

# Public Trustee Services

## Protecting the Personal and Financial Interests of Vulnerable Persons



### Who are we?

Public Trustee Services provide a range of legal support services to protect the personal and financial interests of vulnerable individuals in New Brunswick.

The authority of the Public Trustee is found in the *Public Trustee Act* and other provincial statutes.

The Public Trustee's Office operates as a service of the New Brunswick Legal Aid Services Commission.

### Our services

We offer a wide range of services.

We can:

- Offer adult clients decision-making supports for their finances, health and personal matters;
- Administer the estates of deceased or missing persons;
- Protect the financial interests of children;
- Act as litigation guardian in court proceedings;
- Protect the financial interests of psychiatric patients.

### Who can we help?

We support and represent individuals who need help making decisions when no family member or other person is willing or able to act on their behalf.

We help protect the interests of:

- seniors
- individuals with a disability
- missing person
- deceased persons
- children (minors)

### How do we help vulnerable individuals?

#### Managing property and finances

We manage an individual's property, investments and finances, including bank accounts and trust funds. We may act under a power of attorney, or be appointed by the court as a trustee or a representative.

#### Health and Personal care decisions

We make decisions related to an individual's well-being, such as where they live, their consent to surgery and the care they receive. We may act under a power of attorney for personal care or be appointed by the court as a representative.

#### Estate administration

We administer the estate of a deceased person when no one else is able or willing to do so.

### New Supported Decision-Making and Representation Act (SDMRA)

In January 2024, the SDMRA replaced the former *Infirm Persons Act*. The new law strengthens the requirement to promote the autonomy and dignity of individuals who need decision-making supports, as much as possible.

There are three options for supporting these individuals:

- 1 Decision-making assistance authorization:** allows an assistant to obtain information and communicate the decisions of the assisted person.
- 2 Supported decision-making order:** allows a supported decision-maker to act as an assistant and help the assisted person make decisions.
- 3 Representation order:** authorizes a representative to act on behalf of the represented person and make decisions for them.

The Public Trustee can only act under a representation order (option 3), and only when a less intrusive measure is not sufficient and no one else is able to act as the representative.

### Fees for our services

Fees may apply to our services. They are set under the *Public Trustee Act*, vary depending on the services provided, and are deducted from the property of the person being represented.

We can discuss fees with the individual, a family member, or their representative.

The fee schedule is available in the New Brunswick Regulation 2008-56 or upon request.

### How to access our services

Anyone can request our services.

Requests must be made in writing using the appropriate form:

- Application to Appoint Public Trustee as POA or Executor (Form 01)
- Application of Referral to Administer an Estate (Form 02)
- Application for Adult Services (Form 03)

Forms are available on our website or upon request.

### Legal Aid: Can a family member be appointed as a representative?

Yes. A family member can be appointed by the court to act on behalf of a vulnerable person.

The New Brunswick Legal Aid Services Commission provides support to family members who wish to obtain a representation order. Lawyers guide them step by step until the court makes its decision.

### What is the role of the appointed family member?

The family member has the same responsibilities as the Public Trustee, including:

- managing property and finances;
- making certain decisions regarding the individual's well-being and care.

### What are the fees and steps?

Eligibility for legal aid is assessed based on your income and household size. Depending on your situation, a financial contribution may be required. The fee schedule is available on our website or upon request.

Anyone can apply for our services by completing the legal aid services application form. The form is available on our website or upon request.

### Have a question?

Contact us:

Phone: 506-444-3688

Toll-free phone: 1-888-336-8383


Email: [public.trustee@gnb.ca](mailto:public.trustee@gnb.ca)


Web site:  
<https://www.legalaid-aidejuridique-nb.ca/>


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