

You may become incapable of making your own decisions someday. For example, you could develop dementia or get in an accident that leaves you in a coma.

Powers of Attorney (POA) give someone else the ability to make decisions if you cannot make them for yourself. The person you choose to make decisions is called your attorney. Most people choose a close friend or family member to be their attorney. You can have more than one attorney.

There are two kinds of POA – a **POA for Property** and a **POA for Personal Care**.

- “Property” includes your bank account, bills, possessions, house, and pets.
- “Personal Care” includes your healthcare treatment, diet, housing, hygiene, clothing and decisions about long-term care.

What if I cannot make decisions about property and I don’t have a POA?

- The Ontario Office of the Public Guardian and Trustee (PGT) will make decisions about your property. The PGT can appoint a family member to make decisions, but this can take a long time. The court can also appoint someone to manage your property.

What if I cannot make decisions about personal care and I don’t have a POA?

- A family member will make decisions for you. If you do not have any family, the Ontario Office of the Public Guardian and Trustee will make decisions for you.

Why would I want a POA?

Without a POA, decisions about important financial and medical matters might be made by someone you have never met, not seen in a long time, or would not have chosen.

A POA lets **YOU** choose someone you rally trust to make decisions.

What if I have questions?

If you have any questions, you can contact us. General free legal information is also available online at Community Legal Education Ontario (www.cleo.on.ca; www.yourlegalrights.on.ca) or the Ministry of the Attorney General (www.attorneygeneral.jus.gov.on.ca).

Why is a Will a Good Idea? See the other side!

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Your community legal clinic

A Will is a legal document that sets out what happens to your “estate” after you die. Your estate includes your money and anything that you own, like your house, belongings, and pets.

The person who manages your estate after you die is called your “Executor.” You can name more than one Executor in your Will. Your Executor must manage your estate according to what you said in your Will.

What happens if I die without a Will?

A family member or friend will have to apply to the court to be appointed as your Executor. This can be frustrating, costly, and take a long time. Once the court chooses an Executor, your estate will be dealt with like this if you do not have a Will.

- If you are legally married, your spouse gets the first \$200,000 from your estate. If your estate is worth less than \$200,000, your children and other family would get nothing.
- If you do not have a spouse, your estate goes equally to your children.
- If you do not have children or a spouse, your estate goes to your closest family.
- If you have no family members, your estate would go to the Ontario government.

It is important to note that if you have a common-law spouse, they would NOT inherit any part of your estate if you do not have a will.

Why should I have a Will?

Having a Will is the only way to be sure you will leave something to a common-law partner, friend, grandchildren or other family members who are important to you. It also helps if you have specific belongings you want left to specific people. You can also put what you would like for your funeral in your Will.

Having a Will is also important if you have young children. You can say who you want to take care of your children if you die. You can also choose someone to hold their inheritance until they are adults.

What if I have questions?

If you can have questions, contact us.

Why is a Power of Attorney a Good Idea? See the other side!