

## ***Aroha Entities for Personal Support and Model Agreement***

*The most valuable resource for a person with a disability, as for most of us, is a circle of friends or a personal support network. For someone who is vulnerable, it is wise to consider incorporating a formal, legal entity to supplement or succeed the role of parents in ensuring the person has a good whole life. The Aroha entity, developed by GSA as an integral part of its model, is the incorporated core of a person's circle of friends. GSA as a Housing Trust has the powers to ensure each person's longterm occupancy of their own home. But GSA is set up to support several individuals to have their own homes, and there might be times when the interests of individual members differ. GSA relies on each Aroha to have a unique focus on the individual person and to advocate with and for the person.*

### ***Aroha in Practice***

The first Aroha in Ontario was incorporated in 2002 with and around a man in Guelph who had been a pioneer in creating a home of his own as a basis for a good whole life. He lived with severe Autism and complex, high care needs but also a positive attitude to life, self-expression and citizenship. He also had good friends who cared about him and met with him from time to time in ones or twos or as a full support circle. Andrew's Aroha has shared its experience with other families or circles of friends. One condition of an agreement with GSA for a home of one's own is that the person has an incorporated Aroha.

But Andrew's family consisted only of his parents who were fully committed to him but aging. In 2000, Andrew started to express apprehensions about the future:

*I am very anxious about how my life will be supported in future. I want to talk about fear. I am terrified when night comes and I fear that I will be left alone. The thing I am scared about is seeing the day my parents die. I believe that we must move as quickly..... to get things moving. I really want to feel secure... to know who will live here. I'm concerned about my future security. I need to know my means of support. I need to know that there is a safety system. I want to live in my house forever. I want to mind my own life as much as possible. I need to lessen dependence on my parents. I need people to count on.*

Andrew's parents and friends responded in several circle meetings that addressed ways of making new connections with and for him. They also proposed study of the entities called microboards, an idea taken up by GSA which offered Guelph Focus on Microboards to about 60 participants from across Ontario in November 2001. David and Faye Wetherow, who led the workshops, had developed the first microboard in Canada—in Manitoba in the mid-1980s--and then consulted to various groups and governments in Canada and the United States.

Andrew's parents and circle of friends were so encouraged by the Wetherows' message that they decided to apply for incorporation in Ontario of an entity of personal support. This became effective in February 2002. Since the word Microboard had been reserved and trademarked by a British Columbia organization, Andrew's supporters looked for an alternative that could be used for an entity incorporated under Ontario laws. They

wanted a distinctive word to evoke the qualities of the personal support relationships that a vulnerable person needs. The various qualities and values in a caring circle of family and friends--affection, sustaining love, charity, compassion, empathy, concern, trust, pity, understanding and true friendship—all expressed in active ways, not just well-intentioned ideas or feelings. Andrew was born in New Zealand, so that was another reason for choosing Aroha as the generic term.

Andrew is a director of his Aroha, together with his parents and several friends who are of different ages, all younger than his parents. Directors of his Aroha are core members of his wider circle of friends who are also members of the Aroha. The other directors of Andrew's Aroha bring various kinds of qualifications and life experience to their roles. They all know Andrew well, show respect for him, and keep in touch by sharing parts of their lives with him. One director is a specialist in speech, language and communication; she can ensure that Andrew has real opportunities to express himself and be listened to, as he does not speak with his voice. Another director (and president of the Aroha) is a professor about Andrew's age who also shares interests in physical fitness and is an honorary director of GSA, the Housing Trust that owns and maintains Andrew's home for his lifetime occupancy. A third director is younger than Andrew; she was his full-time tutor for two years and is now a teacher and settled with her husband and children in Andrew's neighbourhood.

As soon as his Aroha was incorporated and his friends had agreed to be directors, Andrew felt reassured, typing this message:

*I feel good knowing about Aroha. I know my future is safer. Proud to feel I'm a pioneer. It means there is a plan for when G and E leave this earth. Aroha keeps my home going with my voice. My Aroha friends know how to listen to my voice. I feel safer knowing that my Aroha would be in charge. Not some strangers. I'm glad that I can express this.*

Andrew's Aroha is designed for his needs and situation. The essential qualities and powers of an Aroha can be adapted for the specific needs and situations of other people who are vulnerable because of some disability. They are compatible with the values and goals of personal support networks and circles of friends, individualized funding, supported decision-making, and community building. Andrew's parents are still active in supporting his self-

### Different people in my life

19 Nov 2011

It takes different things  
to make the world work.  
I need different people in my life  
to make me work like I need to....

...People who are strong and bold  
are like pillars  
in the bridge of my life.

...People who are gentle and kind  
with a soft heart  
give me encouragement to try:  
they are the bricks  
in the bridge of my life

I have people in my life  
who are there when I need them—  
dependable, respectable, kind people  
who respond when I need their help.

People have opinions of  
who I am and who I should be.  
But the people in my life who matter  
are people who give me  
the chance to be me.

I need to be encouraged  
and given the motivation  
to use my determination  
but I also need to be given  
time and patience to make  
a change or mistake.

The people in my life help me  
overcome the things in life  
that could leave me in the water.  
I don't like to just swim.  
I like to walk over the bridge.

I need each of these  
unique and wonderful people.  
The bricks and the pillars  
build the strength of my bridge  
to pass over when I need it.

directed life, but the legal mechanisms are in place for a smooth transition when they are gone.

Andrew's Aroha has a vital role in GSA's model of support for a home and good life of each individual. An Aroha is party to most of the agreements between GSA as Housing Trust and an active member like Andrew. Directors of the Aroha have considerable powers and responsibilities to listen to Andrew, look out for his well-being and make connections for him, as well as to advocate for and administer supports and resources to keep his good life going. Above all, though, they are friends and the core of Andrew's larger circle of friends. "My Aroha friends are important for who they are, what they can do now and what they will do to support my good life into the future." Personal relationships and trust are core values of the Aroha's roles.

### ***Should You Consider an Aroha (aka Microboard)?***

An Aroha entity can be helpful in many circumstances, not only when a person wants to live in a home of his own. Each vulnerable person and situation is different and unique. If you are considering incorporating an Aroha around your loved one, you should think through what you need and consult your lawyer. You might peruse these more detailed documents and consider especially the following questions. We recommend these resources:

1. **Entities For Personal Empowerment and Support** at <https://www.oaarsn.ca/creative-support-models/aroha-entities/>  
A large collection of files, especially about the first Ontario event about Microboards/Aroha entities in 2001 and advice on how to incorporate such a not-for-profit entity. Note that incorporation options and procedures have changed since 2001. While you may be inspired by this model strategy, we urge you to consult legal professionals before taking action.
2. The current Microboards Ontario website.
3. PowerPoint presentation by GSA for Microboards Ontario, June 2018. [https://www.oaarsn.ca/wp-content/uploads/2021/08/Microboard-functions\\_EB\\_2018.pdf](https://www.oaarsn.ca/wp-content/uploads/2021/08/Microboard-functions_EB_2018.pdf)

### ***What is an Aroha entity for personal support?***

An Aroha is formed when a group of committed family members and friends join together with a person who is vulnerable because of disabilities to incorporate an organization according to the laws of the province, state or nation in which they live. This entity has the objects and legal powers to address the vulnerable person's planning and support needs, to create solutions, and to manage resources in ways that are responsive and accountable.

GSA uses the Maori word "Aroha" (from Aotearoa/New Zealand) as the generic term for incorporated entities for personal support. Aroha entities are very similar to "microboards" in British Columbia or "self-directed support corporations" in various American states.

Aroha means the various qualities and values that are needed in a caring circle of friends. Its meanings include affection, sustaining love, charity, compassion, empathy, concern, trust, pity, understanding and true friendship—all in active ways, not just ideas or feelings.

### ***Who should be interested in Aroha entities for personal support?***

Incorporated Aroha entities have great potential interest for:

- Persons who have disabilities that make them vulnerable or socially isolated and limit their abilities to carry through business decisions about their lives. An incorporated Aroha entity should be an option for anyone who has a developmental, physical, mental, cognitive or communication disability.
- Everyone who cares about a relative or friend with a disability, as an Aroha can provide a platform for inviting community support to broaden and continue the good things being done by family and friends.
- Communities who can see the benefits of families and friends having real and responsible roles in protecting vulnerable and otherwise socially isolated persons from abuse, and generally promoting safety in communities.
- Governments who are reassured that, with its legal powers and responsibilities, the incorporated Aroha entity functions enough like an agency to receive disability support dollars and provide fiscal management.
- Prospective foundation supporters who appreciate Aroha entities for their success in leveraging family and community investments.

### ***What can an incorporated Aroha do for personal support?***

In essence, ensure that available resources and supports are used for the individual, in keeping with her/his wishes and needs—now, and into the future, after parents are no longer available to take care of the many details that add up to quality of life.

First, members and supporters of the Aroha entity ensure that the person with a disability has ways to understand options and make decisions about her/his life. GSA recommends a supported decision-making agreement.

Second, an incorporated Aroha entity can have legal powers to:

- receive and administer individualized funding directly or indirectly from Government,
- administer income for testamentary trust funds set up by families,
- be the employer of record for support workers,
- own and maintain property such as the home of the person with a disability,
- make contracts and agreements with independent service providers and consultants,
- make contracts with facilitators and agencies that may provide “second-level” supports,
- carry liability insurance.

*This seems a new idea: has its value been proven anywhere?*

*We already have a circle of friends and a personal support network. Do we need a legally incorporated Aroha entity as well?*

*Whom can we ask to be directors of our incorporated Aroha entity?*

*How can we start an incorporated Aroha entity around our relative with a disability?*

*What are the legal requirements for an Aroha entity for personal support in Ontario?*

*How can such an Aroha entity maintain our son/daughter's good life when we no longer can?*

## **GSA's Model Aroha Agreement**

*GSA relies on the Aroha entity of each active member to pay attention to and monitor all aspects of his quality of life and to be a party to agreements made by or with him. This model agreement should be adapted from person to person and also as a person's circumstances may change, especially when he may leave his family home for his own home and, later, after his parents can no longer support him.*

**THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_ (month) \_\_\_\_\_ (year) BETWEEN:**

**Guelph Services for the Autistic, (GSA)** a non-profit charitable corporation, -and- **Adam Smith, -and- Friends of Adam Smith, (FAS)**, an incorporated Aroha entity,

### **A. Terminology:**

For the purposes of this document,

- *Adam* is Adam Smith
- *the family* is .....[names of parents or siblings or equivalent]
- *Friends of Adam Smith (FAS) or Adam's Aroha* is an incorporated not-for profit entity. Its directors now consist of Adam, his parents and three friends, who have voluntarily organized themselves as a group to safeguard and work for the interests of Adam. They are the core of Adam's larger circle of friends. FAS was incorporated in ..... [date], when Adam asked trusted friends to help him to manage the supports and services he needs for a good life in his community.
- *the housing agreement* is the agreement between Adam, the family and FAS, and GSA for the use of the property located at ..... [address] in Ontario. The housing agreement is intended to provide a home for Adam for his lifetime and to give him a lifetime right of occupancy in the property. By making this housing agreement with GSA, Adam is an "active member" of GSA.
- *the personal support agreement* is the agreement between Adam, his family, FAS, GSA, and transfer payment agency (TPA) to flow individualized funds to meet Adam's disability support costs.

### **B. Purposes:**

The general purpose of Adam's Aroha is to support him co-ordinating and administering any and all resources for his good whole life, both now and in the longer term.

While Adam's parents still live, non-family directors of the Aroha:

1. Listen to him and keep informed of his dreams, evolving abilities and needs
2. Share time and interests with him
3. Make connections with new friends, resources and opportunities for learning and work

4. Are a party to any formal agreements such as: the housing/occupancy agreement with GSA; the personal support agreement with the TPA; and agreements with lifesharers, live-in caregivers, support workers and consultants
5. Are aware of policies and practices of the social service system that may affect him.

In the longer term, the Aroha directors would have more roles in supporting Adam to keep his good life going beyond his parents. The objects of incorporation give them the powers to do so and Adam's parents have made legal and financial plans for the future which should sustain Adam's good life and make the Aroha's tasks as simple as possible. These include:

1. Ensuring that Adam has ways to understand options and to make decisions about his life, using whatever communication works for him and maintaining his supported decision-making agreement.
2. Ensuring that available resources and supports are used to maintain Adam's good life, including any or all of the following tasks, as needed from time to time:
  - a) Receiving and accounting for funding directly from Government or indirectly through a Transfer Payment Agency, monitoring the relationship with the TPA, and advocating for increased funds when necessary
  - b) Administering income from testamentary trust funds set up by family members
  - c) Monitoring and maintaining Adam's occupancy agreement with his Housing Trust, Guelph Services for the Autistic.
  - d) Making agreements and contracts with independent service providers and consultants
  - e) Making agreements and contracts with facilitators and agencies that may provide services
  - f) Acting as employer of record for support workers
  - g) Monitoring the co-ordination and quality of Adam's whole life

*In consideration of the above noted purposes and covenants, and for other valuable considerations the sufficiency of which is acknowledged, the parties agree as follows:*

C: GSA recognizes:

1. The vital and necessary roles of Adam's Aroha in supporting his quality of life in general and enabling him to maintain his occupancy in the property (as outlined above).
2. Adam's Aroha as a party to various formal agreements that support elements of Adam's life, including: the housing/occupancy agreement with GSA; the personal support agreement with the TPA; and agreements with lifesharers, live-in caregivers, support workers and consultants.
3. Adam's Aroha as an essential safeguard to sustain his good life in the longer term, when his parents can no longer support him—using the powers conferred by incorporation.
4. The directors of Adam's Aroha as honorary associate members and volunteers of GSA.
5. Friends of Adam Smith (FAS) as a related organization.

D: FAS undertakes:

1. To report regularly to GSA about Adam’s evolving abilities and needs and the quality of his good life.
2. To do all within its powers to maintain his occupancy in his home.

**Amendments**

This agreement may be amended by mutual agreement among the parties. An amendment to this agreement shall not be valid unless it is in writing and properly executed by all parties.

**SIGNED, SEALED AND DELIVERED** by the parties hereto

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Adam \_\_\_\_\_

For FAS \_\_\_\_\_

For GSA \_\_\_\_\_