

# Facts to know

powers of attorney **only apply to financial and legal decisions**, not medical or health decisions

**decision-making authority is not given away**, it is shared between attorney and senior

**the attorney cannot override** a decision made by a senior

**multiple attorneys may be appointed** to make sure the senior's wishes are respected

a power of attorney is **not** a way for an attorney to get their inheritance early!

## power of attorney abuse **is a crime!**

If you are appointed as an attorney by a loved one, make sure you are aware of what you may and may not do.

**If you neglect your responsibilities, you may be punished!**



**If you have any questions about using powers of attorney to safely protect your assets, talk to a lawyer or notary. They can meet with you and make sure you and your money are safe!**

For more information, contact:

### **BC Centre for Elder Advocacy and Support**

604 437 1940 (sun-sat: 8am-8pm)  
[www.bcceas.ca](http://www.bcceas.ca)

### **Nidus Personal Planning Resource Centre and Registry**

1 877 267 5552  
[www.nidus.ca](http://www.nidus.ca)

### **UBC Law Students Legal Advice Program**

604 822 5791  
[www.lslap.bc.ca](http://www.lslap.bc.ca)

# Power of Attorney Use and Abuse



## a guide for seniors and their attorneys

a collaborative project between:



Volunteer  
Richmond Information  
Services



CANADIAN CENTRE FOR  
ELDER LAW

This pamphlet is not intended to be used as legal advice.

## What is a power of attorney?

A **power of attorney** is a legal document that gives someone (the “attorney”) the power to make financial or legal decisions on behalf of another person according to their instructions.

**it is an inexpensive way to protect your assets!**

## Why use it?

**advanced planning:**  
appoint someone to make decisions for you **when you want them to**, or **in case you lose your capacity** to make decisions.

**peace of mind:**  
knowing **someone you trust will manage your affairs** if you are sick, away, or incapacitated.

**convenience:**  
you can appoint an attorney so you don't have to deal with managing finances. **You choose what your attorney can or can't do!**

## Your rights

- o *you can change or revoke* a power of attorney at any time
- o you don't give away decision-making authority; ***you share it!***
- o ***you are still in charge!***

## Be careful!

### attorneys can abuse their power

- o your attorney must be someone you trust; ***anyone can take advantage of you***, even your own children.
- o power of attorney abuse can take on any form, such as ***improper spending, stealing money, or taking your CPP or OAS benefits.***

## ***To care for yourself, look out for yourself!***

It can be very difficult to talk about abuse. Don't be ashamed or afraid to talk with someone you trust about your worries, or meet with a lawyer or notary if you have any questions or concerns.

## Who can be an attorney?

### Any one or more persons who are:

- o an adult over the age of 19
- o mentally capable of acting for the senior; able to understand and fulfill their duties
- o able and willing to act as per the senior's wishes, beliefs, instructions, and values

## Duties of attorneys

Being an attorney is not a privilege, ***it is a responsibility!***

act in the senior's **best interests**

act **honestly** and in **good faith**

keep **records** of everything

exercise **care, diligence and skill** when acting for the senior

An attorney's power can be broad or narrow, **the senior gets to decide what their attorney can and cannot do!**