

### Does Everyone Have to Appoint an Attorney for Personal Care?

No. It is a voluntary act and individuals should not be coerced into completing one. If no one has been appointed to be an individual's substitute decision maker, a relative will be asked to make decisions.

In accordance with the Ontario legislation, authority to make decisions is granted in the following order: spouse or partner, parents or children, siblings, other relative.

### Can Specific Instructions, Conditions, and Restrictions be Included?

Yes. General guidelines for making decisions or detailed instructions about specific decisions that individuals want made can both be included.

### Can an Attorney for Personal Care Make Property and Financial Decisions?

No. This requires completion of a separate legal document entitled "Continuing Power of Attorney for Property."

### When does a Power of Attorney for Personal Care take Effect?

When individuals are not capable of making decisions for themselves.

### Does this Require a Lawyer?

No, but it is advised since the document must meet certain legal standards to be valid (signed, dated and witnessed by two people). The document cannot be witnessed by the individual's spouse, partner, or child; the person named as attorney or his/her spouse or partner; anyone under the age of 18; or the individual's Guardian of Property or Guardian of Person.

For more information please feel free to contact  
Crystal Doleman at [cdoleman@sjltc.ca](mailto:cdoleman@sjltc.ca)  
or 519.751.7096 Ext. 3409.

Donations to St. Joseph's Lifecare Foundation (the official fundraising organization for St. Joseph's Lifecare Centre), have brought this beautiful building to life. Our community has funded vital long-term care programs and services, purchased resident medical equipment, furnishings, therapeutic gardens and everything in between.

Ongoing donations are vital to ensure that our residents get the most enhanced, compassionate care they need and deserve!

If you would like to donate to St. Joseph's Lifecare Centre, please contact the Foundation office or give directly on-line at [www.sjlc.ca](http://www.sjlc.ca). Thank you for caring!

St. Joseph's Lifecare Foundation's mailing address is the same as the Lifecare Centre below.



**ST. JOSEPH'S LIFECARE CENTRE**  
99 Wayne Gretzky Parkway  
Brantford, ON N3S 6T6  
519.751.7096  
[www.sjlc.ca](http://www.sjlc.ca)



## Power of Attorney for Personal Care

*Choosing someone to make healthcare decisions for you on your behalf*

# POWER OF ATTORNEY FOR PERSONAL CARE

***When 66 year old Fred Wong arrived for rehabilitation following a broken hip, he brought with him a copy of a document naming his two sons as his Attorneys for Personal Care.***

***In the document he outlined some of his wishes around care he would want to receive in the future.***

***Your elderly Aunt Margaret has asked you to be her Attorney for Personal Care. Before accepting this role you want to find out more about your responsibilities.***

***When Nadeem Choudry was admitted to the nursing home, he had no living family members. Although currently capable, he was recently diagnosed with Alzheimer's disease. Staff counselled Mr. Choudry to consider appointing someone to be his Attorney for Personal Care.***

## What is a Power of Attorney for Personal Care?

A Power of Attorney for Personal Care is a legal document in which one person gives another person the authority to make personal care decisions on their behalf if they become mentally incapable.

## What is a Personal Care Decision?

Personal care decisions include those that involve health care, nutrition, shelter, clothing, hygiene and safety.

## Why is it Important to Appoint an Attorney for Personal Care?

Completing a Power of Attorney for Personal Care allows individuals to appoint a person who they trust to make personal decisions for them should they become mentally incapable. Ideally, the Attorney for Personal Care should be knowledgeable about the person's wishes and values.

Also, one can have two or more persons, whom one trusts, to act jointly or separately as attorneys.

## Who Can Appoint an Attorney?

To appoint an Attorney for Personal Care, one must be at least 16 years of age and able to understand the nature of the decision. Individuals must be capable of knowing if the attorney cares for them and will make decisions in accordance with their wishes.

## Who Can Be an Attorney?

An Attorney for Personal Care must be at least 16 years of age, capable of making personal care decisions, and willing to take on this responsibility.

Persons who provide services to the individual completing the Power of Attorney for Personal Care (e.g. health care professionals, landlord, homemaker) cannot be Attorneys for Personal Care unless they are related to the individual.

Alternatively, it is possible to give equal decision-making powers to more than one Attorney for Personal Care. The law will require them to make each decision together unless specified that they can act separately.

## Is it Possible to Have More Than One Attorney?

Yes. This can be done in several ways. One person can be named as Attorney for Personal Care and a second as a substitute. It is also possible to specify that each attorney has responsibilities only for decisions in certain areas (e.g. shelter, healthcare).

## What Happens if the Attorneys Disagree?

In the POAPC document, a mechanism for resolving conflicts can be described. If no mechanism for resolving conflicts is provided, one or more of the attorneys may apply to the Consent and Capacity Board to be named the substitute decision-maker. Alternatively, if the conflict is not resolvable, the Public Guardian and Trustee will make the decision.