

Resources Contact Information

Legal Resources

Lawyer

Consult your local telephone directory

Advocacy Centre for the Elderly
www.advocacycentreelderly.org
416-598-2656

Legal Aid of Ontario

www.legalaid.on.ca
1-800-668-8258

Law Referral Services

www.lsuc.on.ca
1-800-668-7380

Office of the Public Guardian and Trustee

www.attorneygeneral.jus.gov.on.ca
1-800-891-0506

Consent and Capacity Board

www.ccboard.on.ca
1-866-777-7391

Ministry of Health Info Line

Inquiries for Vulnerable Seniors
www.health.gov.on.ca
1-866-532-3161

For government published forms

www.attorneygeneral.jus.gov.on.ca
1-800-518-7901

Community Legal Education Ontario

Pamphlets on Powers of Attorney
www.cleo.on.ca
416-408-4420

Legal Clinics

Consult your local telephone directory

Financial Resources

Financial Planner / Accountant / Bank Branch

Consult your local telephone directory

Veterans Affairs

www.veterans.gc.ca
613-992-7468 • 1-866-522-2122

Ontario Drug Benefit Program for Seniors

www.health.gov.on.ca/english/public/pub/drugs/odb.html
1-866-532-3161

Trillium Drug Plan under 65 years

www.health.gov.on.ca/english/public/pub/drugs/trillium.html
1-800-575-5386

Gains Supplement

www.rev.gov.on.ca/en/credit/gains/ • 1-800-263-7965

Canada Pension Plan

www.servicecanada.gc.ca/eng/isp/cpp/cpptoc.shtml
1-800-668-0128

Income Security, Old Age Pension

www.servicecanada.gc.ca
Income Securities Branch • 1-800-277-9914

Human Resource Development Canada

Involuntary separation forms
www.hrdc-drhc.gc.ca • 1-800-641-4049

Ontario Disability Support Program

www.mcscs.gov.on.ca/en/mcscs/programs/social/odsp/
1-800-565-5374

Assistive Devices Program

www.health.gov.on.ca/english/public/program/adp/adp_mn.html
1-800-268-6021

RRAP Homeowner Residential Rehabilitation Assist. Program

www.cmhc-schl.gc.ca/en/co/prfinas/prfinas_001.cfm
1-800-704-6488

HASI Home Adaptations for Seniors Independence

www.cmhc-schl.gc.ca • 1-800-668-2642

Ontario Seniors' Secretariat

A guide to Advance Care Planning
www.seniors.gov.on.ca • 416-326-7076 • 1-888-910-1999

Office of the Ombudsman

www.ombudsman.on.ca/ • Direct Line: 1-800-263-1830
Financial Services Commission: 1-800-668-0128

Canada Customs and Revenue Agency

Disability tax credits and other tax exemptions
www.cra.gc.ca • 1-800-267-6999

Community Care Access Centre for the Eastern Counties

www.ccac-ont.ca • 1-800-267-0852

Developed by the Legal and Financial Services Workgroup of the Eastern Ontario Dementia Network.

To request more copies of this resource contact:

Société Alzheimer Society

The Alzheimer Society of Cornwall and District 613-932-4914 – 2011 edition.



Getting Your Legal and Financial House in Order

Early consideration of the preparation of these documents is essential for good estate planning and personal care planning.

1. Continuing Power of Attorney (POA) for Property:

Legally appointing 'someone you trust' to sign for you, to manage your finances, your assets, your property, buying or selling goods while you are still alive. You can determine when your POA comes into effect. You can choose to limit the scope of the authority to certain finances or to come in to effect only when you are deemed incapable to manage it yourself. Otherwise, a POA has full power unless you state restrictions and it would come into effect upon signing the document. You can indicate that you want your incapacity to be confirmed by a capacity assessor, an evaluator, a physician or other health professional before your authority shifts to your appointed attorney.

- Resource: documents published by the Office of the Public Guardian and Trustee (OPGT) at (1-800-891-0506) or through your lawyer.
- Without this document, someone could have to go to court and ask to be appointed as your "Guardian of Property" or the OPGT would be appointed as guardian, or family could apply to replace the OPGT and become statutory guardian.

2. Power of Attorney (POA) for Personal Care:

Legally appointing someone to make personal care decisions on your health care, medical treatment, diet, housing, clothing, hygiene and safety on your behalf while you are still alive. This person becomes your substitute decision-maker and acts on your behalf when you become incapable of making these decisions yourself. You can indicate that you want your incapacity to be confirmed by a capacity assessor, an evaluator, a physician or other health professional before your authority shifts to your appointed attorney.

- Resource: documents published by the Office of the Public Guardian and Trustee at (1-800-891-0506) or through your lawyer.
- It will be easier for your attorney to make decisions that consider your values and beliefs if you clearly express and communicate these wishes and treatment preferences while you are capable.
- Without this document, someone could be appointed to become your guardian. The Health Care Consent Act allows other substitute decision makers to make personal care decisions using the following order (guardian, power of attorney, representative appointee by the Consent and Capacity Board, spouse, partner, child over 16 years / parent / sibling /any other relative / OPGT). This planning tool should be considered if you want to direct a particular person to be your decision-maker.

3. A Legal Will:

A legal document that sets out how you wish your assets to be distributed after your death. You can appoint an estate trustee / executor to carry out your exact wishes as they are stated in your will.

- Resource: contact your lawyer.
- Without this document your estate will be distributed according to a formula provided by law.

4. Advance Care Planning:

One way to plan is to communicate your personal care choices and values while you are capable. Should you become incapable, your substitute decision-maker will be able to confidently use the preferences that you have communicated to make decisions that respect your wishes.

- Resource: Government of Ontario (1-888-910-1999) or see resource list on the back of this flyer.
- Without this communication process, either in a written document, as part of your POA for personal care or as expressed verbally, your substitute decision-maker will not have that pre-planned support to make decisions on your behalf.

Getting Your House in Order: A process that is pro-active and respects individual choice.

Financial and Legal Considerations for Individuals with Dementia and Caregivers

Stage Progression

Pre-symptom

- Normal

- A) Consider appointing ‘*someone you trust*’ as your Power of Attorney for Property and for Personal Care.
- Include your conditions of implementation and your restrictions
- B) Consider estate / caregiver planning.
- Wills / beneficiaries
 - Advance care planning
 - Investments and assets
 - Review health and critical illness insurance
 - Applicable benefits
 - Financial planning resources and experts

Stage Progression

Early

- Alzheimer’s disease symptoms Start
- Word and name finding difficulties
- Work performance problems
- Changes in personality

- Consider implementing A) and B) above; and**
- C) Assemble and gather together copies of all your important documents and let your POA know where they are stored:
- Social Insurance Number ____ / ____ / ____
 - Health Card ____ / ____ / ____
 - Driver’s licence
 - Bank account numbers and locations
 - Investment info
 - Income sources
 - Household bills and expenses
 - Income tax returns and “Notice of Assessment”
 - Accountant / lawyer
 - Insurance policies
 - Extended health policies
 - Proof of citizenship
 - Marriage, divorce papers
 - Deeds
 - Pre-planned funeral arrangements
 - Powers of attorney, will
 - Review and communicate advance care wishes.
- D) Establish joint bank accounts / separate assets / trusts for care.
- E) Provide your bank with a copy of your continuing power of attorney for property and your doctor with a copy of your power of attorney for personal care. Ensure that the person(s) that you identify as your POA have their respective copies.
- F) Establish/review will and other documents. Change beneficiaries / executors to exclude the person who will lose capacity from future legal responsibilities.
- G) Establish a system of direct deposit for cheques and pension benefits and direct withdrawal for bill paying.
- H) Seek disability tax credits and caregiver tax exemption.
- I) Monitor driving capacity and begin preparing a transportation plan.
- J) Monitor/ assess competence to manage finances.
- K) If under age 65 years, assess eligibility for Ontario Disability Support.
- L) Consult re: Certificate of Incapability for receipt/ transfer of income security benefits.

Financial and Legal Considerations for Individuals with Dementia and Caregivers

Stage Progression

Middle

- Concentration problems; forgets current events;
- Memory interferes with ability to perform familiar tasks;
- Disoriented to time and place;
- Poor or decreased judgment.

- Consider implementing A) to L) above; and**
- M) Become familiar with respite services and Long Term Care accommodation, and develop a crisis pre-plan.
- N) Contact your local Community Care Access Centre for further assessments, home support, respite, short and long stay services.
- O) Become familiar with assistive devices programs.
- P) If an attorney has not been appointed and the person is deemed incapable:
- The person assisting the incapable person may apply for a trusteeship over certain government benefits or
 - Make an application to the court for guardianship or
 - For personal care, follow the order of substitute decision-makers or
 - Obtain a capacity assessment and get the Office of the Public Guardian and Trustee to act as statutory guardian on behalf of the person
- Q) Become familiar with the Long Term Care Home application process, and funding subsidies like GAINS (Guaranteed Annual Income System) supplement, single status adjustments (also known as involuntary separation status) and Old Age Security pensions.
- R) If the person is in the community and is a danger to self or others contact the crisis intervention team or the hospital emergency room or police.

Stage Progression

- Middle to Late
- End stage / palliative

- S) Upon admission to a Long Term Care Home, request a copy of the Resident Bill of Rights, financial requirements, complaints process and compliance advisor contact information.
- T) Respect individual choice in advance care planning, consult substitute decision-maker for the person’s expressed wishes.
- U) Become familiar with professional supports available to assist you with making end of life health care decisions.

The Most Commonly Asked Questions:

Q: If I have a will, do I need a Power of Attorney?

A: Yes, a will only takes effect after your death. Powers of Attorney are intended to cover you for health care decisions when you are alive but deemed incapable and does not cover you for financial decisions while you are living but deemed incapable.

Q: If I have a Power of Attorney at my bank, do I need a continuing Power of Attorney?

A: Yes, the signing authorization from a bank is limited to that bank / account, it does not cover all your finances or decisions about property and investments. If you have a continuing POA for property, it should be recognized by your bank –simply provide your bank with a copy.

Q: Why do I need both a Power of Attorney for Property and a Power of Attorney for Personal Care?

A: The powers of each are limited. One is exclusively for finance and property, the other is exclusively for personal care decisions, health and shelter.

This document is not intended to replace legal or financial expert advice. Contact your lawyer / financial advisor for recommendations to fit your individual circumstances.