

On a daily basis, we make decisions about what is best for our health, where to live and how to spend money. If your health changes, or there is an emergency, who would speak for you if you could no longer do so? Advance planning will put you in control of major life decisions, should you not be able to do so, and it will also guide those close to you.

What is Advanced Care Planning (ACP)?

ACP is a process of reflection and communication regarding your values and wishes. You can let people know who will speak for you and have legal authority to make decisions for you when you are not capable to do so. The substitute decision maker (SDM) can make decisions that you ask them to make on your behalf.

Where do I start?

Step 1: Think about your values, wishes, beliefs, future care and death.

Questions to consider:

- What do I worry about most when it comes to my future health?
- What values, beliefs and activities are most important to me?
- Which is more important to me – the length of my life or the quality of my life?

Step 2: Learn about different medical procedures and care options (i.e. resuscitation and ventilation, use of medication (i.e. antibiotics), artificial feeding/feeding tube, organ/tissue donation, palliative care and/or medical assistance in dying (MAiD)).

Step 3: Decide who will be your SDM to speak on your behalf. This can be your spouse, adult child, sibling, parent, friend, or anyone else that you trust to be your voice.

Step 4: Talk about your wishes with your SDM(s), and other important people in your life such as your health care providers, and legal and life planning professionals.

Step 5: Document/record your wishes verbally or in writing. Review your wishes regularly to ensure they still align with your values and wishes.

The laws vary from province to province and so are the protocols for ACP. These can differ greatly across Canada. In order to make ACP, you must be 'capable' or 'of capacity.' Under Canadian law, each person is considered 'of capacity' unless determined otherwise. Please contact your health care professional with any questions about capacity.

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

A person is capable of giving or refusing consent to care or medical treatment if they are able to understand the information and are able to appreciate the likely consequences of that decision. A person may lose capacity when they can no longer understand the information needed to make an informed decision. All adults deemed capable are entitled to live in the manner they wish and to accept and refuse support, assistance and protection as long as they do not harm others.

Financial Planning

Many people tend to focus on estate planning and making a Will. It is also important to do financial planning in case help is needed when a person is alive and may not be able to do their own finances. Who would you want to make those decisions on your behalf – it can be the same or a different person as your SDM for your ACP. If you have minor children, you will also want to appoint a legal guardian for the minors.

General Power of Attorney

This legal document allows you to appoint a trusted person to look after your financial matters (this could be the same or a different person than your SDM) at your direction or on your behalf when you are not available. The Power of Attorney (POA) might be limited to one account or asset, or it may cover all of your financial and legal affairs for a period of time.

Enduring Power of Attorney

An enduring or continuing power of attorney (EPOA) is a legal document that lets your POA continue acting for you if you become mentally incapable (lack capacity) of managing your finances and property. It can also give your attorney authority over all or some of your finances and property. An enduring or continuing power of attorney can take effect as soon as you sign it. Generally, the services of a lawyer are required for a POA and EPOA. Please note that there are differences from province to province. Please familiarize yourself around the expectations within your province and seek legal advice as needed.

Guardianship and Trusteeship

If a POA was not established prior to loss of capacity, a SDM may be established without your input through the court system and may be an individual or a Public Guardian/Trustee. Please note that there are differences from province to province and seek legal advice for your particular situation. Please familiarize yourself around the expectations within your province.

- Guardianship is an order granted by a court appointing a ‘guardian’ to make decisions related to health care, living arrangements and your daily needs. The guardian is generally a government individual and is expected to operate in your best interest, encouraging independence and acting in the least restrictive manner possible.
- Trusteeship is also court appointed. When you are no longer able to manage your financial affairs, a ‘trustee’ (person submitting the request who could be a family member) is appointed by the court. Their role includes managing, handling, administering, selling and disposing of assets.

Will

It is also important to plan; a will is the key legal document to ensure your wishes are respected after death. A Will outlines the distribution of your assets and provisions for care of your children and family upon your death and must be written when you are competent (of capacity). Generally, legal assistance is used to prepare a will.

To gather additional information about future planning and the systems in your province or territory, contact your local HSC Resource Centre Director or Family Services Worker for support and assistance.

Additional Resources

- For a user friendly kit to help with your advance care plan in your specific province or territory: Advance Care Planning Speak Up Campaign www.advancecareplanning.ca (English) or la Planification pr alable des soins www.planificationprealable.ca (Fran ais)
- College of Family Physicians of Canada: Advanced Care Planning www.cfpc.ca/ACP/ (English) or www.cfpc.ca/PPS/ (Fran ais).
- What every older Canadian should know about: Power of Attorney (for financial matters and property) or Ce que tous les Canadiens  g s devraient savoir au sujet des Procurations (pour la gestion des finances et des biens) et comptes conjoints www.seniors.gov.on.ca/en/moneymatters/poa_and_ja.php
- Dying with Dignity: www.dyingwithdignity.ca/make_your_plan
- Hospice and Palliative Care Canada: www.chpca.ca/projects/advance-care-planning/