

# Combating Elder Abuse & Building Resilience

## Session 3 – Power of Attorney and Wills



### Capacity and Guardianship

You are considered capable of managing your health care and property until it is proven otherwise.

A **capacity assessment** will determine whether you understand obligations related to your estate, income, assets and property.

**Guardianship** requirement arises when there is a change to your capacity (Alzheimers, dementia, illness or change in cognitive ability).

#### Advocacy Centre for the Elderly (ACE)

ACE is a community based legal clinic for low income seniors.

### Power of Attorney (POA) for Health Care

POA for Health Care is a substitute decision-maker who is responsible for decisions related to your health care, living arrangements, nutrition, clothing and medication when you are deemed unable to care for yourself.

Identify someone who knows you well and understands what is important to you and makes you happy.

You can name more than one POA for Health Care and set it up jointly so that multiple family members can contribute to and make care decisions on your behalf.

If no one is named as your Power of Attorney for Health Care and no one is appointed, the Public Trustee and Guardian will take responsibility to address your needs.

### Power of Attorney for Property

This is a substitute decision-maker, selected by you, to manage your finances on your behalf and can mortgage or sell your property and home.

Identify someone who has a clear understanding of your wishes related to your assets and who will act in your best interest.

It is important to select someone you trust who is moral, ethical and professional about keeping your assets safe.

## Managing Your Will

### A Lawyer will...

- Determine whether you are able to give instructions about your care and property and are able to act in your own best interest.
- Ensure that you are not being forced to revise your Will and POAs.
- Be prepared to testify that you acted in your own best interest without undue influence.

Consider having a Lawyer review your Will every five years or when major life changes occur, for example, inheritance, sale of your home, lottery win, someone named in your Will passes away, e.g. Estate Trustee.

**Advanced Health Care Directive or Living Will** Is a document that clarifies your wishes if you're on life support and don't want it to be maintained if there is no hope of recovering to a meaningful existence.

**Avoid surprises.** Have a conversation with your family to ensure they understand your POAs and Will and know what to expect related to your care and estate.

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### Services include

- Estate planning
- Power of Attorney – health care and property
- Estate administration and Estate trustee
- Estate litigation

### References (2021)

<https://www.askennonia.com>, Askennonia Senior Centre, (705) 526-7609  
[www.advocacycentreelderly.org](http://www.advocacycentreelderly.org), Advocacy Centre for the Elderly, (416) 598-2656  
Senior Safety Line and Chatline, 1-866-299-1011 or [awhl.org/online-chat](http://awhl.org/online-chat)  
TTY 1-866-299-0008 (telecom device for the deaf)  
PSAN – Prevention of Senior Abuse Network - [psan-sc.ca](http://psan-sc.ca)  
EAPO – Elder Abuse Prevention Ontario - [www.eapon.ca](http://www.eapon.ca)  
OPP – 1-888-310-1122