



# Planning *Points*

## Life Planning

*“Who will decide for you?”*

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### Who Decides?

What happens if you become unable to make decisions for yourself? Many people assume that their spouse, child or executor will have the right to look after them. Unfortunately, their assumption is wrong.

A Will has no effect while a person is alive and joint owners of real estate cannot sign for each other. Instead of the next-of-kin, a government office, called the Public Guardian & Trustee, will take over the person's financial affairs. Loved ones must then hire a lawyer to request court permission to remove and replace the Public Guardian & Trustee.

### What can I do?

You can make things a lot simpler if you have a **Life Plan**. A Life Plan ensures that someone you trust can make decisions if you become unable. That person would use your Life Plan documents to prove that they had your authority to make decisions for you.

### The Documents

A Life Plan protects you with two basic documents: an Enduring Power of Attorney for financial decisions; and a Living Will/Representation Agreement for health care decisions.

### Enduring Power of Attorney

This document permits someone else to manage your finances. It is usually effective immediately, although most people do not expect it to be used unless they become incapacitated. The

document must have special wording to make it “endure” if you become incapacitated.

### What if I have a bank Power of Attorney?

A bank Power of Attorney is usually only good for assets held with that specific bank. It will not help you for any of your other assets.

### Living Will/Representation Agreement

These documents relate to health care decisions. Up until a few years ago, the legal authority of such decision-making was unclear. Now your properly expressed wishes must be respected. The Living Will is used to describe your preferences regarding life support treatment. The Representation Agreement is used to give someone specific authority to make health decisions for you.

### Why a Representation Agreement?

The province's rules will give health authority to your next-of-kin by default. That may be appropriate for most people, but you may wish to specifically designate a person among your next-of-kin or other than your next-of-kin. That can only be done with a Representation Agreement.

### Do I need a lawyer?

Although Life Plan documents can be created without a legal professional, they cannot be used to transfer real estate or to make decisions about life supporting treatment. These are the

most important decisions. An experienced lawyer can help you create an agreement that covers all decisions for you.

### Who do I name?

You can ask any adult to be your attorney or representative. We recommend that you also name a back up person. However, careful wording is required to make this work without problems.

### Safety Tips

Your Life Plan is powerful. You may wish to ensure that the documents are secure and cannot be misused. Note: a safety deposit box can protect the documents but it may be difficult to access them when they are needed.

### Benefits

A Life Plan will avoid the government & court process that can easily cost more than \$2,500. Your decision-maker's authority will be more flexible. Your privacy will be protected.

### Why bother?

Your Life Plan protects your right to decide and to have your wishes honoured. Exercise your right – you decide who decides.

### Warning!

Every person's circumstances are unique. This information is not legal advice. Do not take any action, or decide to not take any action, based on this information. Let an experienced professional help you.