

# Public Trustee Services

## Protecting the Personal and Financial Interests of Vulnerable Persons



NEW BRUNSWICK LEGAL AID  
SERVICES COMMISSION

### What are “public trustee services” and who might need them?

Public trustee services refer to the range of legal supports offered by the **Office of the Public Trustee** (OPT) to protect the personal and financial interests of vulnerable persons in New Brunswick.

There are many reasons why people may need public trustee services. The services provide protection and assistance for individuals who lack the mental or legal capacity to manage their own financial or personal affairs. This may include the elderly, the mentally challenged, children, missing or deceased persons and individuals who need guardianship support due to mental or physical incapacity. These individuals may have no one willing, able or available to act on their behalf.

The Office of the Public Trustee operates under the umbrella of the **New Brunswick Legal Aid Services Commission**. The authority of the Public Trustee is found in the *Public Trustee Act* and other provincial statutes.

### The mandate of the Public Trustee may include:

- Providing personal and financial guardianship services to incompetent adults who need support due to a mental or physical incapacity;
- Administering the estates of deceased and missing persons; *and*
- Protecting the financial interests of children.

### How does the Public Trustee protect vulnerable persons?



**Manage Property and Financial Matters** – The Public Trustee may act as an attorney under a power of attorney, or be appointed by the Court as a trustee or as Committee of the Estate. This provides the authority to make decisions about property, investments and finances.



**Make Personal Care Decisions** – The Public Trustee may act as an attorney under a Power of Attorney for personal care or be appointed by the Court as Committee of the person for a client. This involves making decisions about personal care matters. It may include decisions on where the person will live and who will provide their day-to-day care and make health care decisions.



**Make Health Care Decisions** – The Public Trustee may act as a proxy under an Advance Health Care Directive. This involves making decisions about health care and medical treatments.

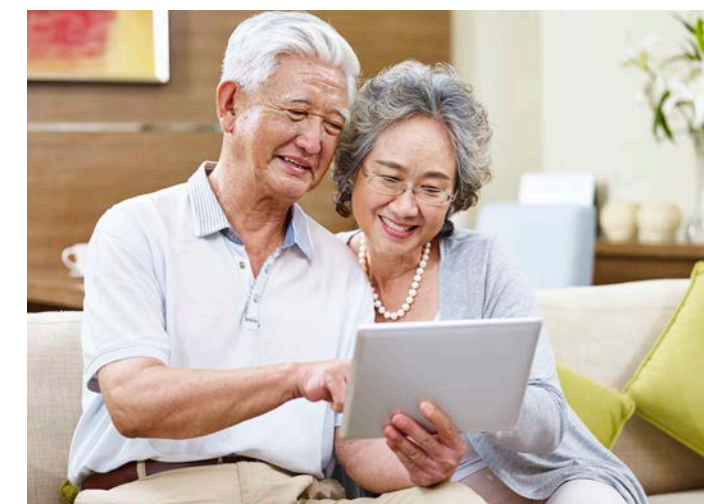


**Act as Administrator or Executor of Estates** – The Public Trustee may consent to be appointed to handle the estate of a person who has died in New Brunswick leaving assets within the province, when there is no one willing and/or able to settle the estate.

The Public Trustee does not become involved in mediating family disputes or investigating cases of financial abuse, but will make referrals.

### Is there a fee for public trustee services?

The Office of the Public Trustee charges a reasonable fee to clients using their services. They can explain the fees to individuals, families or representatives of clients on a case by case basis. The fee is based on the specific service as well as reimbursements for related costs. The Public Trustee collects the required fees from the assets of the person they represent.



You can ask for a copy of the **fee schedule** or you can find it online in the *Regulations of the Public Trustee Act*.

### How do I apply for public trustee services?

Any individual can make a referral to the Public Trustee. Requests for public trustee services must be made in writing through the completion of the appropriate Application for Services.

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

### For more information on public trustee services:



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### Office of the Public Trustee

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Commission

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This pamphlet was developed in cooperation with:



Public Legal Education  
and Information Service  
of New Brunswick

You can contact the **Public Legal Education and Information Service of New Brunswick** (PLEIS-NB) for general information and resources on mental competence, powers of attorney, going to a nursing home, and more. Check out: [www.legal-info-legale.nb.ca](http://www.legal-info-legale.nb.ca) and search *planning ahead*.