

Preparing your Power of Attorney for Personal Care

This tip sheet helps you gather information to make a **Power of Attorney for Personal Care**. This is a legal document that lets someone, called your **attorney**, make decisions about your personal care and health care.

Your attorney can make decisions **only** if you are **not** mentally capable. Being mentally capable means that you understand:

- the information you need to make a decision about treatment or personal care, and
- what could happen if you do or do not make that decision.

Personal care decisions can include where you live, what you eat, what you wear, your washing and bathing, and keeping you safe.

Health-care decisions may be about medical treatments or personal care services in a long-term care home.

Talk to a lawyer about any questions you have.

This tip sheet gets you started. You will need more information about powers of attorney.

Read more at stepstojustice.ca/POA-PC.

And there are different ways to make a power of attorney.

Check out CLEO's Guided Pathway for making a power of attorney at stepstojustice.ca/GP-POA.

Choose your attorney	Tips
<ul style="list-style-type: none"> <input type="checkbox"/> Choose a suitable person. Ask if they agree to be your attorney. <input type="checkbox"/> Decide if you want more than one attorney. If you do, say how they will make decisions. 	<p>Your attorney can be a family member, a close friend, or anyone else you trust. Think about who will:</p> <ul style="list-style-type: none"> • be available when you need them • talk to you about your wishes • understand your personality, values, and beliefs • be able to make decisions based on what they think you would want

Choose your attorney	Tips
<ul style="list-style-type: none"> <li data-bbox="207 268 565 352"><input type="checkbox"/> Decide if you want a substitute attorney. <li data-bbox="207 394 618 695"><input type="checkbox"/> Get the full legal name and contact information, including a mailing address, for all your attorneys. And get any other names they used in the past. 	<p data-bbox="683 268 1382 352">Your attorney must be mentally capable and at least 16 years old.</p> <p data-bbox="683 384 1409 510">They cannot be paid to give you health care or certain other services, unless they are your spouse, partner, or family member.</p> <p data-bbox="683 541 1377 716">If you name more than one attorney, they must make all decisions together. You can change this in your power of attorney. For example, you could say that they can decide together or on their own.</p> <p data-bbox="683 747 1390 831">You can name a substitute attorney who will act for you if your other attorneys are not able or willing to.</p> <p data-bbox="683 863 1365 1037">Usually, your attorney decides when you are not capable of making a personal care decision. This is true unless you say something else in your power of attorney.</p> <p data-bbox="683 1068 1409 1152">There are also times when a certain professional must decide your capacity.</p> <p data-bbox="683 1184 1360 1310">For example, before you start medical treatment, a health professional decides if you are capable of agreeing to the treatment.</p>

Decide what your health-care wishes are	Tips
<ul style="list-style-type: none"> <input type="checkbox"/> Write down any wishes or instructions you want your attorney to follow about your health care. <input type="checkbox"/> Talk to your doctor or health-care provider about health problems you have and might have in the future. <input type="checkbox"/> Think about what is most important as your attorney might have to choose between options. 	<p>Your substitute decision-maker (SDM) for health care makes health-care decisions for you if you are not capable. Making a power of attorney lets you choose who your SDM is. This is because your SDM for health care is your attorney for personal care. This is true unless a court appoints someone else.</p> <p>If you do not have an attorney, the law says who can be your SDM, and in what order they would take on this role. For example, this is often a spouse or common-law partner, or another relative.</p> <p>If a health practitioner who is caring for you decides you are not capable, your attorney or SDM must make medical decisions for you.</p> <p>Your attorney or SDM must think about and follow any wishes you had when you were capable. If they do not know your wishes, they decide based on what they think is in your best interests.</p> <p>Your wishes might be to:</p> <ul style="list-style-type: none"> • stay in your home as long as possible • follow your religious practices related to food • let doctors use artificial life support <p>You can put your wishes in your power of attorney or you can tell your attorney about them or write them down somewhere else. You can change your wishes if you are still capable.</p>

This is general information for people in Ontario, Canada. It is not legal advice.

Cette publication est également disponible en français.

Vous pourriez avoir droit à des services en français du gouvernement et des fournisseurs désignés. Visitez justicepasapas.ca/droits-linguistiques-francophones.

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