

PUBLIC TRUSTEE



The Public Trustee's Office can manage the financial and health care needs for some people when no one else is willing, suitable, or able to act. It is independent of the provincial government.

LEGAL INFOⁱ
NOVA SCOTIA



What is the Public Trustee?

The Public Trustee's Office manages the financial and health care needs for some people when no one else is willing, suitable, or able to act. The Public Trustee can act as:

- a **representative** for an **adult**,
- a guardian for a child,
- a custodian or trustee of a person who cannot care for their own affairs, or
- the **executor** or **administrator** of the **estate** of a person who has died.

It gets its power from Nova Scotia's *Public Trustee Act*.

What can the Public Trustee do?

The Public Trustee often acts when no one else can take responsibility for a person's **estate**.

The Public Trustee can act as a trustee for a person under the age of 19 who receives money in an insurance settlement or inheritance or as a named beneficiary, but does not have a parent or guardian who was named as a trustee to manage the money.

The Public Trustee can serve as a **representative** for an adult who cannot manage their own finances and has not given someone **power of attorney** to act for them.

The Public Trustee investigates complaints about a representation order or **guardianship** order being misused. If you wish to make a complaint to the Public Trustee, you can call them at 902-424-7760 or send an email to publictrustee@novascotia.ca.

The Public Trustee can apply to the **Probate** Court to manage the estate of a person who has died.

Under the *Adult Capacity and Decision Making Act*, the Public Trustee can make health care decisions for a person who is not able to understand the risks, benefits, or the consequences of an important decision about their health. They will do this only if no one else can. If a patient has not named someone to make these decisions and has no representation order, a doctor will speak with the patient's family about giving consent to treatment. If no one can or will make these health decisions, the health care provider will contact the Public Trustee as a last resort.

The Public Trustee will review the request. They will try to learn if the

patient has ever expressed any wishes about the medical treatment. They will try to make a decision that respects the patient's values, beliefs and wishes. If treatment is in the best interests of the patient, the Public Trustee will give consent.

You can find more information in the sections "Adult Capacity and Decision-making," "Powers of Attorney," and "Health Care Treatment and Consent."

▶ Does the Public Trustee help everyone who asks for help?

The Public Trustee accepts cases based on their facts.

Some things it will not do are the following:

- help a family solve a disagreement
- be responsible for a person's physical care and well-being.

▶ What does the Public Trustee cost?

Depending on the services provided, the Public Trustee can charge the same costs and fees as a lawyer. In some cases, a judge will say what the Public Trustee can charge for its work. The fee, for some services, is based on a percentage of the person's **estate** and is set out in the regulations under the *Public Trustee Act*.

Usually the Public Trustee's costs and fees are paid from the estate of the person. Sometimes a judge will order that another person pay. The accounts of the Public Trustee are audited every year.

▶ Where can I get more information about the Public Trustee?

You can get more information about the work of the Public Trustee's Office at their website, novascotia.ca/just/pto/

You can also call, write, or make an appointment to visit their office:

5670 Spring Garden Road
Suite 200
P.O. Box 685
Halifax, Nova Scotia B3J 2T3
Tel: 902-424-7760
Fax: 902-424-0616
Email: publictrustee@novascotia.ca

Public Trustee—Health Care Decisions Division

Phone: 902-424-4454

Fax: 902-428-2159

Email: PublicTrusteeHCD@novascotia.ca

