

In Case of Emergency: Personal Care Directives

What if you were diagnosed with a mental illness that changed your life? Would you be able to continue making important decisions that impact on your life?

The Personal Directives Act was passed in Nova Scotia on April 1, 2010. The Act allows Nova Scotians appoint the person of their choice to ensure their personal care needs will be met in the event of an emergency which leaves them incapable of making decisions for themselves. Personal care decisions included those related to health care, hydration, shelter, residence, clothing, hygiene, safety, comfort, recreation, social activities and support services. They do not include financial matters.

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FREE Write Your Own **FREE**
Personal Care Directive



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Why think about preparing a Personal Directive now?

The following is an excerpt from a brochure, Personal Directives in Nova Scotia, prepared by the government of Nova Scotia.

Imagine that you are in a car accident and unconscious for a week. You are temporarily unable to make your own decisions. What would your wishes be for personal care, including health care? Who would you want to make decisions for you?

Imagine that you lose your ability to make decisions slowly over time because of Alzheimer's disease. What would your wishes be for personal care, including health care? Who would you want to make decisions for you?

We often take our ability to make our own decisions for granted. We make decisions on a daily basis, such as choices about work, life and home. But we do not often think about the future and the possibility that we may not be able to make our own choices, either permanently or temporarily.

While you are still capable of making your own decisions, consider what kind of care you would want if you become unable to make your own decisions. Think about who you would want to make decisions for you.

Talk about these issues with people you trust—your family, friends, health care providers and spiritual advisors. Talking about these issues may not be easy. Yet putting loved ones in the position of having to make decisions for you can be difficult. Talking about your choices and preferences now will help ensure your wishes are followed and can ease stress for your loved ones, knowing the decisions made are what you want.

Think about the kind of care you want and then put it in writing by preparing a Personal Directive. It may be the best gift you can give to your loved ones.



Personal Directives in Nova Scotia.

http://www.gov.ns.ca/just/pda/docs/PersonalDirective_Booklet.pdf

What if I do not make a Personal Directive?

If you become incapable of making decisions about health care, home care or placement in a continuing care home and you have not appointed a delegate or written down clear, specific instructions, your nearest relative (or if none, the Office of the Public Trustee) will be asked to make that decision for you. This person is called your statutory decision-maker. This may not be the person you would have chosen to make decisions for you. They may not have knowledge of your values, beliefs and wishes to help guide their decisions.

<http://www.gov.ns.ca/just/pda/docs/Website%20Q%26A%20for%20PDF.pdf>

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Power of Attorney

A power of attorney is enacted when someone, the *donor*, authorizes another person, the *attorney*, to take over the management and control of the donor's real estate and finances. More than one attorney working together or separately may be named in the power of attorney. The power of attorney can take effect upon signing or later at a specified time or event.

In Nova Scotia, the *Powers of Attorney Act* governs the power of attorney. An Enduring Power of Attorney is one which continues to give the person you have appointed as your "attorney" power to act even in the circumstance where you (because of a stroke, an accident or some other incident or medical condition) have lost the power to make decisions for yourself. This document must be signed by the donor and a witness other than the attorney or their spouse. A legal power of attorney gives the attorney the authority to continually manage the donor's real estate and finances as long as the donor is incapable of doing so.

Legally a lawyer is not required but it is suggested that the donor should have a power of attorney drafted by a lawyer who can explain all the legalities involved and whether the terminology will give your attorney the ability to carry out your wishes. Also, each power of attorney is unique to the situation, so it is a good idea to have it drafted by a lawyer.



General forms are available from office supply stores but it might be preferable to work with a lawyer to draft one to suit your own needs since power of attorney has specific wording depending on circumstances. The bank also supplies their own form if your attorney needs to access your bank accounts.



A power of attorney may come to an end in various ways:

- The donor can end it by writing a document, dating and signing it, and submitting it to their attorney.
- The attorney can end it by giving notice that they no longer wish to be the attorney.
- Mental incapacity will automatically cause the power of attorney to be cancelled unless it is an Enduring Power of Attorney.
- If the donor dies, it will be cancelled. If the attorney dies it will be cancelled if there is no backup attorney listed in the document.

Power of attorney can be useful if someone has a mental illness and is unable to look after their financial affairs. However, turning over control of your financial affairs to someone else should not be undertaken without careful consideration and legal advice.

By Tony Legere

References

"Powers of Attorney and Health Care Directives (Nova Scotia)." [Professional Referrals.ca](http://www.professionalreferrals.ca). 17 February 2012.
<<http://www.professionalreferrals.ca/2004/07/powers-of-attorney-and-health-care-directives-nova-scotia/>>

"Power of Attorney." [Legal Information Society of Nova Scotia](http://www.legalinfo.org). 17 February 2012.
<<http://www.legalinfo.org/seniors-law/power-of-attorney.html#top>>

Respite for Caregivers

Many caregivers and their families struggle to juggle taking care of their loved one, school/work and many other things all at once. It can be a very exhausting endeavor, especially in the case of a severe mental illness. Respite care allows people to take a break while having peace of mind that their loved one is being cared for.

The Department of Community Services offers respite care for both children and adults, short-term and long-term. Short-term usually involves getting a respite worker to spend time with your loved one while you spend a few hours taking care of other things. For long-term, your loved one would need to go to a supervised facility where they can stay for days or weeks while you take your break. Since respite care is done on an individual basis, a full assessment is required. If financial help is needed, proof of income such as pay stubs or tax returns would be necessary. If an emergency rises, they'll help you find a place for your loved one as quickly as possible. It's best to let them know ahead of time about your respite care needs so planning can be started right away.

Respite care is often given to families dealing with autism or mental health conditions which requires constant supervision and care.

I'd like to thank Michel and Mary Desormeau and JoAnne St-Amour Connors for their assistance.

By Melinda Cadarette

For more information on local respite care services, go to http://www.gov.ns.ca/coms/disabilities/documents/dfs_policy.pdf (at home) and http://www.gov.ns.ca/coms/disabilities/documents/afs_policy.pdf (private placement).

Write Your Own Personal Care Directive

Assisted by

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Member of CMHA King's Board of Directors*

He will donate his time to meet with mental health consumers
To help them prepare a Personal Care Directive.

Fridays from 2-3pm.

FREE. For an appointment, please call CMHA Kings (679-7464). FREE



A Mental Health Perspective Mission Statement:

The purpose of this newsletter is to bring faith, hope and courage to members of the local mental health community of Kings County, Nova Scotia, as well as others who are involved with a mental, emotional or psychological condition.

This consumer-led newsletter was created by the Kings County Branch of the Canadian Mental Health Association (CMHA) and supported by donations from various organizations, including the Department of Health 'Consumer Led Initiative'.

Donations to support this newsletter and other important programs and services can be made to CMHA Kings County, Suite 3, 11 Opportunity Lane, Coldbrook, PO Box 894, Kentville, NS, B4N 4H8. Telephone: 679-7464. (Cheque or money order will be accepted).

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