

# ASK THE PROFESSIONALS

## Ask a Lawyer

Question: My family has been encouraging me to get a personal care power of attorney. What, exactly, is that?

Since December of 2000, amendments to the *Infirm Persons Act* have allowed for personal care power of attorneys.

A power of attorney is a legal document where you appoint someone to be your attorney or to act as your agent. That person would have authority to carry out any act that you would be able to do for yourself. A power of attorney continues to have effect even if you become mentally incompetent due to illness or injury. However, prior to December of 2000, such power of attorneys allowed only for financial issues.

After these amendments to the *Infirm Persons Act*, by the use of a power of attorney for personal care, you may now appoint a person to make decisions for you of a medical nature, such as decide if you need to go into a nursing home or whether you are in need of home care and of what level. You may also provide that person with authority to advise your doctors with regard to "end of life" issues. For example, within the document you may advise of your wishes such as, if there is no reasonable expectation of recovery, you should not be kept alive by artificial means. You may also confirm through your attorney as to how medication should be administered by the hospital so to alleviate or minimize pain but without prolonging your life.

Obviously, the person you appoint as your attorney should be someone you trust explicitly and should not be someone who is providing you with health care or live in support services unless that person is your spouse.

An attorney for personal care has the same obligations towards you as a committee appointed by the Court on your behalf under the *Infirm Persons Act*. Should, however, for any reason, a Court appoint a committee pursuant to that Act then the power of attorney for personal care would terminate.

The fact remains that a power of attorney for personal care is and will certainly become a valuable estate tool. Considering the complicated and important issues involved, I strongly recommend that you attend before a lawyer to have this legal document properly prepared and executed.

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