

General legal resources

Halton Community Legal Services

A community-based legal clinic for low-income residents funded by Legal Aid Ontario, providing legal services regarding housing, Canada Pension Plan, Old Age Security, social assistance and employment insurance law.

.....905-875-2069

www.haltonlegal.ca

Advocacy Centre for the Elderly (ACE)

Legal clinic specializing in older adults issues, providing advice and representation for older adults who cannot be served by local clinics or private lawyers

.....416-598-2656

www.advocacycentreelderly.org

Law Society Referral Service

Agency providing a variety of legal information and resources. Use the online referral service on the website to obtain the number of a lawyer who will provide you with a free 30-minute consultation.

Toll free crisis line1-855-947-5255

www.findlegalhelp.ca

Community Legal Education Ontario (CLEO)

.....905-875-2069

www.cleo.on.ca

CLEO provides an online collection of legal information and webinars:

www.yourlegalrights.on.ca

Legal Aid

Issues certificates to assist low-income individuals with private lawyers' fees. Older adults who receive the Guaranteed Income Supplement can also receive assistance to create a will.

Toll free1-800-668-8258

www.legalaid.on.ca

Information on wills, POAs and Advance Care Planning

Community Legal Education Ontario (CLEO)

See listing under General Resources (in this brochure)

Ministry of the Attorney General: Office of the Public Guardian and Trustee (OPGT)

Toll free1-800-366-0335

www.attorneygeneral.jus.gov.on.ca

Or contact your local MPP

Advocacy Centre for the Elderly

See listing under General Resources (in this brochure)

Halton Community Legal Services

See listing under General Resources (in this brochure)

Power of Attorney Kits

To order a print copy of the free kit from Publications Ontario phone 1-800-668-9938 or 416-326-5300

https://www.publications.gov.on.ca/300652

Will Kits

Will kits can be purchased from online retailers (such as Staples or Amazon.ca) or from book stores or stationery stores.

Advance Care Planning Kits

Hospice Palliative Care Ontario

Toll free1-888-349-3111

www.speakupontario.ca

Dying with Dignity Canada

Receive a free Advance Care Planning Kit 416-486-3998

Toll free: 1-800-495-6156

Note: This document is provided for information only and is not a substitute for legal advice.

For more information, visit **www.halton.ca** or call 311.



SCS-1812719



halton.ca 311

Wills/Powers of Attorney (POA)



2022

Fast Facts

Older Adult Advisory Committee (OAAC)



Protecting yourself and your estate

In order to adequately protect yourself, your family and your assets, every adult should have the following legal documents in place:

- Power of Attorney for Personal Care
- Power of Attorney for Property
- Will

Powers of Attorney end with the individual's death. After death, the executor of the estate handles all financial and legal matters, according to the provisions of the will.

Understand your legal options and take action. Without these documents you cannot be sure that your wishes for personal care and settlement of your estate will be carried out as you intended.

You can choose to:

- write these documents yourself;
- obtain a kit to assist you online (see resources section) or at book or stationary stores; or
- have a lawyer write or review the documents, for a fee.

Continuing Power of Attorney (POA) for Property

This is a signed document naming the person that can make decisions about your financial affairs (including paying your bills, collecting money owed to you, maintaining or selling your house, or managing your investments).

It also specifies when you want the individual(s) to act on your behalf, such as when you are away on a trip or, become mentally incapable. Be sure to specify a timeframe or the POA for Property becomes effective immediately.

Continuing Power of Attorney (POA) for Personal Care

This is a signed document naming who is to act as your "substitute decision-maker" (SDM) concerning your health care, housing and other aspects of your personal life (such as meals and clothing) if you become mentally incapable of making these decisions.

In this event, doctors and others are required by law to seek direction from the SDM named in your POA for Personal Care.

Your SDM must follow the wishes you expressed while you were mentally capable.

Be sure to choose an individual who is prepared to handle what can often be difficult emotional decisions.

A living will, also called an "advance care directive," provides guidance as to what medical treatment or non-treatment you would want under the conditions specified by you, if you are unable to make your wishes known at the time. You can include these wishes in your Power of Attorney for Personal Care.

If you have not appointed an SDM in a POA for Personal Care the *Health Care Consent Act* (HCCA) lists the people who can make personal care decisions for you.

Wills

A signed document that:

- provides directions about your property and assets after death; and
- assigns responsibility to the individual(s) who will carry out your wishes (the executor).

Choose an executor who is able and willing to fulfil the required duties.

If you die without a will (intestate), your estate will be settled in accordance with the Ontario Succession Law Reform Act. The court will appoint a trustee to oversee the evaluation of your estate for taxation and probate before settlement. The Act also dictates that if there is no next of kin, the estate goes to the Ontario government. Ensure your wishes are fulfilled by preparing this critical legal document!

Important considerations

It is important to keep these documents updated when:

- there is a major change in your life or health;
- you want to change the individual(s) you selected to act on your behalf; and
- the individual(s) you selected is no longer willing or able to act on your behalf.

Make sure the people you choose to act on your behalf have access to the documents. Give them a each a copy and tell them where original documents are stored.

- You must be mentally capable when you create legal documents.
- You and two qualified witnesses are required to sign a POA.

For more information about mental capacity, contact:

**Ministry of the Attorney General:
Office of the Public Guardian and Trustee (OPGT)**
Toll free..... 1-800-366-0335
www.attorneygeneral.jus.gov.on.ca

Community Legal Education Ontario (CLEO)
.....416-408-4420
www.cleo.on.ca