

## **Legal Matters: What happens if I become mentally incapable before I have completed Power of Attorney documents?**

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Powers of Attorney (POAs) are legal documents in which one person gives another person the authority to make financial or personal care decisions on their behalf if they become mentally incapable in the future. If you lose your mental capacity due to accident, illness or age, before completing your POAs, then you no longer have the option of assigning someone to take care of you in this way and you may be left in an extremely vulnerable position.

Without a signed POA, doctors may be unwilling to share medical information regarding the mentally incapable person and Institutions may refuse access to bank accounts or allow payment of necessary expenses. You also face uncertainty and a loss of control. Once capacity is lost, the only remaining option is to file an application either through the Court or through the Office of the Public Guardian and Trustee (OPGT) for the appointment of a Guardian of Property (financial decisions), and for a Guardian of the Person (personal care/ medical decisions). In situations where no one is willing or able to act on behalf of a mentally incapable person, a Public Guardian and Trustee may be assigned to act as a substitute decision-maker of last resort.

Our office can assist you through this process, however it should be noted that the process is far more complicated, time consuming and costly than having completed POAs. It is far more prudent to save yourself the cost, stress and delay and come in to get your POAs completed before it is too late!