

## What Can Attorneys Do?

Types of decisions attorney can make are listed in POA papers.

POA **may** allow decisions about:

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

POA papers do not usually allow attorney to physically force grantor to go somewhere or do something.

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

## POA is a Serious Responsibility

Attorneys cannot ask another person to do their attorney work if they take a vacation unless that person is listed as a back up in the POA papers



Attorneys can be removed if they do not follow these duties. They could be sued or criminally charged.



Attorneys may resign if they do not want this responsibility.



### 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

[general@gbclc.clcj.ca](mailto:general@gbclc.clcj.ca)

[www.gblegalclinic.com/elder-law-project/](http://www.gblegalclinic.com/elder-law-project/)

### Elder Law Project

## Legal Duties of Attorneys for Personal Care in Ontario



### What is an Attorney for Personal Care?

**Attorney for personal care:** person named in power of attorney (POA) papers to make personal care decisions for the grantor. **Grantor** is the person who signs the POA papers to name an attorney to make decisions for them. “Attorney” does not mean a lawyer.

Attorney may only make personal care decisions for the grantor if the grantor is not mentally able to make their own decisions

## How to Make Decisions

Make decisions based on **grantor's most recent wish** spoken or written while they were mentally **able** to make decisions. If is no such wish, or is impossible to follow the wish, make decision based on grantor's **best interests**



### Think about 4 things to figure out grantor's best interests:

1. Grantor's **values and beliefs** they would likely follow if still mentally able to make decisions



2. Grantor's wishes when **not mentally able** to make decisions, such as grantor does not want needles



3. Decision made will cause grantor **more benefit than harm**



4. Decision should make adult's **condition or quality of life** better, stop it from getting worse, or slow it down from getting worse. Will doing nothing or taking less action make adult's condition/quality of life worse?

## Duties of Attorneys

Help grantor to be as **independent** as possible.



**Involve** grantor in decisions as much as possible.



Make decisions that **limit and interfere** with grantor's life **as little as possible**



Restrain grantor **only if restraint** will **prevent** serious bodily harm to grantor or others or will **increase** grantor's freedom and enjoyment



**Get opinions** from grantor's supportive family, friends, and caregivers about grantor's personal care and help them **contact grantor**

## Duties of Attorneys

May only stop people from visiting the grantor in **limited situations**, such as the visitor has caused serious bodily harm to the grantor



**Keep records** of **shelter, safety, and health care** decisions, including reasons for decision, people asked about decision, grantor's wishes and best interests for the decision



**Give copy of records** to grantor and their attorney for property if asked

### What If POA Names More Than One Person?

If POA papers list more than one attorney, all attorneys must sign all papers and make all decisions unless POA says attorneys can act severally or separately. Each attorney can sign papers and make decisions alone if POA says they can act severally or separately.

### Can POA be Changed?

**Yes.** Grantor may cancel or change POA papers at any time if grantor is able to understand POA papers