

Legally, the POA for property must

- keep all financial accounts separate from their own
- never borrow or use the incapable person's money
- maximize the quality of life of the incapable person. Their comfort and well-being must come first.
- manage the property in a way that accommodates the incapable person's personal care wishes. For instance, the attorney's financial decisions may override personal decisions but only if there would be negative consequences with respect to property.
- recognize that they are not obliged to preserve the incapable person's estate for inheritance
- keep the incapable person informed to the extent of their understanding. Participation in decisions by the incapable person is encouraged.
- keep other parties informed and participate in these decisions
- be aware of the content of the will and make provision for its execution
- recognize their own authority to open and close bank accounts, re-direct pensions, deal with investments, pay bills, buy goods and services, collect debts, sell land or dispose of personal belongings, or maintain or sell property
- maintain a record of all transactions
- keep a record of assets, money, investments, liabilities and compensations

As a geriatric care manager, my role is often to quantify the cost of quality-of-life options for the POA. Most care options are driven by what the elder person can afford. Usually, a cost-effective compromise can be found; however, on many occasions, the method of implementation is extremely important. For instance, transfer to a nursing home may be a cost-effective option; however, the transfer can be carefully organized to minimize the negative effects. The existing private staff or family caregiver may accompany the elder person to the retirement residence or long-term-care facility and provide support during the day. The preparation of the room, incorporation of familiar belongings, and a gradual introduction to the dining room and other residents needs to be sensitively orchestrated.

Power of attorney for personal care

Preparing a POA for personal care is an important step in planning for mental incapacity, as it provides for a transfer of responsibility to a designated decision-maker. This may involve decisions about health, treatment, housing arrangements, eating habits, safety, clothing and hygiene. In essence, the POA becomes a substitute decision-maker.

Decisions need to be made carefully and sensitively. The POA for personal care can also be involved in making end-of-life decisions. Advisors and medical professionals will be able to offer assistance at this difficult time to help the POA feel supported and minimize stress for the family. All activities and funds spent on health care supplies should be documented by the POA to avoid later disputes from other parties.

Legally, the POA for personal care must

- explain the powers and duties of the POA to the incapable person
- encourage the incapable person to participate in the decisions
- seek to foster the incapable person's independence
- choose the least restrictive and intrusive course of action
- try to foster regular contact between the incapable person and supportive family members and friends
- consult supportive family members and friends who are in regular contact with the incapable person and their caregiver

"I'm not always right, but I'm never wrong."

Anonymous

13 qualities of a good power of attorney

1. Strongly advocates for the elder person
2. Fully understands and accepts the elder person's philosophies of life
3. Is younger than the elder person yet is still mature and responsible
4. Is honest and ethical
5. Is compassionate
6. Seeks professional help when necessary from the lawyer, doctor, geriatric care manager, accountant or trust officer
7. Asks for help and perspectives from family members
8. Has "no fear" of resisting other opinions, including those of professionals
9. Has good negotiating skills
10. Is persuasive
11. Is patient and humorous
12. Understands legal and privacy issues
13. Asks for an objective opinion from a care manager