

## Future Planning

We all make decisions every day: what to eat, what to wear. Many of these decisions require very little thought or consideration. However, as our health changes, or in times of emergency, it is important to discuss with family and friends what your thoughts and feelings are about issues that are of more significance. Acting well in advance of these changes helps to ensure that our wishes are heard, can reduce stress and anxiety and puts you more in control of what will happen to you. Planning in advance will not only put you in control of major life decisions, it will save your family members from making these difficult decisions for you.

### **What is Advanced Care Planning?**

Advanced care planning is an approach to ensuring that your family, friends, Family Physician and substitute decision maker are aware of your preferences and decisions for your future health care. This is often a very difficult conversation to have with others. If you are comfortable doing this independently, there are professionals available to help guide this conversation: Social Workers, Nurses, Family Physician etc

### **What should I Consider?**

There are two main areas of planning that need to be considered:

- 1) Who will make decisions for you and how will they make these decisions. It is important that this person knows you well and is aware of your values, beliefs and wishes.
- 2) Your choices and preferences regarding health care decisions that you may face eg tube feeding, resuscitation

These major health care decisions are often complex. It is therefore important for you to be aware of the many positive and negative aspects of the choices you make. This may involve research,

talking with friends and family as well as professionals.

### **What does it mean to be capable or incapable of making decisions?**

In order to make advanced care plans, you must be 'capable/of capacity'. Under Canadian Law, each person is considered of capacity unless determined otherwise. (Each province has its own protocol for assessing an individual's ability to make decisions on their own behalf). 'Capacity' refers to the individual's ability to understand the nature of hi/her illness and the risks, benefits and consequences of certain decisions and is able to communicate these.

Once someone has been deemed to be no longer to make decisions on their own behalf, the power to make these decisions will go to a 'substitute decision maker'.

### **What is an Advanced Care Plan?**

Personal Directive/Living Will: This document is referred to by different names in different part of the country. Essentially, it must be written while you are of capacity. It is not legally binding, but is a statement reflecting your values, beliefs and wishes with regard to your health care and living arrangements. Generally you identify a substitute decision maker/agent who will make decisions along with your medical or care team when you are not capable of doing so.

### **What are the other Alternatives when I can no longer handle my own affairs or make health care decisions?**

The names and rules associated with these documents may vary from province to province. Consult with your local RCD, lawyer, or appropriate professional.

Your options fall under three legally binding categories: Enduring Power of Attorney, Guardianship and Trusteeship.

#### Enduring Power of Attorney

An Enduring Power of Attorney is a legal document allowing you to decide who will manage your financial affairs in case of your mental or physical incapacity. You must be of sound mind; alert and able to make decisions at the time of drawing up this document. Generally, the services of a lawyer are required. The order ends at the time of death.

#### Guardianship

This is an order granted by a court appointing a 'guardian' to make decisions related to the areas of health care, living arrangements and your daily needs, when you are no longer deemed mentally competent. The guardian is expected to operate in your best interest, encouraging independence and acting in the least restrictive manner possible.

A guardianship order ends at the time of death.

#### Trusteeship

When you are no longer able to manage your financial affairs, a 'trustee' (person submitting the request) is appointed by the court. Their role includes managing, handling, administering, selling and disposing of assets.

Services of a lawyer are required. A trusteeship order ends at the time of death.

#### Will

A Will that is up to date is one of the greatest gifts you can give your family. A Will should be written when you are competent and relates to the distribution of your assets (including what happens to your children) upon your death.