

Substitute Decision Makers (SDM)

What is a Substitute Decision Maker (SDM)?

If you become mentally incapable of making personal care decisions, someone else must make them for you. This person is called your "substitute decision maker" (SDM).

What can my Substitute Decision Maker do?

An SDM can only make decisions about medical care, admission to long-term care, and personal assistance services received in long-term care. If your SDM is appointed by the court or named in your Power of Attorney, then they can also make decisions about your day-to-day life like what you eat, where you live, what clothes you wear.

Is a Power of Attorney the same as a Substitute Decision Maker?

Completing a Power of Attorney for Personal Care allows you to choose who your SDM should be. If you name your brother in your Power of Attorney for Personal Care, then he becomes your SDM.

Who will my Substitute Decision Maker be if I do not have a Power of Attorney?

The *Health Care Consent Act* provides a ranked listing of your possible SDMs. The individual highest on this list who meets the legal criteria is your SDM. The criteria: they must be at least 16, mentally capable of making decisions, available, and willing to make the decisions.

1. Guardian appointed by the court
2. Attorney for personal care
3. Representative appointed by the Consent and Capacity Board
4. Spouse, common-law spouse or partner
5. Child (over the age of 16) AND/OR parent with custody rights
6. Parent with access rights only
7. Brother or sister
8. Any other relative by blood, marriage, or adoption
9. The Office of the Public Guardian and Trustee (OPGT)

What happens if there is more than one person that meets the criteria — for example, someone with three children?

They are all given equal decision-making authority. If there is a disagreement that cannot be worked out, the Office of the Public Guardian and Trustee will make the decision instead.