

## Taking Care of the Details

By Gail Vaz-Oxlade

After Alexandra was born, I absolutely hounded my husband to make a will. The arrival of that wee, sweet-smelling bundle of dependence brought home the need to take care of the details of our financial life, just in case.

Some people put off making a will because the mere thought gives them the willies. Others don't think they'll ever die. Hello! Others believe they'll cast some negative spell on themselves by dealing with the issue of death. Me, I know I'm going to die. I just don't figure my children need the additional grief of having to deal with me dying intestate. The loss of the world's greatest mom will be enough of a setback.

It all comes back to the responsibility issue. The point of executing a well-thought-out, well-executed will is to make the whole process of tying up the ends as neat, clean, timely and painless as possible for those you love. All the things you seek advice on, all the issues your lawyer will raise with you, are intended to keep things smooth; to make the lives of the rest of the people in your life as easy as possible during this most emotionally exhausting time.

Now would also be a good time to also think about how your affairs should be handled if you become incapacitated physically and/or mentally.

### More Power to You

While lawyers and financial planners have been calling attention to the importance of having a Power of Attorney (PoA) for years, for many people the question remains, "Do I need a power of attorney?" Everyone should take the time to execute this relatively simple document.

A power of attorney is a legal document that authorizes another person to act on your behalf. The most common type of PoA deals with property and gives the person you choose the legal authority to deal with your assets. If you become mentally incapacitated, a "continuing" PoA would allow your representative to act for you. Note that it must be "continuing" to be binding if you become mentally incompetent. By executing a continuing power of attorney, you eliminate the likelihood of your family facing a cash-flow crisis because they cannot access your chequing or savings accounts, or liquidate investments in your name if you cannot act on your own behalf. Without a PoA, certain family members could obtain authority to act, but might have to post a security bond first and would be required to also file a management plan for your assets.

The person you choose to act for you can be your spouse, another family member, your lawyer, or a trust company. Since the person who has your power of attorney can do anything you can do (except make your will), you should have implicit trust in this person.

A power of attorney can be "general" or "restricted" in nature. With a PoA, all your assets are covered. With a restricted one, you set out the specific conditions you want met. And since a PoA is legally binding, consult your lawyer to have one prepared.

In 1995, Ontario introduced legislation to allow you to also make your wishes known with regard to medical and non-medical care. While this had been the domain of the "living will" for some time, living wills were not legally binding. Personal PoAs executed under the Substitutes Decisions Act are.

Within the PoA for personal care you can appoint someone to make decisions on your behalf and

can establish in written form your instructions regarding medical treatment and non-medical personal care issues. You can also establish the specific medical treatments you do or do not want, including the specific circumstances in which you want medical treatment to cease.

You have the tools available to make your wishes known when you can no longer speak for yourself. It's your call. Make it today. And tonight when you tuck your babies in, you'll have the peace of knowing you've taken another step to ensuring they're safe, even when you can no longer be there to watch over them.

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## About Gail Vaz-Oxlade

Gail Vaz-Oxlade has written ten books on personal finance, written hundreds of articles for the financial media, published a financial magazine for women (FinancialXPress), hosted and co-produced a prime-time personal financial television show (Your Money on TVO), and worked with Canada's leading financial services companies to help educate employees and clients.