Enduring Power of Attorney - The attorney must act in the adult's best interest, taking into account the adult's current wishes, known beliefs and values and any directions to the attorney set out in the enduring power of attorney. The attorney must also, to the extent reasonable, foster the independence of the adult and encourage the adult's involvement in any decision-making that affects the adult.

Representation Agreement - The representative must, to the extent reasonable, consult with the adult to determine their current wishes, and comply with those wishes if it is reasonable to do so (unless, in relation to a representation agreement made under section 9, the adult provides that the representative need only comply with the wishes the adult expressed while capable). If the adult's current wishes cannot be determined or it is not reasonable to comply with them, the representative must comply with any instructions or wishes the adult expressed while capable. The court can, on application of the representative, provide an exemption from this duty.

If the adult's instructions/wishes are not known, the representative must act on the basis of the adult's known beliefs and values or, if not known, in the adult's best interests.

- 6.15. Are there any limitations under the law of your State on such powers of representation that can be conferred upon a designated representative *e.g.*, are certain acts or categories of acts excluded such as disposal of specified categories of assets, gifts, personal and family matters, medical related decisions (generally, or particular categories such as those involving hospitalisation), etc.?

No

Yes, please explain:

Under an enduring power of attorney or representation agreement, an attorney or representative cannot make or change a will for an adult. There are also some parameters around when gifts and loans may be made.

Under a representation agreement, the representative cannot refuse consent to the involuntary admission of an adult to a mental health facility, or refuse consent to the provision of psychiatric care or treatment of an adult who has been involuntarily admitted, or consent to sterilization of an adult for non-therapeutic purposes.

Also, representation agreements made under section 7 of the Representation Agreement Act are limited in the authority that the representative has in relation to the adult's health and personal care. The representative cannot refuse consent to health care necessary to preserve life; despite the objection of the adult, physically restrain, move or manage an adult or authorize another person to do so; or consent to the health care listed in section 5 of the Health Care Consent Regulation.

An adult that makes a representation agreement under section 7 of the Representation Agreement Act may authorize the representative to make, or help make, decisions about the routine management of the adult's financial affairs. The Act and the Representation Agreement Regulation set out what does, and does not, constitute the "routine management of the adult's financial affairs". The representative also cannot be authorized to commence divorce proceedings for the adult.

- 6.16. Are there particular powers and duties automatically given to such representatives (*e.g.*, powers and duties in relation to the tax affairs of the grantor)?

No

Yes, please explain:

Although general, broad decision-making authority may be granted to an attorney or representative in relation to the adult's financial affairs and/or personal and health care.

- 6.17. Are certain powers subject to a judicial or administrative decision in order for them to be either conferred or exercised?

No

Yes, please specify the powers subject to such decision:

An attorney with authority under an enduring power of attorney may, in an instrument other than a will, change a beneficiary designation made by the adult only if the court authorizes the change.

- 6.18. Are there particular matters which, in accordance with the law of your State, a designated representative cannot be authorised to do or decide on behalf of the grantor?

No

Yes, in which case please specify the excluded powers:

See section 6.15 above.

- 6.19. Which of the following forms of document are available in your State to confer powers of representation (tick more than one if applicable)?

- a. A document simply conferring on the designated representative all powers that can by law be conferred.
- b. A document containing "tick-box" lists of powers.
- c. A document setting out, in the grantor's choice of words, all the powers that the grantor wishes to confer.
- d. Separate documents for (a) health and welfare powers and (b) property and financial powers.
- e. Separate listing in the same document of (a) health and welfare powers and (b) property and financial powers.
- f. Other possibilities or combinations (please explain):
[If a section 7 representation agreement is used, the powers that may be granted are more limited than if a section 9 representation agreement and enduring power of attorney are used.](#)

6.20. Can advance health directives be included in powers of representation governed by the law of your State?

- Yes
- No, please explain:
[In B.C., the Health Care \(Consent\) and Care Facility \(Admission\) Act provides for advance directives. An adult may, in an advance directive, give or refuse consent to any health care described in the advance directive.](#)

6.21. Can advance medical directives be included in powers of representation governed by the law of your State?

- Yes
- No, please explain:
[See response to question 6.20.](#)

6.22. Are such advance health / medical directives governed by the law of your State binding on medical professionals?

- Yes
- No, please explain:
[The Health Care \(Consent\) and Care Facility \(Admission\) Act provides that a health care provider may provide health care to an adult if the adult has given consent in an advance directive, and must not provide health care to an adult if the adult has refused consent in an advance directive. However, the Act also sets out circumstances where the advance directive does not apply \(e.g., instructions are unclear; the adult's capable wishes changed since the advance directive was made; there have been significant relevant medical advances since the time the advance directive was made\). The Act also provides for how advance directives are to be treated if an adult has a representation agreement which gives the representative decision making authority over a matter provided for in the advance directive..](#)

6.23. Do your responses to questions 6.14.-6.22. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

- No
- Yes, please explain:
[Please insert text here](#)

6.24. Have issues arisen in your State with regard to the scope of such powers of representation governed by the law of another State?

- No
- Yes, please explain:
[The Health Care \(Consent\) and Care Facility \(Admission\) Act does not provide for the recognition of advance directives from other jurisdictions.](#)

Registration / filing of such powers of representation

6.25. Please indicate whether your State provides for the registration of such powers of representation and / or their filing with a competent authority:

- Yes, registration with a public registry
- Yes, registration with a private registry (e.g., national associations of notaries)
- Yes, filing with a competent authority
- No, please explain:
[There is no filing requirement. However, some adults may choose to file their document with a private registry \(e.g., the Nidus Personal Planning Resource Centre and Registry, which is a non-profit, charitable organization\).](#)

6.26. Can / must such powers of representation governed by the law of your State be registered or filed with a competent authority before they come into effect?

- Yes, it is an option, please explain the effect of the registration and / or filing:
[Please insert text here](#)
- Yes, it is an obligation, please explain the effect of the registration and / or filing:
[Please insert text here](#)
- No, please explain:
[There is no filing requirement for powers of representation and no "competent authority" for filing..](#)

6.27. Can such powers of representation governed by the law of **your** State be registered or filed with a competent authority after they come into effect?

- Yes, it is an option, please explain the effect of the registration and / or filing:
[Please insert text here](#)
- Yes, it is an obligation, please explain the effect of the registration and / or filing:
[Please insert text here](#)
- No, please explain:
[See responses to questions 6.25 and 6.26 above.](#)

6.28. Can such powers of representation governed by the law of **another** State be registered or filed with a competent authority after they come into effect?

- Yes, it is an option, please explain the effect of the registration and / or filing:
[Please insert text here](#)
- Yes, it is an obligation, please explain the effect of the registration and / or filing:
[Please insert text here](#)
- No, please explain:
[See responses above regarding the recognition of powers of representation from other jurisdictions; and regarding registration/filing, above.](#)

6.29. Do your responses to questions 6.25. and 6.28. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

- No
 Yes, please explain:
[Please insert text here](#)

Coming into effect of such powers of representation

6.30. Can such powers of representation governed by the law of your State come into effect at a moment determined by the grantor (e.g., when certain conditions are met)?

- No, please explain:
[Please insert text here](#)
- Yes, please explain:
 An enduring power of attorney and representation agreement may come into effect when executed, or on the date an event described in the document is confirmed to have occurred. An enduring power of attorney could also include a specific date that it comes into effect.

6.31. In the absence of an explicit coming into effect provision by the grantor, can such powers of representation governed by the law of your State come into effect on the sole decision of the person(s) to whom they are conferred?

- No, please any safeguards:
 The default for a representation agreement is that it comes into force when it is executed. An enduring power of attorney comes into force on the later of the date it is signed by the adult and attorney; a date named in the document; or an event set out in the document. Before a person may exercise the power of an attorney granted in an enduring power of attorney, the person must sign the enduring power of attorney in the presence of two witnesses.
- Yes, please explain:
[Please insert text here](#)

6.32. In the absence of an explicit coming into effect provision by the grantor, can such powers of representation governed by the law of your State come into effect upon the decision of a competent authority?

- No, please any safeguards:
 See above regarding when enduring powers of attorney and representation agreements are effective.
- Yes, please explain:
[Please insert text here](#)

6.33. Please explain how the coming into effect of such powers of representation governed by the law of your State affect the legal capacity of the grantor:

The capacity of the grantor to make decisions is a separate issue from the coming into effect of the enduring power of attorney or representation agreement. (Although the grantor may provide that the power of representative does not come into effect until a future event, such as the grantor's incapacity, occurs.)

An enduring power of attorney must state whether the attorney may exercise authority while the adult is capable or only while the adult is incapable of making decisions about the adult's financial affairs. A grantor who is capable may do anything they have authorized their representative to do. And, until the contrary is demonstrated, an adult is presumed to be capable of making decisions about their financial affairs, personal care and health care,

6.34. Do your responses to questions 6.30.-6.33. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

- No
 Yes, please explain:
[Please insert text here](#)

6.35. Have issues arisen in your State with regard to the coming into effect of such powers of representation governed by the law of another State?

- No
 Yes, please explain:
[Not to our knowledge. \(See response to question 6.4 regarding the recognition of instruments from other jurisdictions.\)](#)

6.36. Please share other information (*e.g.*, concerns, good practices) with regard to the coming into effect of such powers of representation governed by the law of your State (*e.g.*, the explicit provision (permitted by law) in the powers of representation that they come into effect immediately upon signature):

[The default is that, unless the enduring power of attorney or representation agreement states an effective date/event, the instrument will come into force when executed.](#)

Confirmation of such powers of representation

6.37. Can a competent authority in your State confirm powers of representation?

- No
 Yes, please indicate which authority can confirm and explain the effect of confirming or not confirming such powers of representation
[The court could confirm authority, if it were challenged \(e.g., validity of an agreement\).](#)

6.38. If yes to question 6.37., can confirmation take place whether such powers of representation are governed by the law of your State or the law of another State?

- No, please explain:
 Yes, please indicate which authority can confirm and explain the effect of confirming or not confirming such powers of representation:
[Please insert text here](#)

6.39. If yes to question 6.37., can confirmation take place whether the powers of representation have come into effect or not?

- Yes
 No, please explain:
[Please insert text here](#)

6.40. Do your responses to questions 6.37.-6.39. differ whether such powers of representation are subject to a formal requirement (*e.g.*, notarised, certified, witnessed) or not subject to any formal requirements?

- No
 Yes, please explain:
[Please insert text here](#)

Modifications of such powers of representation

6.41. Is it possible for the grantor or a competent authority to modify powers of representation governed by the law of your State after they have come into effect?

- No
 Yes, please explain who can modify such powers of representation, for what purpose, in what form, and any related safeguards:

Generally, if the grantor has the required capability to do so, the grantor can modify the enduring power of attorney or representation agreement in the same manner that they can make the original grant.

6.42. Does your response to question 6.41. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

- No
 Yes, please explain:
 Please insert text here

6.43. Have issues arisen in your State with regard to the modification of such powers of representation governed by the law of another State?

- No
 Yes, please explain:
 Not to our knowledge. (See response to question 6.4 regarding the recognition of instruments from other jurisdictions.)

Extinction of such powers of representation

6.44. Please explain the conditions for the extinction of powers of representation governed by the law of your State:

Enduring power of attorney - An enduring power of attorney terminates in accordance with its terms; if the grantor dies; the court terminates; a guardian is appointed; or the enduring power of attorney is revoked by the grantor.

The authority of an attorney ends if the enduring power of attorney is terminated; the provisions that give authority to the attorney are revoked; if the attorney resigns; if the attorney becomes incapable or dies, is bankrupt, is a corporation and ceases doing business, is convicted of an offence of which the grantor is the victim, or is the adult's spouse and the marriage ends (unless the document provides otherwise).

Representation agreement - A representation agreement ends on the death of the grantor; if cancelled by the court; on the termination of marriage of the grantor and representative (unless the document provides otherwise); on the representative becoming incapable; on the resignation of the representative; on revocation by the grantor; on the appointment of a guardian.

The authority relating to the grantor's financial affairs automatically terminated on the bankruptcy of the grantor or representative; the conviction of the representative of an offence involving dishonesty; on the dissolution or winding up of the trust company or credit union, if they are the representative.

6.45. Does your response to question 6.44. differ whether such powers of representation are subject to a formal requirement (*e.g.*, notarised, certified, witnessed) or not subject to any formal requirements?

- No
 Yes, please explain:
[Please insert text here](#)

6.46. Have issues arisen in your State with regard to the extinction of such powers of representation governed by the law of another State?

- No
 Yes, please explain:
[Not to our knowledge. \(See response to question 6.4 regarding the recognition of instruments from other jurisdictions.\)](#)

Other information concerning such powers of representation

6.47. Please list and describe *ex lege* powers of representation resulting from a unilateral act or an agreement that arise by reference to a relationship or other status in connection with the adult (including but not limited to those arising from a contract of marriage, and similar relationships):

[The Health Care \(Consent\) and Care Facility \(Admission\) Act provides for consent to health care, including who may consent on behalf of an incapable adult. The Act authorizes spouses, other family members and close friends to act as temporary substitute decision makers.](#)

6.48. Please provide any additional information with regard to such powers of representation (as described above in the introduction to Section VI) governed by the law of your State:

[Please insert text here](#)

6.49. Please provide any additional information with regard to issues that may have arisen in your State with regard to such powers of representation (as described above in the introduction to Section VI) governed by the law of another State:

[Please insert text here](#)

VII – Recognition and enforcement

7.1. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 22** from the perspective of the requested State?

- No
 Yes, please specify:
[Please insert text here](#)

7.2. Have judicial or administrative procedures, guidelines or protocols been adopted in your State to facilitate the application of **Article 23**?

- No
 Yes, please describe and also provide a link or attach a copy, preferably translated into English or French:
[Please insert text here](#)

7.3. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 23** (e.g., in terms of procedure, formalities, time frames, etc.)?

- No
 Yes, please specify:
[Please insert text here](#)

7.4. Are you aware of any challenges, or have questions arisen, in applying **Article 25** in your State?

- No
 Yes, please specify:
[Please insert text here](#)

7.5. Please describe the “simple and rapid procedure” (see **Art. 25(2)**) in place in your State for declaring enforceable or registering for the purpose of enforcement measures of protection taken in another State Party and enforceable there, in particular:

a) Which authority declares enforceable or registers a measure of protection taken in another State Party?

[Please insert text here](#)

b) What time frames are applied to ensure that the procedure is rapid?

[Please insert text here](#)

c) Is legal representation required?

- No
 Yes, please describe:
[Please insert text here](#)

7.6. Are you aware of any challenges, or have questions arisen, in applying **Article 27** in your State?

- No
 Yes, please specify:
[Please insert text here](#)

7.7. Under **Article 27**, are **measures concerning the person** of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests subject to *exequatur* in accordance with the law of your State?

- No
 Yes, please list and describe such measures:
[Please insert text here](#)

7.8. Please indicate how often measures referred to in question 7.7. are subject to *exequatur* under the law of your State in accordance with **Article 27**:

- Never
 Rarely
 Sometimes
 Very often
 Always

7.9. Under **Article 27**, are **measures concerning the property** of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests subject to *exequatur* in accordance with the law of your State?

- No
 Yes, please list and describe such measures:
[Please insert text here](#)

7.10. Please indicate how often measures referred to in question 7.9. are subject to *exequatur* under the law of your State in accordance with **Article 27**:

- Never
 Rarely
 Sometimes
 Very often
 Always

7.11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other articles in **Chapter IV**?

- No
 Yes, please specify:
[Please insert text here](#)

VIII – Co-operation

8.1. With the understanding that services provided by Central Authorities under the 2000 Convention may vary, does your Central Authority provide assistance, either directly or through other authorities in your State, to an **individual habitually resident in your State** who made a request for assistance in connection with a matter falling under the scope of the Convention in a requested State? If so, please indicate the nature of the assistance provided.

- a. None
 b. Assistance in obtaining information on the operation of the 2000 Convention
 c. Assistance in obtaining information on the relevant laws and procedures and services available in the requested State
 d. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
 e. Transmission of a request to the Central Authority or to the competent authorities in the requested State
 f. Assistance in discovering the whereabouts of an adult
 g. Assistance in initiating judicial or administrative proceedings
 h. Assistance in providing or facilitating the provision of legal aid and advice
 i. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State
 j. Ensuring separate legal representation for the adult in any proceedings
 k. Ensuring support for exercise of capacity in terms of Article 12(3) of the UNCRPD
 l. Referral to other governmental and / or non-governmental organisations for assistance
 m. Provision of regular updates on the progress of the application

- n. Other, please specify:
[Please insert text here](#)

8.2. With the understanding that services provided by Central Authorities under the 2000 Convention may vary, does your Central Authority provide assistance, either directly or through other authorities in your State, to authorities from a requesting State on behalf of an **individual residing abroad** who made a request for assistance in connection with a matter falling under the scope of the Convention? If so, please indicate the nature of the assistance provided.

- a. None
 b. Assistance in providing information on the operation of the 2000 Convention
 c. Assistance in providing information on the relevant laws and procedures and services available in your State
 d. Establishment of contact with the competent authorities in your State to find out the kind of assistance such authorities could provide
 e. Transmission of a request to the competent authorities in your State
 f. Assistance in discovering the whereabouts of an adult in your State
 g. Assistance in initiating judicial or administrative proceedings in your State
 h. Assistance in providing or facilitating the provision of legal aid and advice in your State
 i. Assistance in obtaining private legal counsel or mediation services, where needed in your State
 j. Ensuring separate legal representation for the adult in any proceedings
 k. Ensuring support for exercise of capacity in terms of Article 12(3) of the UNCPRD
 l. Referral to other governmental and / or non-governmental organisations in your State for assistance
 m. Provision of regular updates on the progress of the application
 n. Other, please specify:
[Please insert text here](#)

8.3. Are you aware of any challenges, or have questions arisen, in applying **Article 29** in your State (*e.g.*, in relation to the timeliness of responses to requests)?

- No
 Yes, please specify:
[Please insert text here](#)

8.4. With a view to facilitate the task of Central Authorities under **Article 29(2)**, please describe the type of information that would be useful to include in a Country Profile published on the HCCH website (*e.g.*, information with respect to the availability of certain measures under internal law (*e.g.*, in relation to **Art. 3(e)**), or the procedures applied under, *e.g.*, **Article 22, 23, 25, 30, 31 or 33**, or information on Central Authority services provided (see questions 8.1. and 8.2. above):

[Please insert text here](#)

8.5. How does your Central Authority (either directly or through public authorities or other bodies) take appropriate steps under **Article 31** to facilitate, by mediation, conciliation or similar means, agreed solutions for the protection of the person or property of the adult in situations to which the 2000 Convention applies? Please explain:

[Please insert text here](#)

8.6. Have authorities in your State experienced any challenges, or have questions arisen, in providing or obtaining information under **Article 32(1) or 34**?

- No
 Yes, please describe:
[Please insert text here](#)

8.7. Have authorities in your State experienced placements in accordance with **Article 33** either as a requesting or a requested State?

- No
 Yes

8.8. Have authorities in your State experienced any challenges, or have questions arisen, in applying **Article 33** (e.g., has your State been requested to accept an adult under a certain type of placement or institutional care that is not available under your internal law, or was insufficient information provided to you as the requested State)?

- No
 Yes, please describe:
[Please insert text here](#)

8.9. Please list and describe the procedures and conditions for the placement of an adult in your State in accordance with **Article 33**:

[Please insert text here](#)

8.10. As a requested State, please describe the information you would expect to receive from a requesting State with regard to the placement of an adult in your State in accordance with **Article 33**:

[Please insert text here](#)

8.11. Does your State impose charges, as provided under **Article 36(1)**, for the provision of services under **Chapter V** (Co-operation)?

- No
 Yes, for the following types of services (e.g., translation, legal assistance):
[Please insert text here](#)

8.12. As a requesting State, have authorities in your State experienced any challenges, or have questions arisen, with regard to charges provided under **Article 36(1)**?

- No
 Yes, please explain:
[Please insert text here](#)

8.13. Are you aware of any challenges, or have questions arisen, in applying any other provisions under **Chapter V** in your State?

- No
 Yes, please describe:

Please insert text here

- 8.14. Have judges in your State used direct judicial communications in cases falling under the 2000 Convention (where applicable, please consult your Member of the International Hague Network of Judges¹³)?

- No
 Yes, please specify in relation to which specific matters (*e.g.*, transfer of jurisdiction (**Art. 8**), placement of a child (**Art. 33**)):
 Please insert text here

IX – General provisions

- 9.1. Has your State experienced any challenges, or have questions arisen, in relation to requests under **Article 38** for the delivery of a certificate indicating the capacity in which a person entrusted with protection of the adult’s person or property is entitled to act and the powers conferred upon him or her?

- No
 Yes, please describe:
 Please insert text here

- 9.2. Which authority(ies) designated by your State in accordance with **Article 38(3)** is competent to draw up the **Article 38(1)** certificate? Please specify:

Please insert text here

- 9.3. If possible, please indicate the number of certificates that have been delivered by authorities in your State since the 2000 Convention came into force for your State:

Please insert text here

- 9.4. Has your State experienced any challenges, or have questions arisen, in relation to the implementation and / or operation of **Articles 39 and 40**?

- No
 Yes, please describe:
 Please insert text here

- 9.5. Which authority(ies) has your State designated in accordance with **Article 42** to which requests under **Article 8** are to be addressed? Please specify:

Please insert text here

- 9.6. Which authority(ies) has your State designated in accordance with **Article 42** to which requests under **Article 33** are to be addressed? Please specify:

Please insert text here

- 9.7. Please list international instruments to which your State is a Party in accordance with **Article 49** which contain provisions on matters governed by the 2000 Convention:

¹³ The List of Members of the International Hague Network of Judges is available at: <https://assets.hcch.net/docs/665b2d56-6236-4125-9352-c22bb65bc375.pdf>.

Please insert text here

9.8. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other Articles in **Chapter VI**?

- No
 Yes, please specify:
Please insert text here

X – Miscellaneous

10.1. Is there any other comment that your State wishes to make relating to the practical operation of the 2000 Convention? If so, please specify:

Please insert text here

10.2. Are there any particular issues that your State would like the Special Commission meeting to discuss in relation to the 2000 Convention? Please specify and list in order of priority:

Please insert text here

10.3. Is your State of the view that having joined the 2000 Convention will assist with the implementation of its obligations under the UNCRPD *e.g.*, Articles 12 and 16 of the UNCRPD?

- Yes
 No, please explain:
Please insert text here