



WHAT IS AN ENDURING POWER OF ATTORNEY?

AN ENDURING POWER OF ATTORNEY (EPOA) IS THE LEGAL POWER TO MAKE DECISIONS ON SOMEONE ELSE'S BEHALF. 'ENDURING' SIMPLY MEANS THAT THE POWER CONTINUES EVEN WHEN THE PERSON GIVING THE POWER LOSES THE CAPACITY TO MAKE DECISIONS.

You may not always be able to make decisions when you need to. You may be too ill to make choices about your medical treatment or you could suffer a disability, such as a stroke, that prevents you from communicating your wishes to others.

WHAT KINDS OF DECISIONS CAN AN ATTORNEY MAKE?

An Attorney can make personal and/or financial decisions on your behalf, which will have the same legal effect as if you had made the decisions yourself.

Financial decisions include:

- Management of bank accounts and investments (including the power to sell);
- Management of your house including the power to sell, buy or rent your home;
- Pay your bills – for example nursing home, utilities and medications.

Personal and health decisions include:

- Consent to medical treatment (operations, medication, whether you are resuscitated);
- The power to decide where you live and with whom, including which nursing home you will live in;
- Which doctor, dentist physiotherapist, specialist or other medical professional you see.

HOW TO CHOOSE AN ATTORNEY?

Choose a person or persons who you trust and feel would do well in the role and would be willing to take on the responsibility. Consider family members or a close friend who understand your personal and health care needs and wishes and is responsible with their own money.

Be careful about who you choose as you are giving another person total control over your assets, plus the ability to make personal decisions about your health care and accommodation when you are unable to do so.

WHEN DOES THE ATTORNEY'S POWER END?

For personal/health matters the power will continue so long as you are incapable of understanding the nature and foreseeing the effects of a decision, and of communicating that decision.

The powers of your Attorney end with your death or if you decide to revoke them (by revoking the EPOA or making a new EPOA). The power will also end if you get married, divorced or your Attorney withdraws or is incapable.

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