



Wills & Estates Survey

Final Report for FNLMAQL - Québec



January 27th, 2021

BOREALE
management

Table of Contents

Context	Page 3
Methodology	Page 4
Identified Objectives	Page 5
Data Highlights & Results	Page 6
Analysis	Page 33
Recommendations & Implementation Plan	Page 35
Next Steps	Page 38

Context

- First Nation Lands Managers Association of Québec and Labrador (FNLMAQL) designed a survey to gather input from Indigenous Land Managers across the country regarding Wills and Estates management within the communities.
- FNLMAQL mandated Boreala Management to provide support in the deployment of the survey as well as to analyze the data and develop a report outlining key findings and potential recommendations for implementation.

Methodology

- The survey was deployed using Survey Monkey.
- It was an anonymous survey with a possible total of 148 members as respondents.
- To encourage participation, respondents were invited to share their name and contact information to enter a draw to win a 100\$ gift card for their member association.
- FNLMAQL asked the regional members to forward the communication and survey link to their members. This two-step process may have hindered the expected response rate if some regional members did not communicate the memo and survey link.

Survey Objectives

The identified objectives of this survey were to:

1

Clarity on the role and tasks of someone who is responsible for wills and estates

2

Assessing respondents' knowledge of wills and estates

3

What organizations do members reach out to for support and for what reasons

4

Evaluate the effectiveness of ISC and understanding their role in the estates process

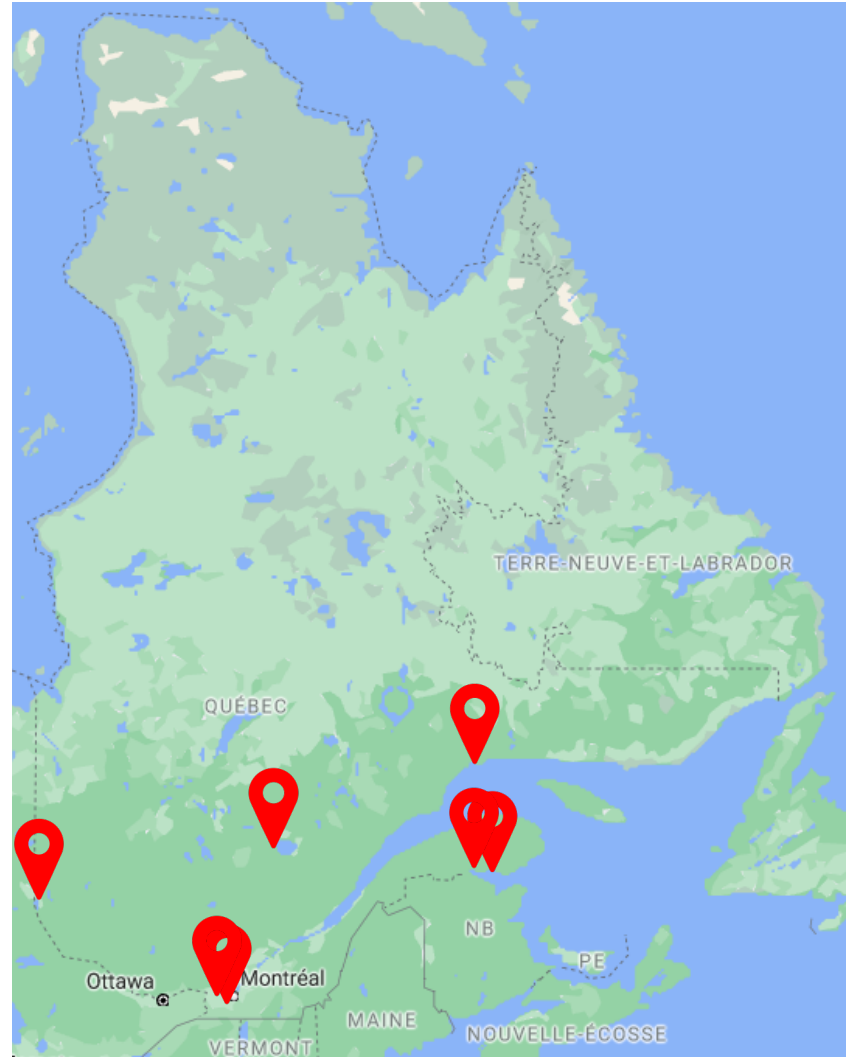
5

What training and additional support might be needed in their role

DEMOGRAPHICS

Survey Respondents: What community or Nation do you represent?

- Gesgapegiag
- Kahnawake Mohawks
- Kanehsatake
- Listuguj
- Pekuakamiulnuatsh
- Timiskaming First Nation
- Uashat Mak Mani-Utenam (2X)



8 respondents
on a total of 41
respondents
across Canada

Survey Respondents: What is your job title? (Open Ended)

LAND

- *Director of Lands & Territories (1)*

MEMBERSHIP

- *Certified Lands, Estates and Membership Manager (2)*
- *Lands, Estates and Membership Clerk (1)*
- *Lands, Membership & Trust Clerk (1)*

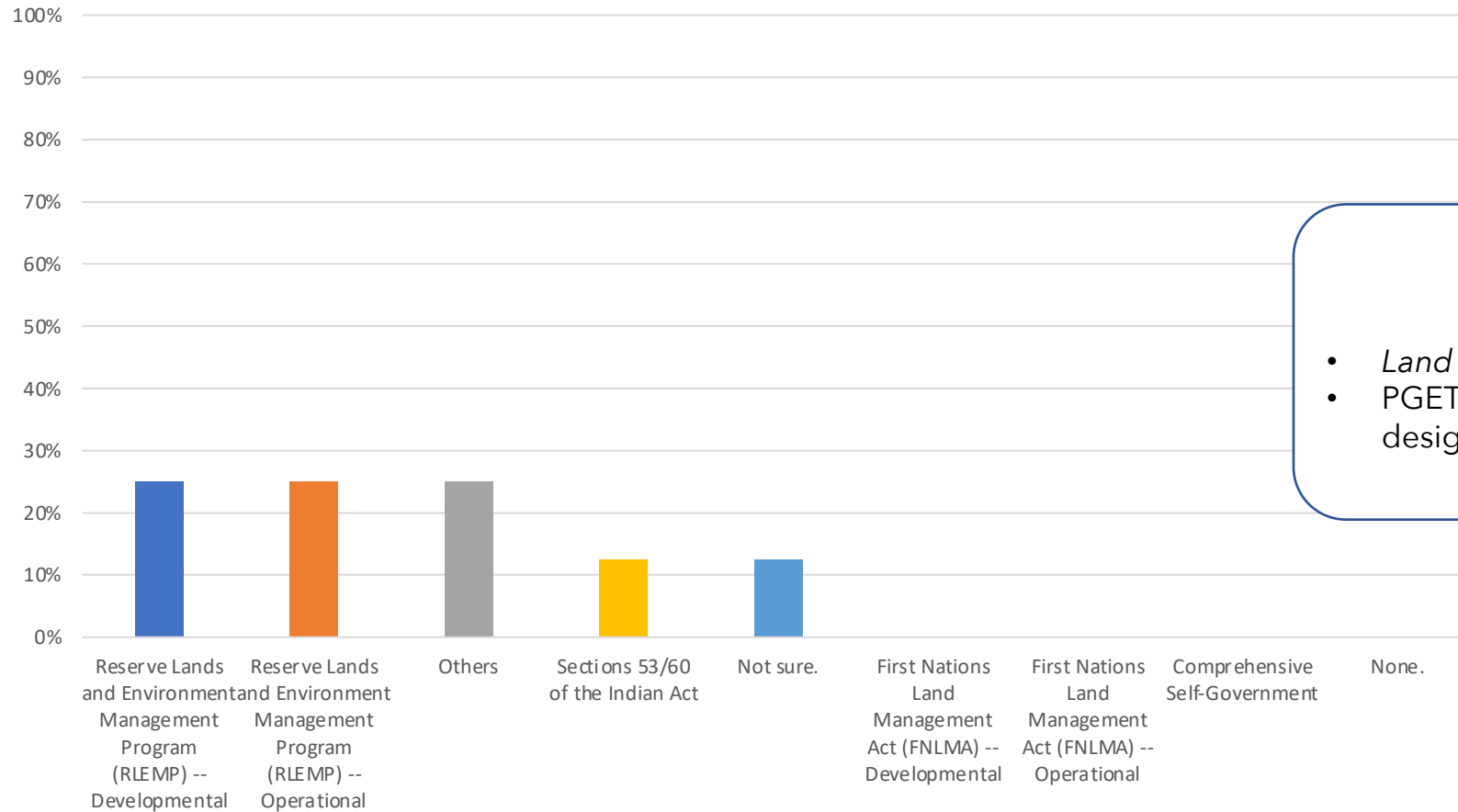
MIXED/OTHER

- *Director Housing, Estates and Infrastructures (1)*
- *Lawyer (1)*
- *Tax Management Coordinator (1)*

LAND REGULATIONS

Land Regime

Q3 - What Land Regime does your Nation or community operate under?

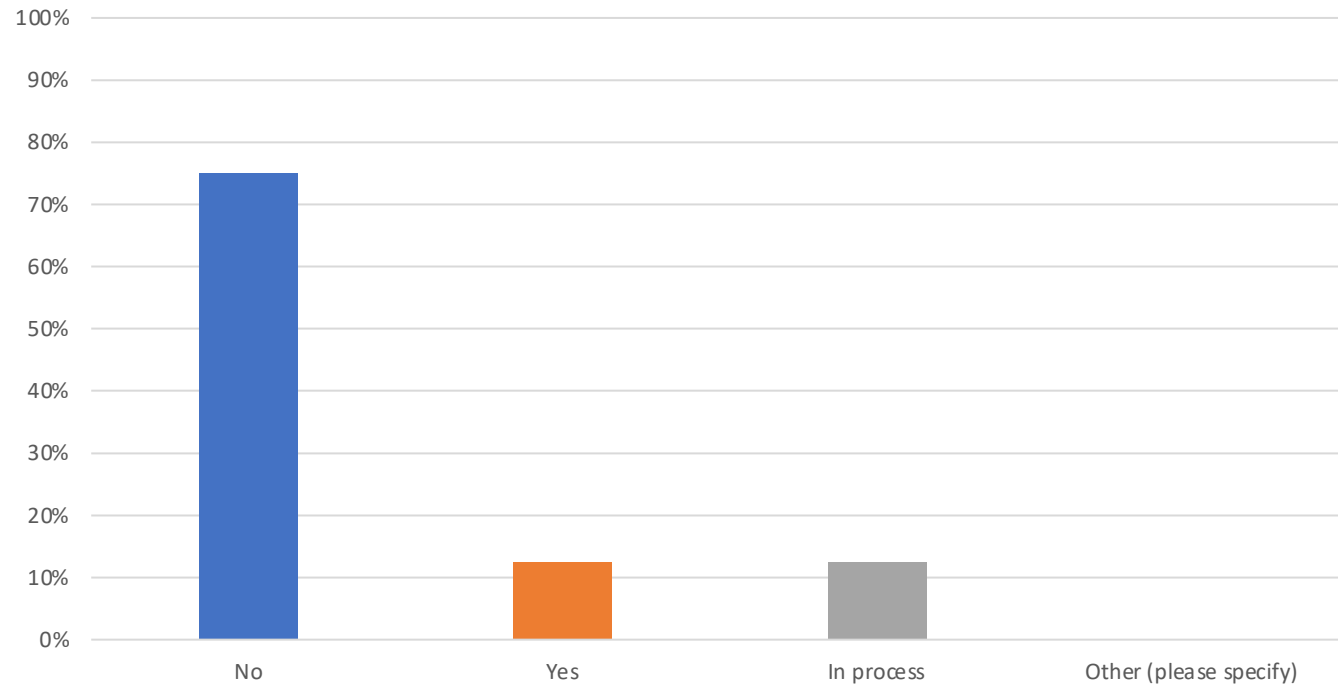


Others include:

- *Land governance agreement*
- PGETR training level, but without a designated land manager

Matrimonial Real Property Laws

Q4 - Does your Nation have its own laws regarding Matrimonial Real Property?

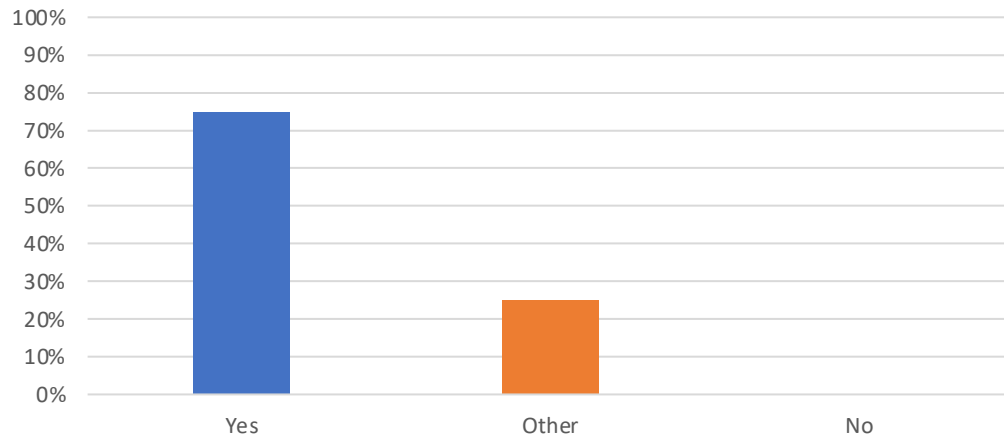


- 6 No
- 1 Yes
- 1 In process

ASSISTANCE

Matrimonial Real Property laws

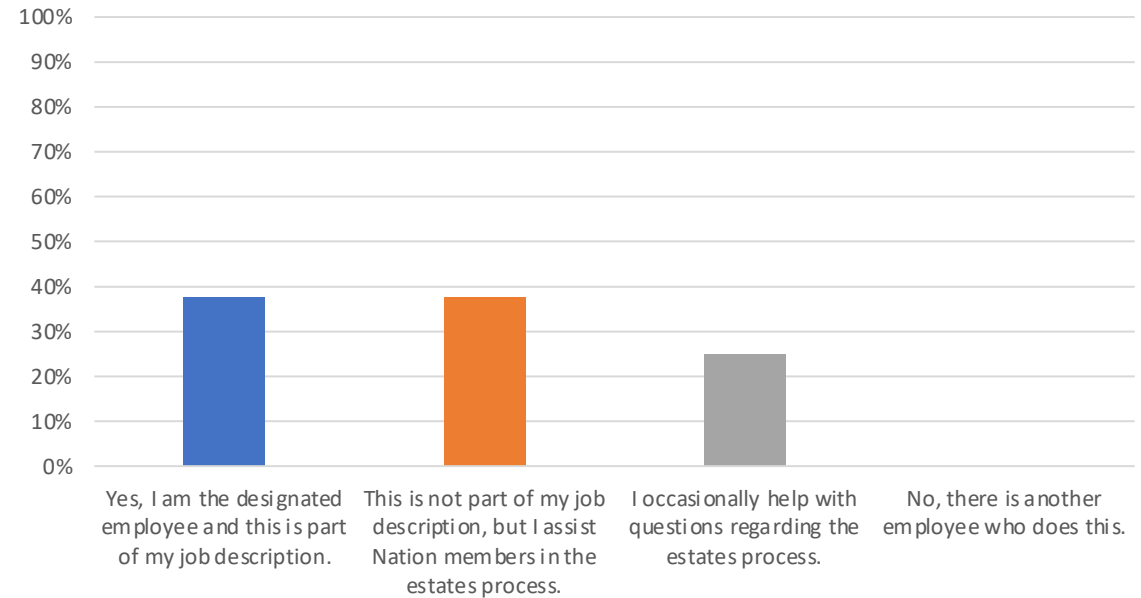
Q5 - Does your Administration have a designated employee or department to assist Nation members in the estates process?



Others include:

- "Officially no, but in practice yes we do help our members in the estates process" *Translated
- "It's us a legal counselors, we guide members towards other resources without giving advices" *Translated

Q6 - If so, are you the designated employee?

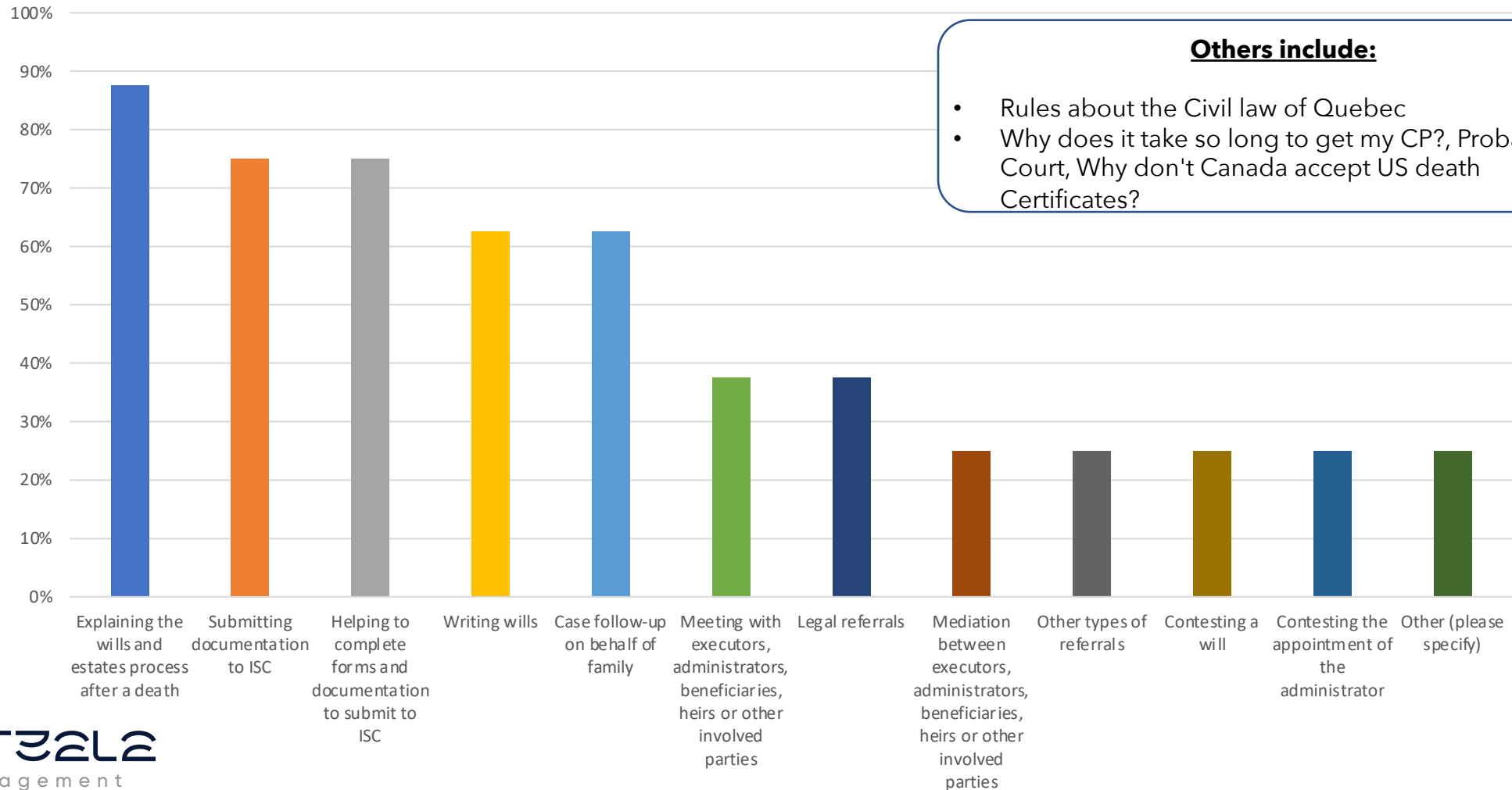


Findings:

- The 3 "Yes, I am..." respondents selected that they would benefit from training (Q13), they also all selected "Training on processes for wills and estates" (Q16) and they all have concern regarding the estate process (Q32)
- They spend on average 28.6% of their time on Real Estate process (Q8)
- The 3 "This is not part of my job description..." respondents spend the most average time (32%) on Real Estate process (Q8)

Assistance Needs

Q7 - What kind of assistance do members ask for regarding the estate process? Please select all that apply.



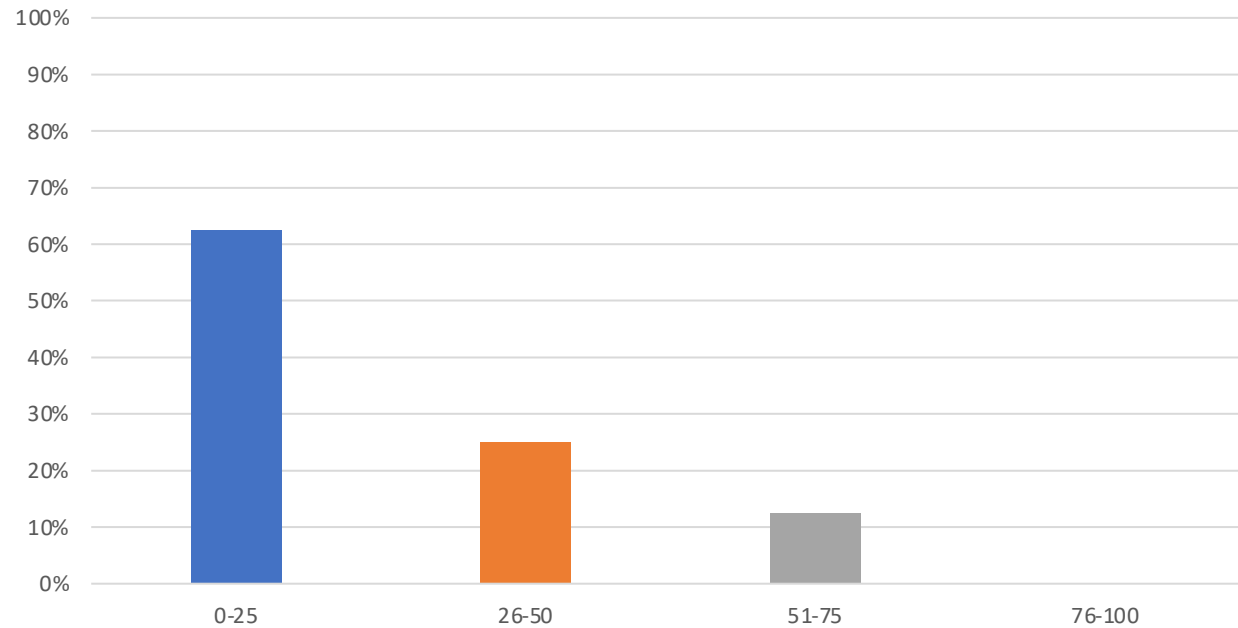
Others include:

- Rules about the Civil law of Quebec
- Why does it take so long to get my CP?, Probate Court, Why don't Canada accept US death Certificates?

ESTATE PROCESS

Time Management

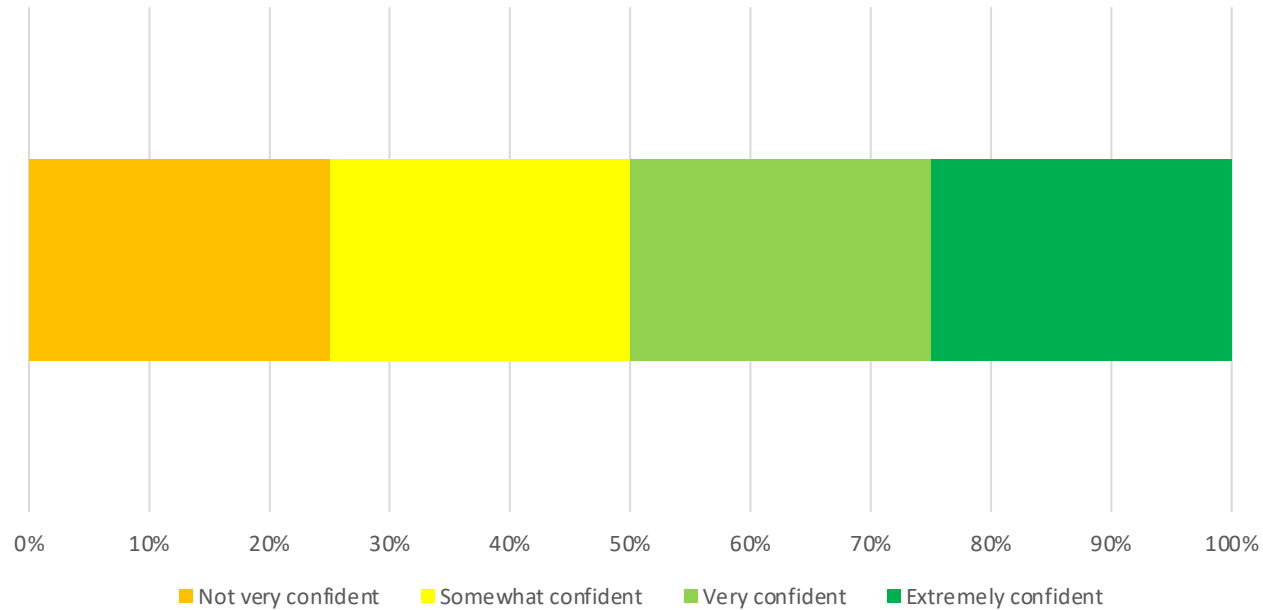
Q8 - What percentage of your time do you spend on the estate process?



Total average: 28.6%

Confidence Level in Services

Q9 - Please rate your confidence in your professional capacity to provide services regarding the estate process.

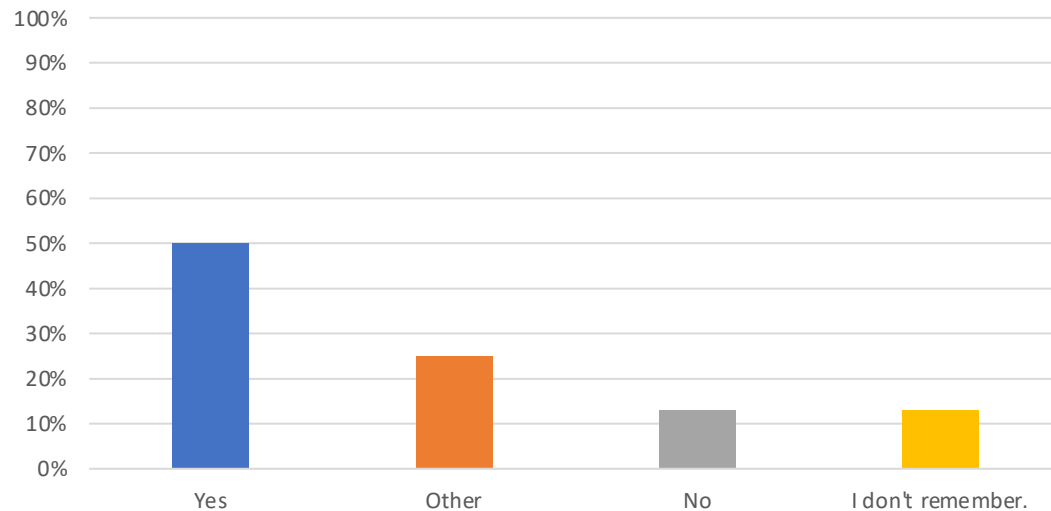


- 50% are either *Very* or *Extremely* confident
- 25% are either *Not at all* or *Not very* confident
- 25% are *Somewhat* confident

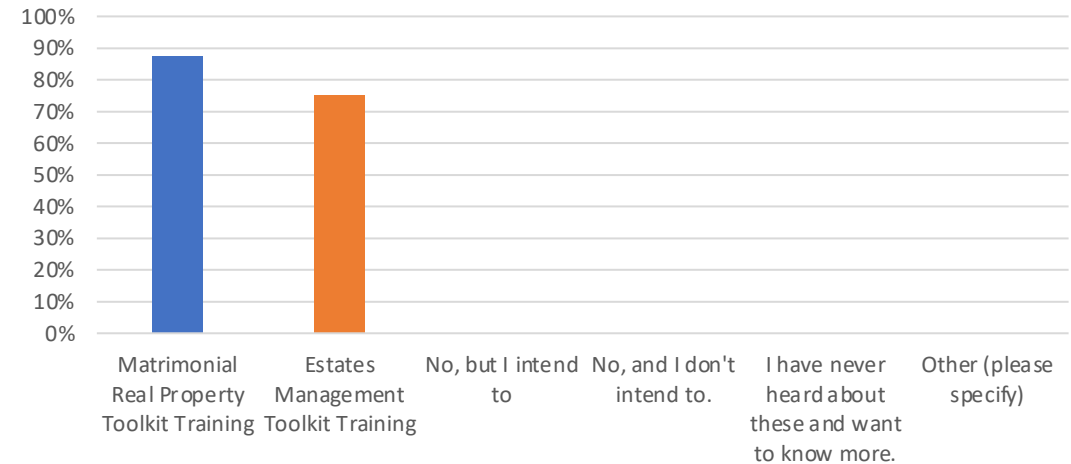
TRAINING

Training Completed

Q11 - Have you ever received training on the estate process?



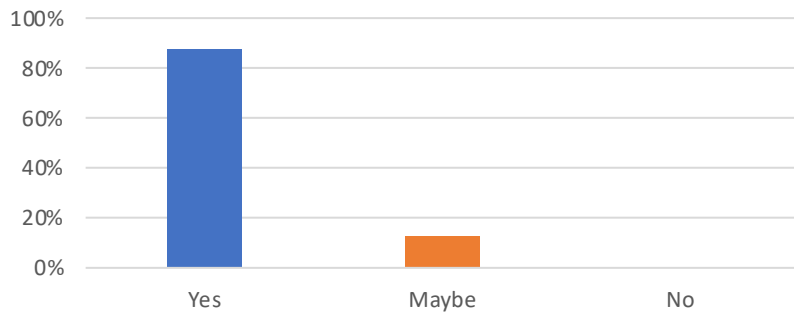
Q12 - If so, have you received any of the following National Aboriginal Lands Managers Association (NALMA) trainings? Please select all that apply.



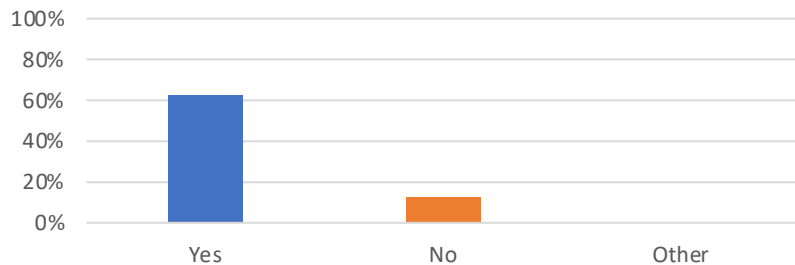
- 88% (7/8) have followed the Matrimonial Real Property Toolkit training
- 75% (6/8) have followed the Estates Management Toolkit Training - Two (2) of them are *Extremely Confident* in their professional capacity to provide services regarding the estate process (Q9), two (2) are *Very confident* and two (2) are *Not Very Confident*
- The one (1) who have not followed the training is *Not Very Confident*, the one (1) who responded *I don't remember* is *Somewhat Confident* and the two (2) who responded *Other* are *Not Very Confident* and *Somewhat Confident* in their professional capacity to provide services regarding the estate process (Q9) - All of them (4/4) would benefit from trainings, information sessions, or workshops regarding the estate process (Q13) - All of them (4/4) have concerns regarding the estate process (Q32)

Training Needs

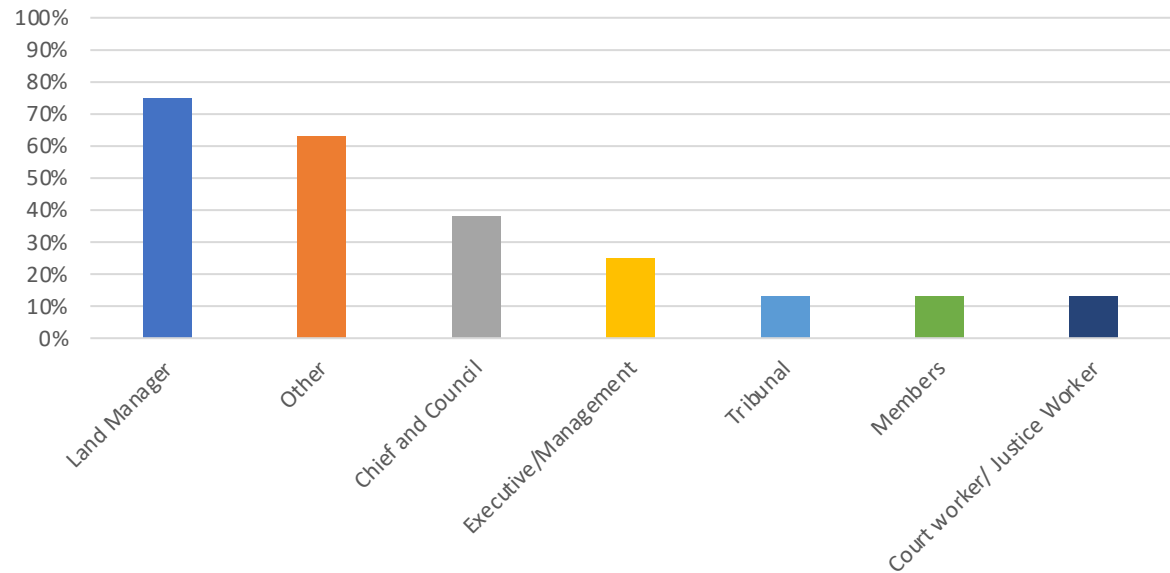
Q13 - Would you benefit from trainings, information sessions, or workshops regarding the estate process?



Q14 - Would anyone else at your Nation benefit from trainings, information sessions, or workshops on the estate process?



Q15 - Who in your community would benefit from these types of training? Please select all that apply.

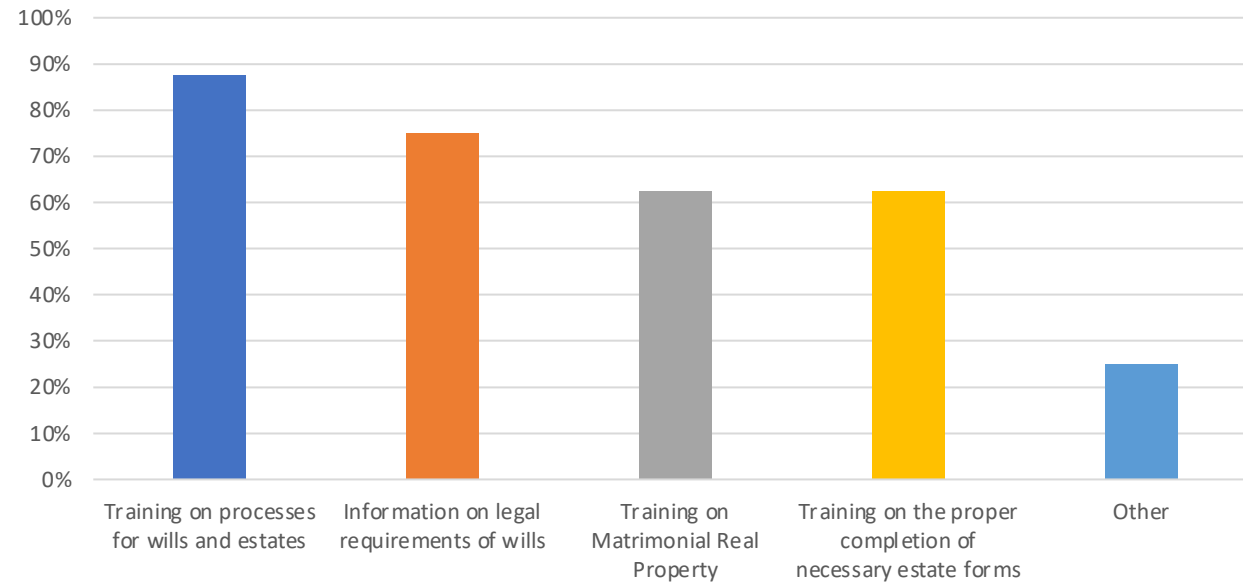


Others include:

- Assistant
- Housing Department
- Lawyer clerk *translated
- More of my staff, NALMA allows 1, I want to bring others and I will pay for additional staff
- Person targeted by the "PN" *translated

Training Needs

Q16 - What kind of training, if any, would help your organization provide service regarding wills and estates? Please select all that apply.



7/8 (88%) would need *Training on processes for wills and estates* to help their organization provide service

Others include:

- Will writing that would be accepted by ISC
- Updates on new processes

SUPPORT

Support with Estate Process

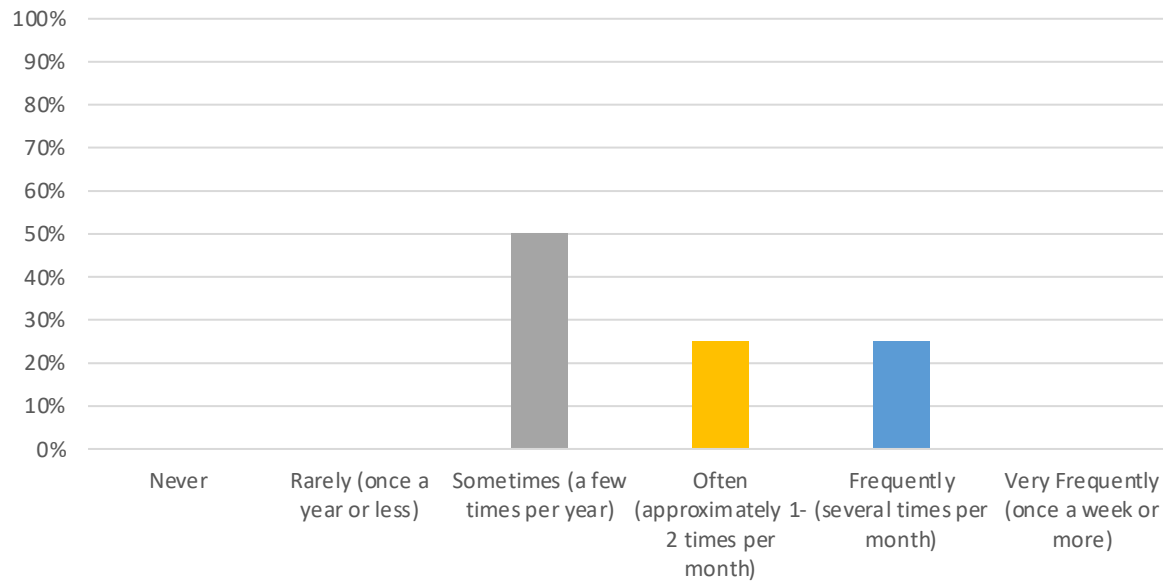
Q18 - Which organizations do you or your administration contact when you need support with the estate process? Please select all that apply.



- 100% of respondents contact ISC when support is needed with the estate process

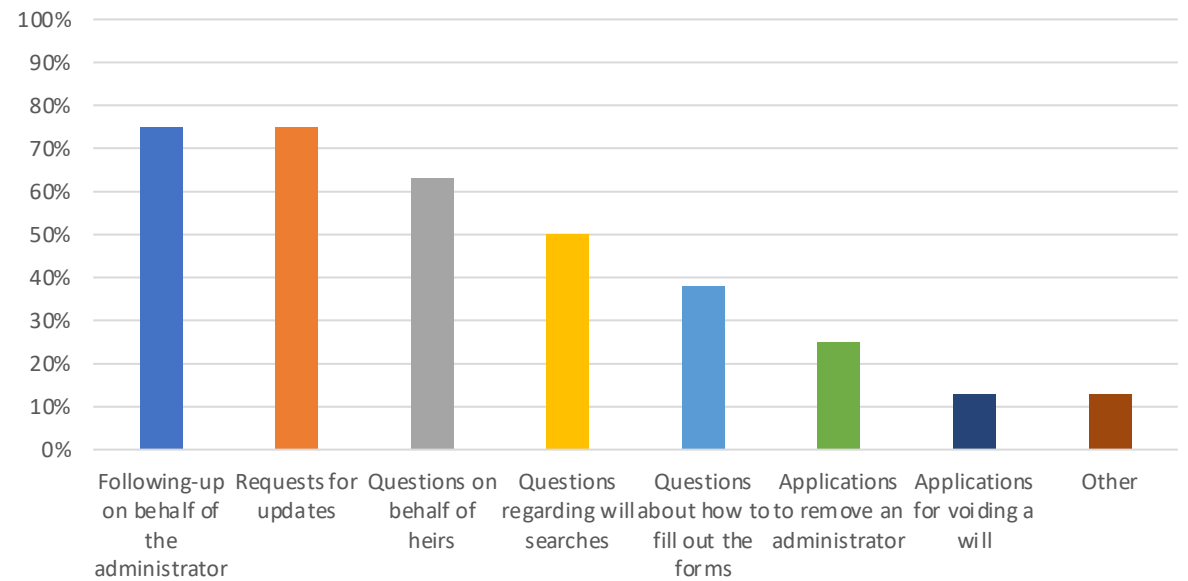
Contact Frequency

Q19 - How often do you contact ISC regarding outstanding estate matters?



- 100% (8/8) of respondents contact the ISC *Often, Frequently* or *Very Frequently* regarding outstanding estate matters

Q21 - For what reasons do you contact ISC regarding the estates process? Please select all that apply.

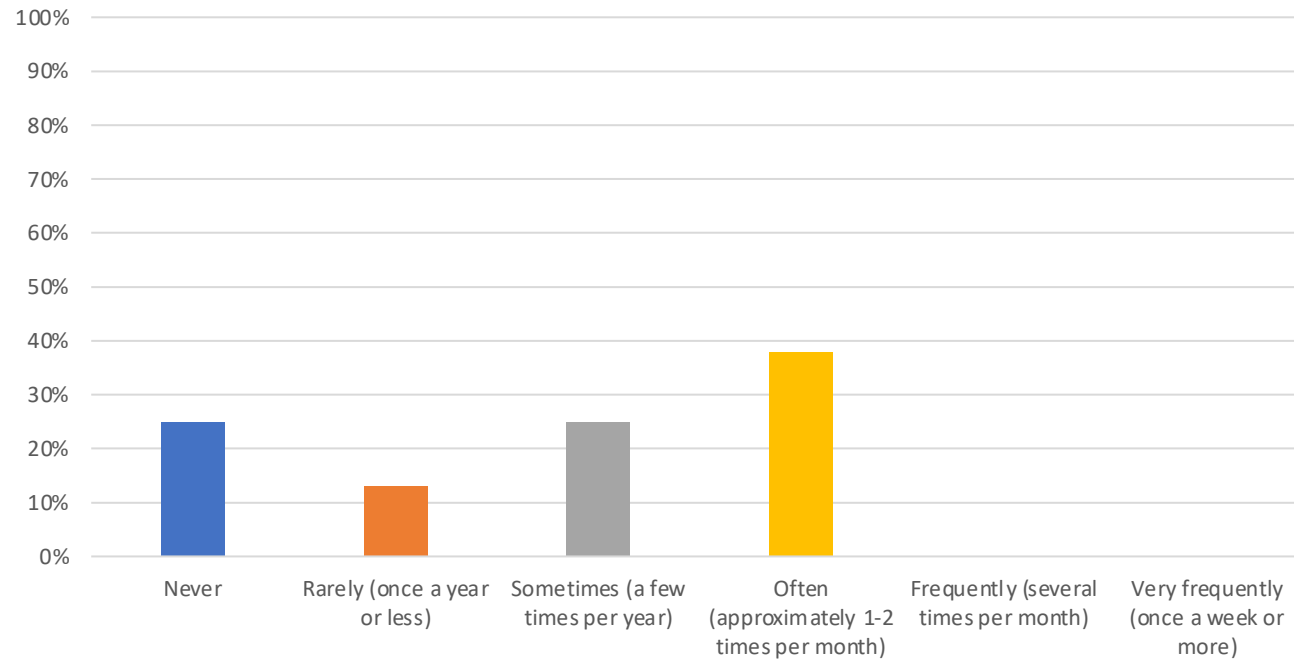


Other include

- On the first steps following the death

Contact Frequency

Q20 - How often do you contact one of the other listed organizations regarding the estates process?



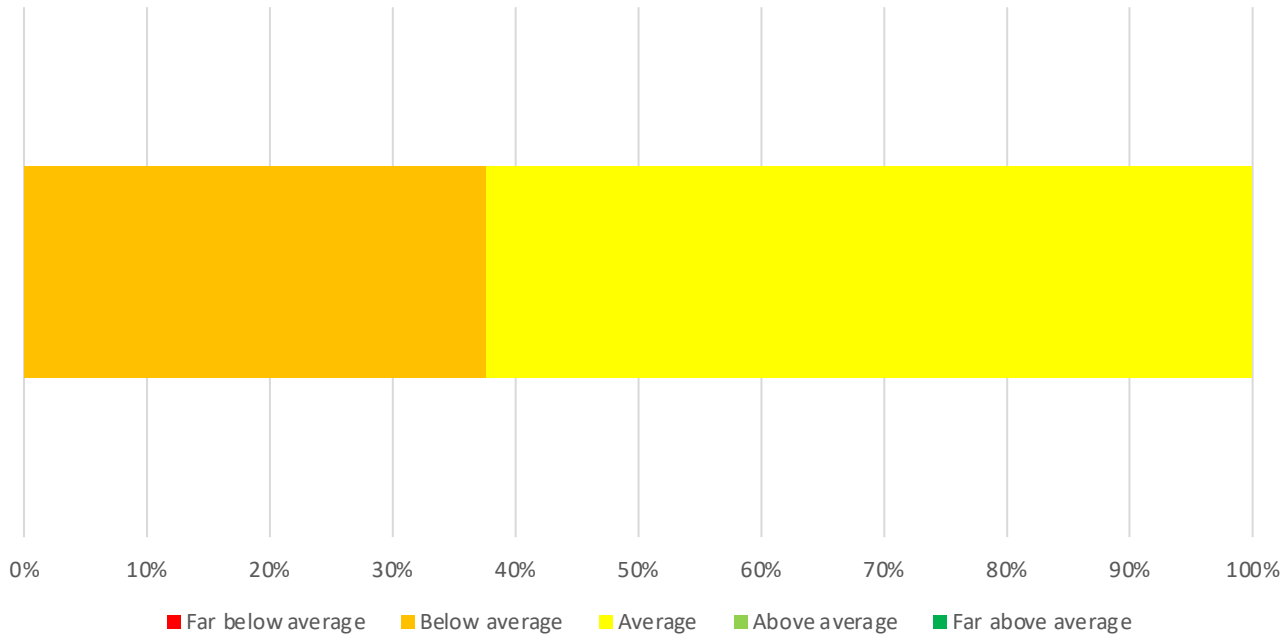
Other listed organizations:

- National Aboriginal Lands Managers Association (NALMA) or Regional Lands Association (RLA)
- Centre of Excellence for Matrimonial Real Property
- Provincial Government
- Lawyer or notary services

- 38% (3/8) of respondents contact other organizations *Often, Frequently or Very Frequently* regarding outstanding estate matters
- 25% (2/8) of respondents contact other organizations *Sometimes*
- 38% (3/8) of respondents contact other organizations *Rarely or Never*

Service

Q22 - How would you rate the service when interacting with ISC during the estate process?

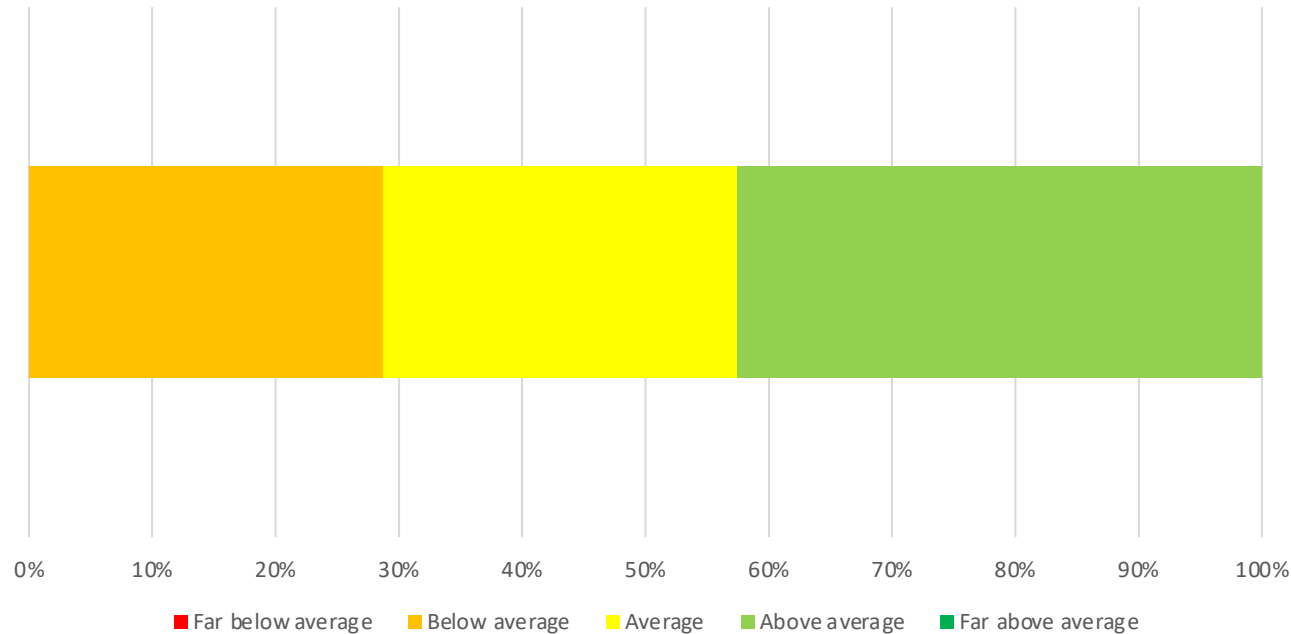


- 0% of respondents selected *Far above average* or *Above average*
- 63% (5/8) selected *Average*
- 38% (3/8) selected *Below Average*

USER UNDERSTANDING

Process Understanding

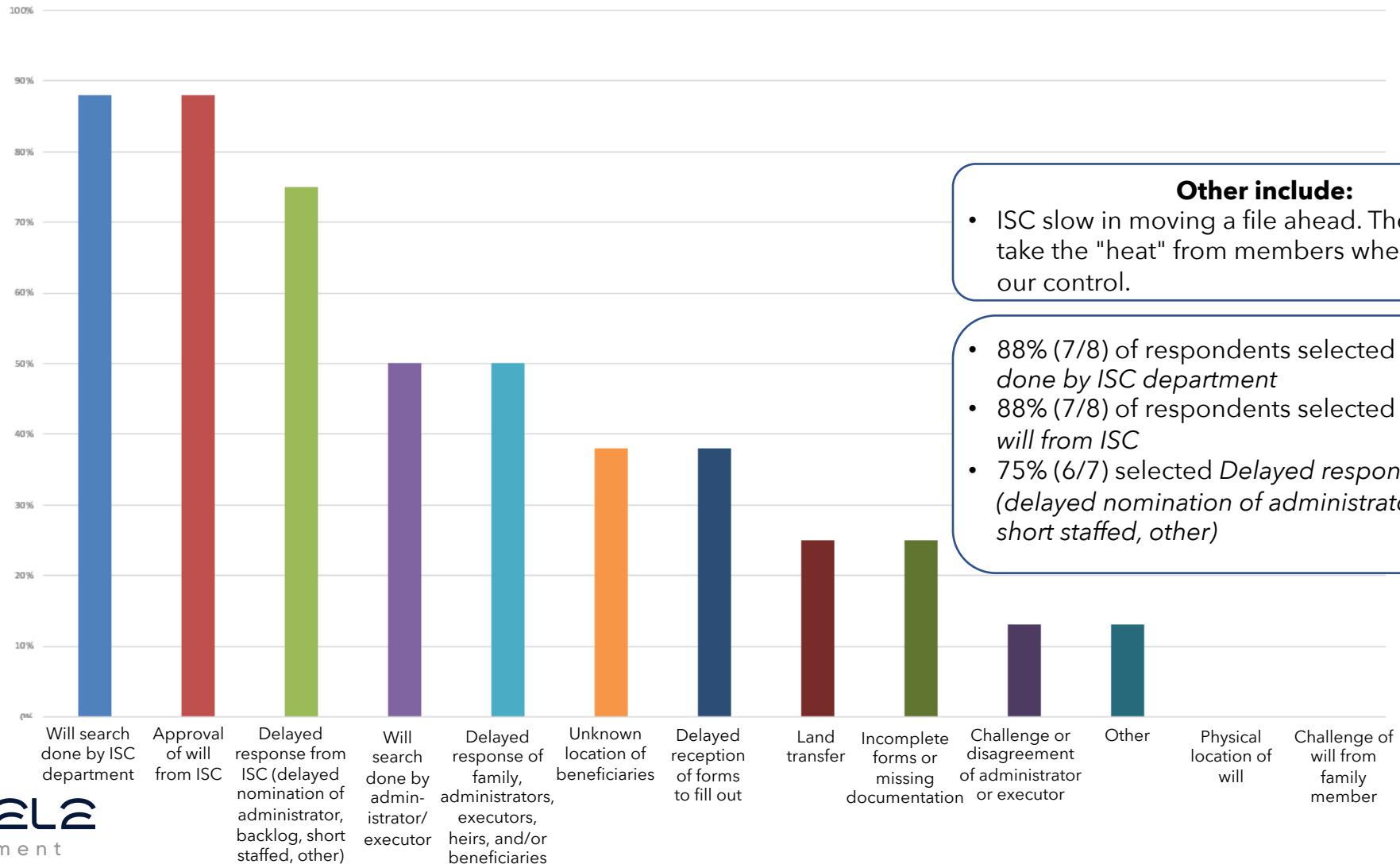
Q23 - How would you rate your level of understanding of the steps required by ISC to complete the estate process?



- 43% (3/7) of respondents selected *Above average*
- 29% (2/7) selected *Average*
- 29% (2/7) selected *Below Average*

Process Understanding

Q24 - In your experience, what are the reasons that generally delay the estates process? Please select all that apply.



Other include:

- ISC slow in moving a file ahead. Then we IRA's take the "heat" from members when it is out of our control.
- 88% (7/8) of respondents selected *Will search done by ISC department*
- 88% (7/8) of respondents selected *Approval of will from ISC*
- 75% (6/7) selected *Delayed response from ISC (delayed nomination of administrator, backlog, short staffed, other)*

Step-by-Step Understanding

Q25 - Based on your experience, please rank in chronological order the general steps of the estate process

Province	Number of respondents	Report the death	Confirm official residency of deceased person (on-reserve or off-reserve)	Submit original wills to ISC for approval	Confirm most recent will (will search conducted either by family or ISC)	Appointment package signed by ISC	Receive, complete and return appointment package	Receive, complete and return initial estates package	Receive, complete and return Request for Transfer of Land by Personal Representative	Submit Land transfer forms to ISC for registration in ILRS
QC Average	7*	1	2	3	4	5	6	7	8	9
Average position ROC		1	2	4	3	7	5	6	8	9

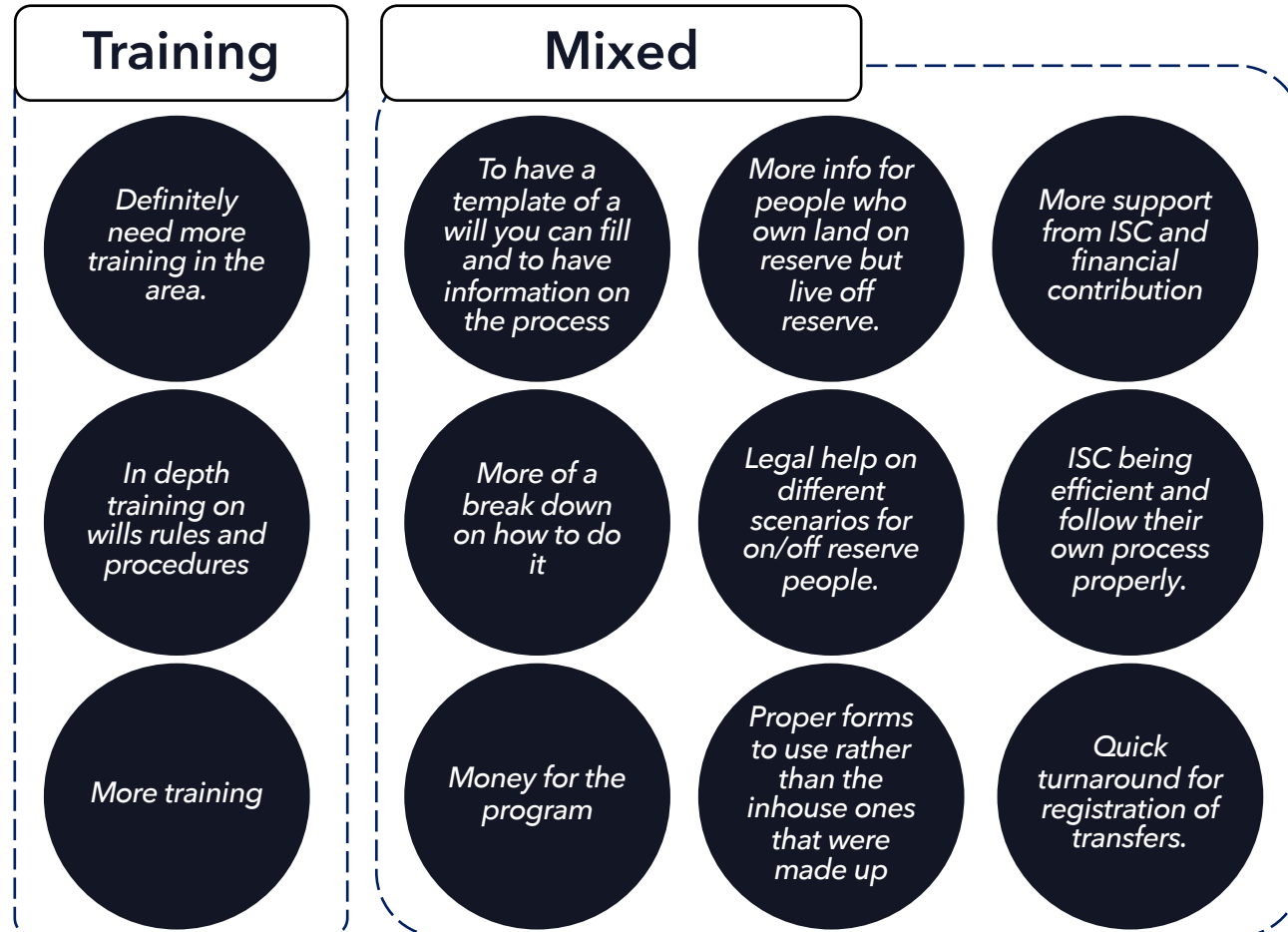
*One respondent only chose steps 1 & 2 (in the same order as QC average), not counted in average

- Steps 1, 2, 8, 9 are the steps that are on average mostly ranked in the same order in Quebec and in the Rest Of Canada
- Steps 3, 4, 5, 6, 7 are the ones that are the most confusing for the respondents.

SURVEY AND INTERVIEW RESULTS:
QUALITATIVE

Q10 - What would make you feel more confident in your professional capacity to provide services regarding the estates process?

Here are all of the comments from the 7 respondents. Some comments included several themes.



Q17 - What other support would help you in this role?

Here are all of the comments from the 4 respondents (one comment included two themes).









ANALYSIS

Key Findings

- Respondents had varied titles relating to land management and membership and the majority hold this role in their organization or assist their colleague with wills and estates.
- The top 5 topics they are asked to assist with most are:
 - Explaining the wills and estates process after a death
 - Submitting documentation to ISC
 - Helping to complete forms and documentation to submit to ISC
 - Writing wills
 - Case follow-up on behalf of family
- These topics are also reflected in the types of training/workshops/information sessions they could benefit from.
- While **88% of respondents have received NALMA training** on Matrimonial Real Property and Estates Management Toolkit Training, **50% of respondents say they are (Very or Extremely) confident** in their abilities.
- While additional training was mentioned as being beneficial in many instances, respondents only spend on average **28.6% of their time on wills and estates.**
- Generally speaking, **ISC** is the organization respondents reach out to out of any other, however **50%** do so only **a few times per year** while **25%** approximately 1-2 times per month and **25%** several times per month.
- **43%** of respondents feel that they have a **good understanding of the steps** ISC must complete in the estates process (Far Above Average or Above Average results).
- The overall satisfaction with ISC's services is **0%** (Far Above average and Above Average results).

RECOMMENDATIONS

Recommendations

Recommendation	Timeline	Priority
Define roles and responsibilities with a simple guide	ST	
Review and streamline forms and documentation, and train members on how to complete them	ST	
Improve ISC services/communications (know more about their R&R compared to Land Administrator and family R&R)	MT	
Assess with Communities what additional support is needed to provide Matrimonial Real Property Law services	MT	
Provide additional training (mostly for Training Processes for Wills and Estates) to improve their confidence in their capacity to provide necessary services	ST	
Develop a community of practice where members of FNLMAQL can come together to share best practices, challenges they face, etc.	MT	



Actions that should be taken immediately



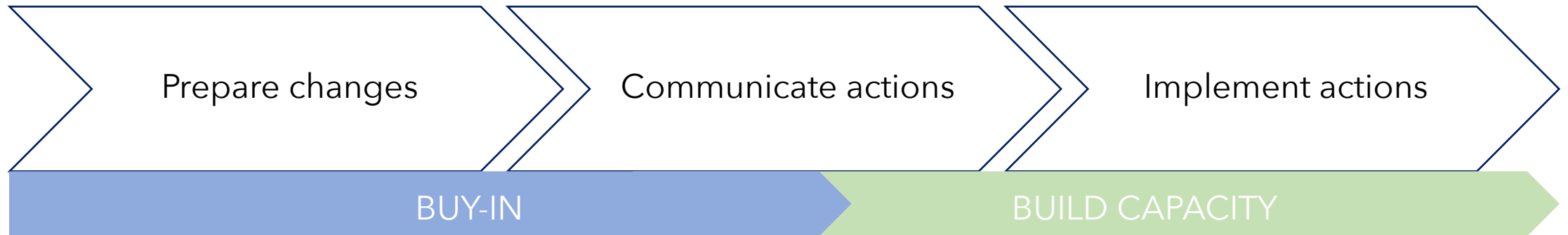
Actions to take in the medium or long term



Quick wins that can be implemented in the short term

ST: 1-3 months
MT: 3-9 months
LT: 9 months +

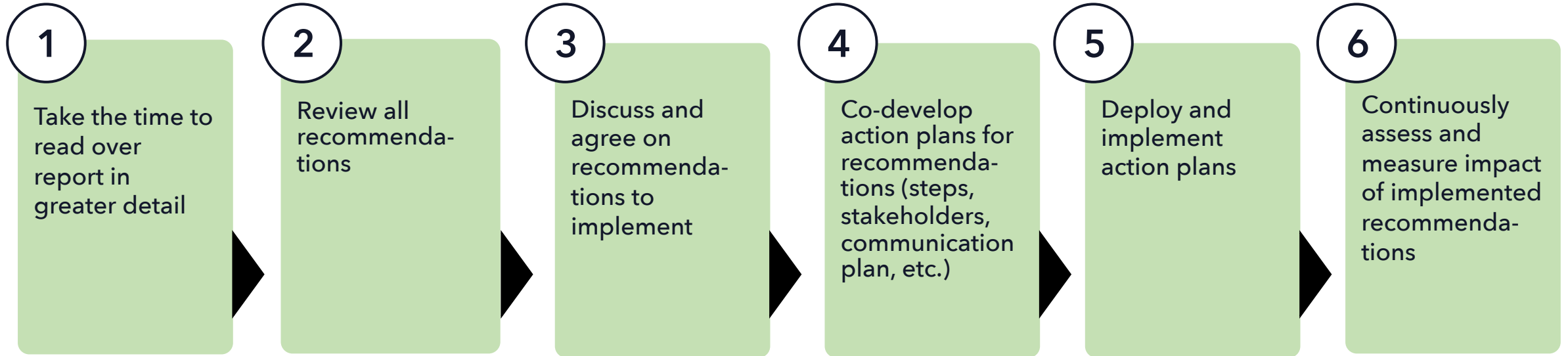
Implementation



- The recommendations listed previously represent tangible and realistic opportunities for continuous improvement that will enable FNLMAQL to meet its current and future goals.
- We strongly believe that the implementation of these recommendations will have a positive effect on the efficiency of various processes related to wills and estates and will improve members' confidence and skill sets.
- Any recommendations should be implemented with care (with an established action plan ensuring buy-in and which is properly communicated to those involved and impacted by the change).
- A phased approach to the implementation would allow members to build capacity, absorb and implement changes before moving onto the next initiatives.

NEXT STEPS

Next Steps





boreala
management

info@borealamgmt.com

514-346-6334

1300-2100 Avenue McGill College Montréal, Québec H3A 1G1

borealamgmt.com