

This information is a summary only and should NOT be considered legal advice.

It is possible that a friend or family member may become mentally incapable of making their own personal care decisions. Your friend or family member may have planned ahead for this situation by creating a **Power of Attorney for Personal Care**. This document gives someone the power to act on their behalf when they are no longer capable – this person is called their **“attorney”**.

There are three types of **“Personal Care Decisions”**:

- health care decisions related to treatment,
- decisions about entering a long-term care home,
- and general personal care decisions related to things like hygiene, where to live, what to eat, and what to wear.

If you are named as an attorney for personal care, it means you will be asked to make personal care decisions when your friend or family member no longer can. For health care decisions, a health care practitioner will decide when they are no longer capable and you need to step in. For decisions about a long-term care home, a specific person called an “evaluator” decides if the person can make the decision.

For general personal care decisions, mental incapacity may need to be confirmed by a **capacity assessment**. You may need to decide when you think your friend or family member is no longer capable of making personal care decisions and arrange for an assessment (for more information on capacity assessments, see the attached tip sheet).

Your friend or family member has made you responsible for their personal care decisions because they trust you, and they know you care about their well-being. When making personal care decisions, you must consider the wishes and values of the incapable person. You also have a responsibility to make reasonable efforts to find out what the incapable person’s wishes were, if you aren’t sure. You are required to act honestly, openly, and transparently, and make decisions in the incapable person’s best interests.

When it is appropriate, the incapable person should still be allowed to participate in the decision making process and they should not be kept “in the dark.” You are responsible for keeping accurate records of any decisions that you make.

**If you have any questions about your role as an attorney for personal care
SEEK LEGAL ADVICE**

www.communitylegalcentre.ca

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Your community legal clinic

Information and Resources

Community Legal Education Ontario (CLEO)

- For information and pamphlets on Powers of Attorney and other legal subjects
- <http://www.cleo.on.ca/en>

Ministry of the Attorney General: Office of the Public Guardian and Trustee

- For more information on Powers of Attorney.
- <http://www.attorneygeneral.jus.gov.on.ca/english/family/pgt/incapacity/poa.php>

Referrals, Information and Resources

Community Advocacy & Legal Centre (CALC)

- Advice, information and referrals related to Powers of Attorney and other legal matters

Law Society Referral Service

- Referral service to the private Bar. 30 minutes free consultation for all online referrals.
- <http://www.lawsocietyreferralservice.ca>
- 1-855-947-5255

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