



Legal Notes

By Donna Neff, B.A. (Hon.), LL.B., T.E.P. and Natalie Sanna, B.A. (Hon.), LL.B

Powers of Attorney: Ensuring your safety and well-being

An important way to provide for your family's safety and well-being is to ensure you have everything in place to allow someone to take care of your financial affairs and to make medical treatment and other decisions for you if you are unable to do so. The best way to do this is to sign both a Power of Attorney for Property (POA PPY) and a Power of Attorney for Personal Care (POA PC). In these documents, you, the 'grantor,' name someone as your 'Attorney' or 'substitute decision-maker' who will make decisions for you if you are unable to do so.

POA PPY

In a POA PPY, you can name one or more people or a trust company to act on your behalf. With the document in hand, they can deal with your property and financial affairs. Depending upon the wording of the POA PPY document, it may be used when you are unable to manage your financial affairs due to mental incapacity or it may be drafted to allow its use even if you are mentally fine but physically unable to be present perhaps due to an injury that does not affect your mental health or being away on a trip. Once proper-

ly signed, a POA PPY remains effective while you are alive or until you revoke (cancel) it in writing. Unless the document includes a condition that requires you to be mentally incapable before it is effective, a POA PPY can be used as soon as it is signed. If a POA PPY is 'continuing,' it will continue to be effective even if you later become mentally incapable.

When considering whom to name as your POA PPY, look for someone who is organized, trustworthy, conscientious, and financially astute. Many people choose a trusted family member or friend while others choose their lawyer or a trust company as the attorney for property.

POA PC

A POA PC allows the person(s) you have named to make medical treatment and personal care decisions for you but only if you are mentally incapable of making the decision yourself. There are different tests for mental capacity depending upon the decisions that must be made:

If your PC attorney has reason to believe that you are incapable of making personal care decisions to which the Health Care Consent Act (HCCA) does

not apply (decisions concerning your shelter, clothing, hygiene and safety), the attorney may make the decision for you unless your document specifies that you must first be proven to be legally incapable;

If the HCCA applies to the decision (generally any medical treatment decision), you must be incapable of making the decision before the attorney will be able to decide for you.

Sensationalized, sometimes tragic, cases have made the concept of a 'living will' familiar. In Ontario, a 'living will' is generally used to give specific instructions as to what medical treatment you want or do not want, for example, whether you want CPR measures or not and under what conditions. Such decisions may need to be made if you are terminally ill with no reasonable hope of recovery. A living will may be included in your POA PC or it may be a separate document. A 'do not resuscitate' request is a type of living will.

When deciding who to name in your POA PC, consider someone who shares your moral, ethical or religious views and who you are sure will be willing and able to make the deci-

sion you would have made no matter how difficult and regardless of anyone else's objections. Consider talking about it ahead of time to ensure your wishes are well known.

The importance of having valid Power of Attorney documents cannot be underestimated. Be proactive about providing for your family's and your own safety and well-being – see your lawyer and sign your Powers of Attorney today.

Donna Neff, B.A.(Hon.), LL.B., T.E.P., is a lawyer at Neff Law Office Professional Corporation, practicing primarily in the areas of wills, estates, and trusts.

Natalie Sanna, B.A.(Hon.), LL.B., is a once-practicing lawyer who works with Donna and her clients to implement estate plans and prepare wills and powers of attorney that address the client's goals in providing for children, elderly loved ones, persons with disabilities, and charitable causes.

**TO ADVERTISE IN
PARENT-CHILD GUIDE BOOK
CALL 613-257-4999**

Sandplay Therapy

Play, Discover, Heal!

Sandplay therapy can help children with many issues, such as night terrors, anxiety about school, loss of a loved one or pet, a move, divorce or attachment issues related to adoption. Sometimes behavioral issues have an underlying emotional component which can be resolved during therapy. Keys also may be found to helping the child in his environment.

Hands 'n' Soul
Body Spirit Wellness
www.handsn soul.com
Beverley Rice-McLeod

Telephone: (613) 257-4733, (613) 253-6544
Lotus Wings, 30C North Street, Perth, ON
Carleton Place ON
beverley@handsn soul.com



Lube Oil & Filter \$34.95

Free Child Tether Installations on Dodge Products
Free Child Seat Inspections
with all Lube Oil & Filters

Peace of Mind 45-point Inspection
\$19.99



245 LOMBARD STREET
SMITHS FALLS, ONTARIO K7A 5B8
www.townandcountrychrysler.com

(613) 283-7555
1-888-895-7690

TOWN & COUNTRY CHRYSLER LTD.
"Your Community Minded Car Dealership."

Inclusive Child Care Program

Developmental Services of Leeds and Grenville

Supporting families and the licensed child care sector by facilitating the inclusion of children with special needs.

61 King St. E. Tel: **(613) 345-1290**
P.O. Box 1688 Toll Free: **1-866-544-5614**
Brockville, ON K6V 6K8 Fax: **(613) 345-1394**

E-mail: gjackson@developmentalservices.com