

What is **Personal Care**?



Personal care is the following physical needs:

- safety
- grooming/hygiene
- diet/nutrition
- clothing
- shelter (place to live)
- health care

Health care includes:

- **Treatment:** Activities for a health-related purpose
- **Moving to a long term care home (LTCH):** Place given some government money where people live because they qualify to get personal assistance services available in that place
- **Personal assistance services:** Help with daily living activities, such as dressing, for people who live in a LTCH or who live in places that get no government money to give care called retirement homes

I am an attorney for personal care. How do I figure out if the grantor is capable of making care decisions?

If unsure about someone's mental ability to make personal care decisions, talk to their health care professionals or hire a **capacity assessor** to give an opinion. Call Ontario government Office of the Public Guardian and Trustee for information about capacity assessors: 1-800-891-0504.



More Information :

This pamphlet was written by Grey-Bruce Community Legal Clinic in June 2025 to give general legal information.

Talk to a lawyer about what the law means for you. You may contact Grey-Bruce Community Legal Clinic if you need help to find a lawyer.



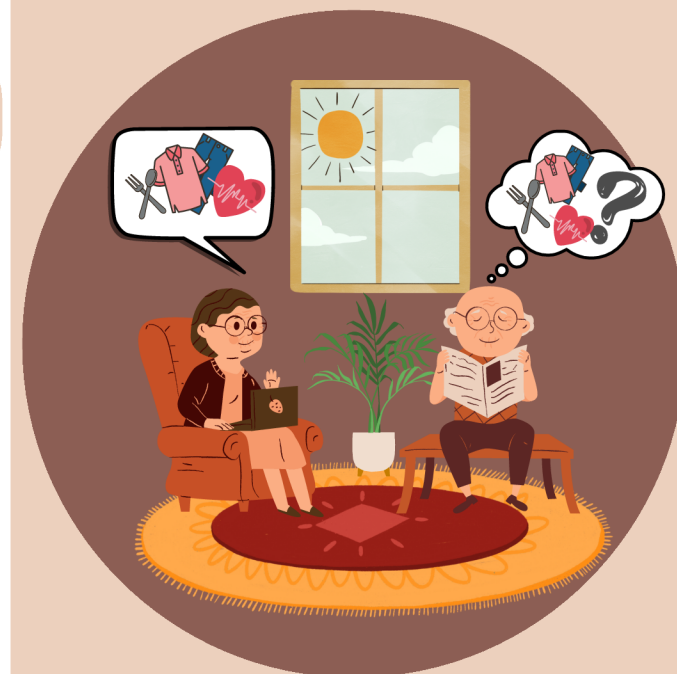
519-370-2200, ext. 21



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www.gblegalclinic.com/elder-law-project/

Elder Law Project



Capacity to Make Decisions about **Personal Care** in Ontario

Ontario law says people **age 16 and older** are capable to make decisions about their **personal care** unless there is proof they are not capable.

Capacity to make decisions is based on **mental ability**. It is not based on physical ability or medical conditions.

Mental ability is **not always the same**. A person might be mentally able to make decisions some days but not other days. They might be able to make some decisions but not other decisions.

What is the Mental Ability to Make **Personal Care** Decisions?

Someone is mentally able to make decisions about their personal care if they have **both understanding** and **appreciation** of their personal care needs and choices

Understanding

Knows information about their personal care

Example: can say the good and bad things they were told could happen to them if they take a medicine for pain



Appreciation:

Reasons for taking risks with their personal care make sense based on their **values**

Values are beliefs that are important to the person

Example: spending time with family is important, and taking medicine to lower the person's pain makes them too tired to visit family, so they take less medicine and risk having more pain to have energy to visit family

Ability to make decision

Who Decides Mental Ability to Make **Personal Care** Decisions?

Treatment: Health care professional suggesting the treatment. **Example:** Doctor determines if person mentally able to decide medicines to take

Moving to a LTCH and Personal Assistance Services in a LTCH or Retirement Home: Audiologist, speech language pathologist, doctor, occupational therapist, nurse, physiotherapist, dietitian, social worker, or psychologist

All Other Personal Care Decisions: Depends on power of attorney (POA) or court papers for guardian of the person



A **guardian of the person** is someone named by a court to make personal care decisions for another person. Court determines what decisions the person is able to make and what guardian should decide. Speak to a lawyer about papers to give to the court to become someone's guardian.

Attorney for **Personal Care**

Attorney **does not mean a lawyer** in Ontario. **Attorney** is a person named in a POA paper to make personal care decisions for the grantor. **Grantor** is the person who signed the POA.

Attorney **cannot** make a decision for grantor unless grantor is not mentally able to make the decision themselves.



Attorney decides if grantor is mentally able to make most personal care decisions **unless POA says** someone else decides grantor's ability to make decisions, such as a doctor.

What if there is no POA or Guardian?

Someone's family or friends can ask an organization called the **Consent and Capacity Board (CCB)** to let them decide person's treatment, move to LTCH, and personal assistance services in LTCH or retirement home. Call 1-866-777-7391. If no one goes to CCB, next of kin can make these decisions. **Only attorney or guardian can make other care decisions.**

A POA does not have to be done by a lawyer. People can make a POA at: <https://stepstojustice.ca>