

Do I Need a Power of Attorney?

What is a power of attorney?

A power of attorney (“POA”) appoints someone to make decisions for you when you cannot as set out in the *Powers of Attorney Act*.

You must make a POA (sign and witness the document) while you are mentally capable. A person over the age of 18 is presumed to have the mental capability to make a power of attorney. However, this is important, if you are in an accident and in a coma, or if you are diagnosed with dementia, it will be too late for you to make a POA; you need to do it while you are still healthy and have mental capacity.

The *Substitute Decision Act* states that an attorney appointed under a POA must make decisions that are in the best interest of the person giving the POA.

Lawyers often draft POAs at the same time as your Last Will and Testament. The POA appoints someone to act for you while you are alive; your Last Will and Testament deals with your estate after you die.

What are the “do’s” and “don’ts” for a power of attorney?

Do

- Contact a lawyer to give your instructions to create your power of attorney. There are actually 2 documents, one for personal care, one for property.
- Appoint a person(s) you trust and will make decisions in your best interest.
- Talk to your family about this so they know what your wishes are.

Don’t

- Don’t wait; everyone will benefit from having a power of attorney.

Contact Kraemer LLP today and let us advise you on this and any other legal questions you may have.



Patrick J. Kraemer

President & Managing Partner

Kraemer LLP



tel 519.954.1965 ▲ fax 519.954.1966
email info@kraemerllp.com
www.kraemerllp.com

904 - 50 QUEEN ST. N.
KITCHENER, ON N2H 6P4

214 - 508 RIVERBEND DR.
KITCHENER, ON N2K 3S2

