



# Power of Attorney

## Who will decide for you? Will it be the Courts or.....

Most times people ensure that they have a will in place but neglect to consider the possibility of being unable to manage their personal affairs while they are still alive. They could be temporarily or permanently incapacitated due to illness or an accident. A power of attorney can be written to manage an individual's affairs in such a situation. This would however need to be done when the individual is mentally capable.

A power of attorney is a legal document. There are two different types; if it deals with personal and health care it is referred to as power of attorney for personal care. If it instead, deals with financial matters, it is referred to as power of attorney for property.

**Power of attorney for personal care** - Depending on the province, it may also be known as a living will, a mandate or a health-care directive. Creating a power of attorney for personal care allows you to express your wishes as to how you should be treated in the event you become incapacitated. It can be used to outline your wishes regarding life support, pain management in the event of terminal illness etc. Without it, delays in medical and life saving emergency treatments may be experienced; and the courts may have the final decision as to the type of care that should be administered.

**Power of attorney for property** - With its creation, you empower someone to make legal and financial decision on your behalf. It may be temporary or indefinite, it can also be limited to specific activities or assets - a limited power of attorney - or it can provide wide-ranging control over your financial affairs - a general power of attorney. It can be effective upon signing or it can be conditional to a specified event or circumstances.

By creating an **enduring power of attorney**, your affairs can continue to be managed even if you are mentally incapacitated, without the intervention or supervisions of the courts. A "normal" power of attorney would be invalid if you become mentally incapacitated, which would be the time that it is most needed! Most if not all provinces have introduced enduring power of attorney legislation. In all cases the authority provided by this document ends with death.

***Please note - This is not legal advice. Like your will, your power of attorney should be prepared with professional advice - consider having both done at the same time.***