



Estate services for First Nations

Find out what services are available to help you manage the property of a minor or a dependent adult who usually lives on a reserve or the estate of a deceased family member or friend who usually lived on a reserve.

Indigenous Services Canada (ISC) is responsible for estate services for First Nations in all provinces. Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) is responsible for estate services for First Nations in the Yukon and Northwest Territories.

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What is an estate

An estate is all of the property and personal possessions of a person.

The estate of a person who has died may include:

- cash
- bonds and investments
- work benefits
- earnings
- pensions
- proceeds from legal actions
- insurance settlements or other settlement monies
- personal effects, like jewellery
- personal property, like vehicles and bank accounts
- lands and buildings owned both on and off-reserve

The estate of a living minor or dependent adult may include:

- cash and bank accounts
- bonds and investments
- earnings
- pension
- tax and disability benefits
- personal effects, like jewellery
- personal property, like vehicles and bank accounts
- lands and buildings owned both on and off-reserve
- insurance settlements or other settlement monies

An estate does not generally include lands or buildings owned by a First Nation or any jointly held assets if one of the holders is still alive, for example:

- joint bank accounts
- joint bonds and investments

- joint tenancy of property

What should you do when a family member or a friend dies

Please email Estate Services at aadnc.estates-successions.aandc@canada.ca.

To help determine who should look after the estate, we will ask you a few questions:

- Did your family member or friend live on a reserve?
- Did your family member or friend have a Secure Certificate of Indian Status?
- Did your family member or friend have a will?
- Who are their family members?
- Is there a death certificate? A document that shows proof of death is needed to begin settling the estate.

If ISC or CIRNAC is looking after the estate, you will be provided with the forms needed to appoint someone to settle the estate.

If a First Nations person was living off a reserve at the time of death, the estate is the responsibility of the province, territory or country where they lived.

Find out more:

- Alberta: [What to do when someone dies](#)
- British Columbia: [What to do when someone dies](#)
- Manitoba: [Dealing with death](#)
- New Brunswick: [Service New Brunswick Vital Statistics Unit](#)

- Newfoundland & Labrador: [Government Services Vital Statistics Division](#)
- Northwest Territories: [Registrar General of Vital Statistics](#)
- Nova Scotia: [Nova Scotia Vital Statistics](#)
- Nunavut: [Nunavut Vital Statistics](#)
- Ontario: [What to do when someone dies](#)
- Prince Edward Island: [Vital Statistics](#)
- Quebec: [What to do in the event of a death](#)
- Saskatchewan: [Dealing with death](#)
- Yukon: [Vital Statistics](#)

You may also wish to visit:

- [Canada Revenue Agency: What to do following a death](#)
- [Service Canada: Notify the federal government of a death](#)

Does living on or off a reserve matter for estates

Under the *Indian Act*, ISC or CIRNAC is only involved with estates for people "ordinarily resident" on a reserve.

"Ordinarily resident" on a reserve means that an eligible First Nations person usually lives on a reserve and does not maintain a primary residence off a reserve. They may, however, temporarily live off a reserve for education purposes or to obtain care or services not available on a reserve.

What is an estate executor or administrator

An estate can be managed by an executor or an administrator.

A living minor or dependent adult can also have an administrator for their estate.

Executor

When a person makes a will, they name someone or a group, such as a law firm or a bank, to be responsible for managing the estate once they have died. That person or group is known as the executor.

The executor manages all of the financial and legal matters of the estate and ensures that the will is carried out.

Administrator

If a person living on a reserve dies without a will or does not name an executor in their will, ISC or CIRNAC will appoint someone to manage the estate. The appointed person is known as the administrator and has the same duties as an executor.

If no one is willing or able to manage the estate, ISC or CIRNAC will act as the administrator.

If you have been appointed as an administrator or executor, visit [Some good practices of an administrator](#).

What does an executor or administrator do

The executor or administrator is responsible for managing all of the financial and legal matters of the estate and is accountable to the beneficiaries named in the will or to the heirs.

The duties differ depending on whether:

- the estate is for someone who has died

or

- the estate is for a living minor or dependent adult

The duties of an executor or administrator for the estate of someone who has died include:

- identifying and protecting the estate property and belongings
- claiming work benefits
- providing a full report to the beneficiaries or heirs on what has been done
- paying the estate debts, including funeral expenses
- filing tax returns
- distributing the estate assets according to:
 - the willor
 - the provisions of the *Indian Act* when there is no will

The duties of an administrator for the estate of someone who is living include:

- identifying and protecting the estate property and belongings
- purchasing necessities for the minor or dependent adult and providing an allowance as required
- consulting with the person responsible for looking after the everyday wellbeing of the minor or dependent adult
- paying bills
- settling debts
- making arrangements for the person's business
- looking after any pension or benefit concerns
- filing tax returns
- providing a full report regarding what has been done each year upon request from:
 - a member of the family
 - the minor

- the dependent adult
- the guardian of the minor or dependent adult
- ISC or CIRNAC

ISC or CIRNAC will:

- review and address concerns and complaints about the management of the estate
- review the management of the estate upon request from the family

To find out more about the duties of an executor or administrator and how to properly manage an estate, visit [What does an administrator do once appointed.](#)

How are estates of people who have died on a reserve managed

ISC or CIRNAC is required under [sections 42 to 50\(1\) of the *Indian Act*](#) to manage the estates of people who were, or could have been, registered under the act and usually lived on a reserve. If you think the person who has died could have been entitled to registration under the act, contact [Public enquiries.](#)

Estate administration is a private family matter and ISC encourages family members or their nominees to manage the estates of those who have died.

As part of estate services, ISC or CIRNAC:

- appoints [estate executors or administrators](#)
- approves wills so they can take effect
- transfers reserve lands from the estate to the beneficiaries or the heirs
- determines the heirs if a person dies without a will
- serves as administrator if no one is willing or able to settle the estate

- if serving as administrator, distributes estate assets according to the will or the provisions of the *Indian Act* when there is no will

If the estate cannot cover funeral expenses, contact Estate Services at aadnc.estates-successions.aandc@canada.ca.

To find out more about wills, visit [Why is it important to have a will](#).

How are estates of minors and dependent adults who live on a reserve managed

Under section 52 of the *Indian Act*, ISC or CIRNAC may help manage the estates of minors registered under the act who usually live on a reserve, including:

- minors who are entitled to be registered under the act
- minors whose names are on a First Nation membership list or could be added to a First Nation membership list
- minors whose parents are registered under the act

Under section 51 of the *Indian Act*, ISC or CIRNAC is required to manage the estates of people who currently cannot manage their financial or legal affairs and usually live on a reserve, including:

- those who are registered under the act
- those who are entitled to be registered under the act
- those whose names are on a First Nation membership list or could be added to a First Nation membership list.

Family members are encouraged to manage the estates of minors or dependent adults.

Who is a minor

A minor is someone who is under the age of majority in the province, territory or country where they live. For example, in Quebec a minor is anyone 17 or younger, while in British Columbia a minor is anyone 18 or younger.

A minor can have an estate, such as property or possessions. Usually a parent or guardian is responsible for the management of the estate because the minor is not of legal age to do so.

ISC or CIRNAC can help only help manage the estates of minors in rare circumstances.

ISC or CIRNAC's ability to help manage the estate of a minor is outlined in section 52 of the *Indian Act* and is considered discretionary. This means that ISC or CIRNAC only steps in when necessary, such as when the parent or guardian is unable to manage the estate or upon request.

ISC or CIRNAC's goal when helping to manage the estates of minors is to do what is in the best interests of the minor.

The accounts ISC or CIRNAC creates to manage the estates of minors are known as individual trust accounts.

Who is a dependent adult

A dependent adult is someone who cannot currently manage their financial or legal affairs. This could include people with dementia or other medical conditions that affect their mental capacity.

ISC or CIRNAC can only help manage the estate once the adult has been officially diagnosed as incapable of managing their own financial or legal affairs.

Diagnosis must be done by a provincial or territorial authority, such as:

- a doctor or other certified health professional
- a capacity assessor employed by the province, territory or country in which the adult lives
- a court of law

The person appointed as administrator of property for a dependent adult can only help with managing personal property and effects, such as money, lands and debts.

Authority for decisions relating to personal care is the responsibility of the province, territory or country where the dependent adult lives.

To find out about services available in your province or territory, contact:

- Alberta: [Office of the Public Guardian and Trustee](#)
- British Columbia: [Public Guardian and Trustee of British Columbia](#)
- Manitoba: [Public Guardian and Trustee of Manitoba](#)
- New Brunswick: [Public Trustee Services](#)
- Newfoundland and Labrador: [Office of the Public Trustee](#)
- Northwest Territories: [Office of the Public Guardian](#)
- Nova Scotia: [Nova Scotia Public Trustee](#)
- Nunavut: [Public Trustee Office](#)
- Ontario: [The Office of the Public Guardian and Trustee](#)
- Prince Edward Island: [Public Trustee, Public and Official Guardian](#)
- Quebec: [Curateur public : Protection of persons of full age](#)
- Saskatchewan: [Power of Attorney, Guardianship and Trusts](#)
- Yukon: [Office of the Public Guardian and Trustee](#)

Contact us

If you have any questions relating to estate services for First Nations, email Estate Services at aadnc.estates-successions.aandc@canada.ca.

Related links

- [Administering an *Indian Act* estate: General information for administrators](#)
- [Forms](#)
- [Matrimonial real property on reserves](#)
- [Indian status](#)
- [Trust moneys](#)
- [Treaty annuity payments](#)
- [Indian Residential Schools Settlement Agreement](#)
- [Are you part of the Indian Residential Schools \(Gottfriedson\) Day Scholars class action](#)
- [Are you part of the Federal Indian Day Schools class action](#)
- [First Nations Drinking Water Class Action](#)
- [Hope for Wellness Help Line](#)

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