

Article

Pictorial Power of Attorney Concerning Personal Care Booklet

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AGING AND
DISABILITY

L'ARCHE ONTARIO REGION

*This booklet's purpose is to **provide information**. It is **not legal advice**, and should not be relied upon as legal advice. If you are choosing an attorney for personal care or helping someone choose an attorney for personal care and have any questions or doubts you should consult with a lawyer.*

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Information for Using Pictorial Power of Attorney Concerning Personal Care Booklet

GENERAL NOTES

Please read the rest of the information in the Power of Attorney for Personal care package.

This booklet is a tool only it is not a legal document.

If there are any doubts about the person's ability to understand the information or the family is likely to oppose their choice the next step is probably to consult with a lawyer.

The booklet could be used simply as another way of explaining to someone the concepts even if they are not choosing a Power of Attorney. (E.g.: someone whose has limited communication skills but their sister is automatically and appropriately the person who would legally take on this role if the person is unable to name someone.)

The process below is only one possibility. Sometimes it takes more than two meetings! We have also been surprised by people who we assumed capable of choosing being unable to do so for more emotional than intellectual reasons. Again consult a lawyer if this situation arises.

The director of the community needs to be aware of the process and the people being named. They may have more information and may also be the one needing to work with the people named.

The booklet can be printed in color and this seems helpful for many people.

POSSIBLE PROCESS FOR USING THE BOOKLET AND HELPING A PERSON WITH A DISABILITY NAME SOMEONE. (Particularly when the person does not want to choose family)

- 1) The person with an intellectual disability is generally felt to be able to understand the concepts in the booklet or you would use a different process.
- 2) The person with an intellectual disability meets with someone who will help animate the process and someone who knows them well within the community. After explaining why naming a power of attorney is important (so your wishes can be respected) the group would go through the booklet. It is important to ask questions to help determine if person with an intellectual disability is actually understanding the concepts or not and what areas might need more explanation. It might be helpful to give examples of types of situations in which a power of attorney has made decisions or share stories that the person with an intellectual disability might be familiar with. Near the end of the conversation if it seems appropriate ask person if they have any ideas about friends or family they might want to name.(It can't be someone in the community who is paid) Then the person animating the process could ask permission to talk to these people if they seem appropriate and to send them the information so they can consider if they are able to say yes to this or not. If more than one person is being asked the person with an intellectual disability needs to decide if they can make decisions alone or need to do it together. These two people would also need to agree to work together.
- 3) If the people approached agree to being named, talk to the person with an intellectual disability and set up another meeting which includes him/her, the person or people they want to ask, and two people who know the person well and can act as witnesses. The witness should be people who will probably be around and who have the confidence and ability to advocate for the person with an intellectual disability if necessary. At this meeting we have simply gone through the book again and signed the forms from the Public guardian and trustee's office.

Hopefully the same person who helped animate the first meeting could help animate this one.

Or

If the people say no then the person with an intellectual disability would need to have that information explained to them, come up with other ideas, and set a time to have the meeting previously referred to.

4. If the person chooses someone other than family it is usually a good idea to inform the family of the choice made by the person with an intellectual disability. Again, if you expect that the choice will be met with opposition but is clearly the choice the person with an intellectual disability has made, it is important to consult a lawyer in the process.

4) A copy is placed in the person's house and office file and a copy given to each of the people named. Phone numbers and addresses of the people named should be attached. The team supporting the person needs to be made aware of who is named.

Information for each page of the Pictorial Booklet

Page 1

You can add a picture of the person with an intellectual disability to this page to personalize it. This seems helpful in getting the person's attentions. Photocopy this page after adding a picture to it.

Page 2

This page is to help the person with an intellectual disability understand what type of person they should choose. It is also helpful at this point to tell the person with an intellectual disability that the person they are choosing will only make decisions when they are unable and that they will continue to be supported to make whatever decisions they are able to make.

Page 3

This page is to help the person with a disability consider whom they may want to choose as their attorney for personal care. It is essential that the person believe that the people they are choosing will act in their best interest. People will often name someone in the community first. So it is also important to let the person with intellectual disabilities know that normally they cannot choose someone who is paid to support them. The person also needs to realize that this is a big responsibility for someone to take on and that the person they choose may say that they are unable to do it.

Page 4

This page is to help people understand the types of decisions that the people they choose will make for them. It is important for people with intellectual disabilities to understand that it is only these types of decisions that the people they choose will make and not any others (i.e. finances).

Page 5

This page is to illustrate for people some of the things or situations they might want to talk about with the person they are choosing, so that their wishes can be made known and respected. This is difficult for most people to do and it is not necessary but obviously helpful. It is good to use examples that are known and understood by the person.

Page 6

It is important to facilitate a meeting with the lawyer or doctor if that is what the person wants. In a situation where the person with an intellectual disability may be able to choose but the family is not chosen a lawyer may be helpful. The family may later claim that the person with an intellectual disability was unable to make that decision

Who can help take care of me when I am no longer able to care for myself?

I can say who I want to make decisions for me while I am healthy.

So they can make decisions for me when I am:

too sick

too confused

or when the doctor doesn't understand me

Two important things to be aware of

- 1) The people you choose should be people who know you and care about you and that you trust.

2) They will make decisions about your personal care.

They will make decisions about medical things with your
doctor and other health care providers.

You can talk about some of the things that you want or don't want when you are sick. That way the people you have chosen would be sure of your wishes. You can put this information on

You can tell people what you want or don't want concerning the following things or anything else you are thinking about.

You should sign the form only after you:

- 1) Are sure that you understand what types of decisions those you name will make for you
- 2) Believe that they will act in a way that shows they care about you
- 3) Are sure that you want to name an attorney for personal care and don't feel someone is making you do it
- 4) Have thought about if you want to talk to your doctor or you lawyer about this